

# Student Rights and Responsibilities

## Purpose of this Policy

The purpose of the enactment of a student rights and responsibilities code is to set forth in a clear and concise manner the rules and regulations of conduct expected of those who join the institution's community. Students, faculty, staff and administration should always exercise their freedom with personal responsibility. This code will outline due process for handling alleged student violations of institutional policies, including, but not limited to the responsibilities set forth in this policy. Further, the purpose of this policy is to delineate the range of sanctions for such violations, and establish procedures for appeal of disciplinary sanctions.

The institution expects all students to obey the law, to show respect for properly constituted authority, to perform contracted obligations, to maintain absolute integrity and high standards of individual honesty in academic work, and to observe a high standard of conduct within the academic environment. In short, a student enrolled in the institution accepts the obligation to conduct themselves in an appropriate manner acceptable at an institution of higher learning.

## Policy

Members of the student body should exercise their freedoms with personal responsibility. Should violations of the Student Rights and Responsibilities Code occur, sanctions may be enforced for the protection of the institution and its members.

Behavior which violates the Student Rights and Responsibilities Code should be reported to the office of Student Conduct 801-863-8665 (non-emergency) or Campus Police 801-863-5555 (emergency).

## A. General Rights

1. A student, while properly enrolled at the institution, will have the right to the following institutional services, treatment and information:
  - a. Free and open discussion, inquiry and expression, subject to constitutional limitations regarding time, place and manner.
  - b. Protection against the institution's improper disclosure of a student's records, work, views, beliefs and political associations.
  - c. Procedural safeguard and personal privacy with respect to testing for drugs and infectious diseases (e.g., AIDS).
  - d. Timely and understandable information and respectful treatment regarding policies, refunds, lab and course fees, library fines, lab breakages, liability, etc.
  - e. Freedom from a discriminatory and offensive environment that may cause emotional stress or a hostile or offensive campus environment directed toward another person.
  - f. Freedom from sexual harassment.
  - g. Full protection under the Constitution for freedom of the press, including constitutional limitations on prior restraint and censorship.
  - h. Due process of law recognized as being essential to the proper enforcement of institution rules.
  - i. Security for his/her person, papers and personal effects against unreasonable searches and seizures.
  - j. Freedom to form and operate an organized student association within the guidelines prescribed by the institution.
  - k. Access to the institution's Ombudsman for consultation in matters of personal and school issues and concerns.
  - l. Student representation through student government on institutional committees, councils, commissions and other formally constituted bodies that make general policy and procedure decisions directly affecting students or that govern student activities and conduct.
  - m. Access to all student government sponsored activities.
  - n. Accurate information in advertising, recruitment, and orientation efforts.

## B. Academic Rights

1. A student will have the following rights in academic affairs, services and information when properly enrolled as a student at the institution:
  - a. Performance evaluation based on a written syllabus.
  - b. Appropriate and open discussion, inquiry and expression, both in the classroom and in student/instructor conferences.
  - c. Freedom to take exception to the views presented in a classroom setting and to reserve judgment in matters of opinion.
  - d. Professional and ethical conduct from all institutional personnel.
  - e. Competent and professional instruction.
  - f. Competent academic advisement.
  - g. Protection against improper disclosure of a student's records, academic work, views, beliefs and political associations.
  - h. Information prior to registering regarding the costs of tuition, activity fees, lab fees, etc.
  - i. Scheduled access to and the use of institutional services, facilities and programs.
  - j. Accurate information regarding course offerings, programs, majors, transfer policy, and institutional requirements and expectations.
  - k. Accurate information regarding changes in course programs or institutional requirements and reasonable accommodation of those already enrolled in a program or classes.
  - l. The right to receive academic credit and/or academic degrees when all specified requirements and coursework have been satisfied.
  - m. The right to appeal to the Academic Standards Committee regarding grade changes, withdrawals, etc.

## C. General Responsibilities

1. A student assumes the responsibility to conduct himself/herself in an appropriate manner. Categories of misconduct that are not considered responsible behavior include, but are not limited to, the following:
  - a. Failure to respect the right of every person to be secure from fear, threats, intimidation, harassment, hazing and/or physical harm caused by the activities of groups or individuals.
  - b. Sexual assault, harassment, or any other unwelcome verbal or physical sexual activity, including the support or assistance of such activities.
  - c. Unauthorized seizure or occupation of any institutional building or facility.
  - d. Obstruction, disruption or interference with teaching, disciplinary proceedings, institution-sponsored activities and services or events.
  - e. Use or possession of any weapon, explosive device, or fireworks on a person or storage of such on institutional property without prior written approval from the Chief of Campus Police.

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- f. Unlawful use, possession, distribution, sale, manufacture, or possession for purposes of distribution or sale of any controlled substance or illegal drug on any property or in any building owned, leased or rented by the institution or at any activity sponsored by the institution.
- g. Initiation or circulation of any false report, warning or threat of fire, bombs or explosives on institutional premises or during institution-sponsored events.
- h. Violation of the Utah Indoor Clean Air Act and/or the institution smoking policy (institution Policy 158 Tobacco).
- i. Sale, possession, manufacture, distribution or consumption of alcoholic beverages on institution properties.
- j. Unauthorized possession, forging, altering, misusing or mutilating of institutional documents, records, educational materials, identification, (e.g., personal ID, parking decal, etc.) or other institution property.
- k. Violation of city ordinances and/or state statutes regarding gambling.
- l. Delivery of false information to institutional personnel.
- m. Theft or malicious destruction, damage or misuse of institution property or private property of another person on the institution campus or when engaged in activities sponsored or supervised by the institution off campus.
- n. Intentional or reckless destroying, defacing, vandalizing, damaging or misusing the property, equipment, materials, services or data of the institution.
- o. Unauthorized possession or use of a key to any institution facility or equipment.
- p. Obscenity and lewd conduct as defined by institution policy, city ordinances, and/or state statutes.
- q. Failure to adhere to all laws and regulations governing the duplication and use of copyrighted materials including, but not limited to, printed and audio materials, video, film, and/or computer software.
- r. Unauthorized use or charges to any institution telephone for long distance calls. Institution telephones are for business use only.
- s. Unauthorized off-campus fund raising activities on behalf of the institution. All fund raising must have prior written approval from the institution's Development Office.
- t. Intent to defraud the institution in any financial matter including, but not limited to:
- u. Failure to conduct oneself in a way that does not endanger the health and well-being of other student and institution personnel.
- v. Unauthorized commercial ventures or enterprises on institution property.
- w. Bringing animals on campus, except for those serving the disabled or those used for educational purposes.
- x. Allowing children in institution classrooms or laboratories (unless they are an integral part of instruction) or leaving children unattended in hallways and restrooms or at institution-sponsored events and functions.
- y. Students are encouraged to report violations of this policy to an appropriate institutional office.
  - a. non-redemption of personal checks refused by a bank;
  - b. sale/resale of supplies, books, or equipment in violation of institution agreements;
  - c. falsifying institution financial records; and/or
  - d. non-payment of tuition and fees as set forth by institution regulations.

## D. Academic Responsibilities

1. Each student is expected to take an active role in the learning process by meeting course requirements as specified in written syllabi.
2. Each student is expected to display appropriate conduct in classroom situations, that will enhance the learning environment.
3. Faculty members have the right to establish classroom standards of behavior and attendance requirements. Students will be expected to meet these requirements and make contact with faculty members when unable to do so.
4. Each student is expected to maintain academic ethics and honesty in all its forms, including, but not limited to, cheating and plagiarism as defined hereafter:
  - a. Cheating is the act of using or attempting to use or providing others with unauthorized information, materials or study aids in academic work. Cheating includes, but is not limited to, passing examination answers to or taking examinations for someone else, or preparing or copying other's academic work.
  - b. Plagiarism is the act of appropriating another person's or group's ideas or work (written, computerized, artistic, etc.) or portions thereof and passing them off as the product of one's own work in any academic exercise or activity.
  - c. Fabrication is the use of invented information or the falsification of research or other findings. Examples include but are not limited to:
    1. Citation of information not taken from the source indicated. This may include the incorrect documentation of secondary source materials.
    2. Listing sources in a bibliography not used in the academic exercise.
    3. Submission in a paper, thesis, lab report or other academic exercise of falsified, invented, or fictitious data or evidence, or deliberate and knowing concealment or distortion of the true nature, origin, or function of such data or evidence.
    4. Submitting as your own any academic exercise, (e.g., written work, printing, sculpture, etc.) prepared totally or in part by another.

## E. Expectations

1. The institution expects all students to maintain integrity and high standards of individual honesty in academic work, to obey the law, and to show respect for others.

## F. Where Policy Applies

1. The Student Rights and Responsibilities Code applies to conduct that is in violation of institution Policy 541, The Student Rights and Responsibilities Code that occurs on institutional premises and at institution-sponsored activities. It also applies to off-campus conduct that adversely affects the campus community and/or the pursuit of its objectives. The Student Rights and Responsibilities Code applies to a student's conduct even if the student withdraws from the institution while a disciplinary matter is pending. The Director of Judicial Affairs shall decide whether the Student Rights and Responsibilities Code shall be applied to conduct occurring off-campus, on a case-by-case basis.

## G. Informal Resolution

1. Informal resolution of differences or appeals shall be encouraged.

## H. Academic Infractions (Grades)

1. Responsibility for and authority over Academic Infractions, and other academic appeals, including Grade Appeals, shall reside with the Dean of the academic area in which an issue may arise.

## I. General Infractions

1. Responsibility for and authority over General Infractions shall reside with the Dean of Students.

## J. Composition of Campus Appeals Board

1. The Campus Appeals Board shall consist of two faculty members from each academic area appointed by the Faculty Senate in consultation with the respective academic Deans, three staff members appointed by PACE, with approval of the staff members' supervisors, and three students appointed by the Student Body President. Appointments of faculty and staff shall be for three-year rotating terms. Three student members shall be appointed to a one-year term. The Director of Judicial Affairs shall obtain names from the appointing entities annually prior to May 1, and shall send a letter of appointment to those appointed. The Director of Judicial Affairs shall organize the initial term lengths for the rotating members of the Board to allow an orderly rotation. The Director of Judicial Affairs shall chair the Board in a non-voting capacity.

## K. Responsibilities of Board

1. The Campus Appeals Board shall be trained by the Office of Judicial Affairs in due process and other Student Rights and Responsibilities Code matters. A subset of the Board shall hear appeals, as necessary. In hearing appeals, the Board shall be concerned primarily with due process and fairness, recognizing that they do not have the full awareness of professional competence and context, in general. In addition to hearing appeals, the Board shall have the responsibility to train faculty and staff in the Student Rights and Responsibilities Code's (institution Policy 541, Student Rights and Responsibilities Code) expectations, procedures, and due process.

## L. Confidentiality

1. Confidentiality shall be maintained for all parties to Student Rights and Responsibilities Code actions, except as necessary to provide due process. If the Campus Appeals Board finds a complaint to be without merit, records of the complaint and proceedings shall be destroyed.

## M. Sanctions

1. Sanctions must be applied in a fair and impartial manner. Sanctions are assigned in accordance with two criteria: (1) Educational value for the student found in violation of institution Policy 541, the Student Rights and Responsibilities Code, (2) Commensurability of the violation and the assigned sanction.
2. Academic sanctions that may be imposed include:
  - a. Warning
  - b. Requiring a student to retake an exam(s)
  - c. Requiring a student to re-write a paper(s) and/or repeat an assignment(s)
  - d. A grade reduction
  - e. A failing grade
  - f. Probation with specified conditions
  - g. Suspension from the Department, School, or Institution (must be reviewed and confirmed by Vice President of Academic Affairs and President)
  - h. Expulsion from the Department, School, or Institution (must be reviewed and confirmed by the Vice President of Academic Affairs and President)
  - i. Revocation of admission or degree (for fraud, misrepresentation, or other serious violations of institution standards in obtaining the degree; must be reviewed and confirmed by the Vice President of Academic Affairs and President)
  - j. Withholding degree until completion of process and other sanctions relating to a violation of the Student Rights and Responsibilities Code
3. Sanctions that may be imposed for General infractions include:
  - a. Warning
  - b. Probation with specific conditions
  - c. Loss of privileges
  - d. Fine
  - e. Restitution
  - f. Discretionary Sanctions such as work assignments, personal development assignments, essays, or service assignments.
  - g. Suspension from the Department, School, or Institution (must be reviewed and confirmed by Vice President of Student Affairs and President)
  - h. Expulsion from the Department, School, or Institution (must be reviewed and confirmed by the Vice President of Student Affairs and President)
  - i. Revocation of admission or degree (for fraud, misrepresentation, or other serious violations of institution standards in obtaining the degree; must be reviewed and confirmed by the Vice President of Student Affairs and President)
  - j. Withholding degree until completion of process and other sanctions relating to a violation of the Student Rights and Responsibilities Code
  - k. Organizational sanctions, including loss of selected rights and privileges, up to and including deactivation, from the offending organization for a specific period of time
4. Interim suspension:
  - a. In urgent circumstances, interim suspension may be imposed as outlined below:
    1. A classroom instructor, Department Chair, or Dean may ask Campus Police to remove a student immediately from the classroom or other academic area.
    2. If a student is removed, an immediate report must be made to the Director of Judicial Affairs by the instructor, Chair, or Dean who instigated the removal.
    3. The Director of Judicial Affairs may impose institutional suspension prior to the completion of appeals and final imposition of sanctions.
    4. Interim suspension may be imposed only:
      - a. to ensure the safety and well-being of members of the Campus Community or preservation of institutional property; or
      - b. to ensure the student's own physical or emotional safety and well-being; or
      - c. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the institution.
      - d. During the interim suspension, a student shall be denied access to the campus, including classes, and all other institutional activities or privileges for which the student might otherwise be eligible, as the Director of Judicial Affairs or the Dean of Students may determine to be appropriate.
      - e. The interim suspension does not replace the regular due process, which shall proceed on the normal schedule.
      - f. The student shall be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on campus does not fall within the reasons above (and which they may contest whether a campus rule was violated).

## N. Multiple Offenses, Pattern of Behavior

1. If a student is found guilty of the reported infractions and sanctions in his/her disciplinary record, then the Director of Judicial Affairs shall report the particulars of the student's disciplinary record to the Campus Appeals Board for review of the larger pattern of misbehavior. If a larger pattern of misconduct should appear, additional disciplinary measures may be imposed by the Campus Appeals Board.

## O. No Reprisals

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1. No reprisals shall be taken by or against any party or legitimate participant in the appeal process by reason of such participation. However, individuals furnishing false information and/or documentation at any point in the formal process described in this policy are subject to disciplinary action.

## P. Disciplinary Records

1. Records of disciplinary actions shall not be made a part of the student's academic record except through the appearance in the academic record of grade reductions or failing grades, but shall become part of the student's disciplinary record. The disciplinary record shall be reviewed and expunged. In situations involving both an accused student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be provided to the disciplinary/educational records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

## Q. Concurrent Jurisdiction

1. In cases of overlapping or concurrent jurisdiction, the Dean of Students and the relevant Academic Dean shall negotiate to agree on the locus of primary jurisdiction. The Dean of primary jurisdiction shall then control the process and communicate outcomes to the other Dean.

## R. Student Rights & Responsibilities

1. Student Rights and Responsibilities are delineated in institution Policy 541, Student Rights and Responsibilities Code. Students are also subject to other institutional policies. Alleged violations of institutional policies by students shall be handled according to the procedures set forth below.

## S. Appeals Process, Determination & Application of Sanctions

1. Academic Infraction Due Process Procedures
  - a. Instructors shall discuss allegations of misconduct with the accused student in a confidential environment.
  - b. Sanctions associated with Academic Infractions shall be reported by the instructor to the student, within ten (10) business days of the imposition of the sanction by the instructor. Except in cases where there is a significant threat of disruption or of undermining of the academic integrity of the course, instructors shall refrain from implementing irreversible sanctions (e.g. denying access to class or a final exam) until the student has exhausted all appeals.
  - c. Before an appeal, the student must attempt to resolve the issue informally with the instructor.
  - d. In case of an appeal, documentary evidence shall be deposited by the instructor and/or the student with the Office of Judicial Affairs. Said office shall maintain original documents in a secure location and shall make copies available to the parties and the hearing officer for the appeal. Whether or not there is documentary evidence to deposit, the instructor shall file a copy of allegations with the Office of Judicial Affairs. Said copy shall be clearly labeled "under appeal" and shall not become a part of the student's disciplinary record until appeals are exhausted.
  - e. Sanctions may be modified at any point in the appeals process if evidence warrants.
  - f. If the student chooses to appeal the instructor's decision, the appeal must be made in writing to the Department Chair within ten (10) business days of the instructor's final decision.
  - g. The Chair will render a decision in writing to the student and the instructor within ten (10) business days of receiving the student's written appeal.
  - h. If either the student or the instructor chooses to appeal the Chair's decision, the appeal shall be made in writing to the campus Appeals Board within ten (10) business days of the Chair's decision, or if the student and instructor agree, the appeal may be made directly to the Dean rather than the Board.
  - i. The hearing body, whether it is the Board or the Dean, shall render a decision in writing to the student and the instructor, with a copy to the Chair, within ten (10) days of receiving the written appeal.
  - j. If either the student or the instructor chooses to appeal a decision of the Board, the appeal shall be made in writing to the Dean within ten (10) business days of the Board's decision. The Dean shall be responsible for determining remediation and sanctions after a finding by the Board that Academic Misbehavior occurred.
  - k. The Dean shall render a decision in writing to the student and the instructor, with a copy to the Chair, and to the Board if they heard the previous appeal, within ten (10) business days of receiving the written appeal.
  - l. The decision of the Dean as to findings of Academic Infraction(s), remediation, and sanctions shall be final except for review of proposed suspension by the Vice President of Academic Affairs (VPAA) and of proposed expulsion, revocation of admission or degree by the VPAA and President.
  - m. Final decisions in which allegations of Academic Infraction(s) have been sustained shall be reported by the final deciding body (or by the instructor in case there are no appeals) to the Office of Judicial Affairs, with copies to the student or other parties to the appeal, within ten (10) business days of the decision.
2. General Infraction Due Process Procedures
  - a. All allegations of General infractions will be reported to the Office of Judicial Affairs within ten (10) business days of sufficient information being gathered. Discussions of allegations with the students involved shall take place in a confidential environment. Documentary evidence shall be deposited by the accuser and/or the student with the Office of Judicial Affairs. Said Office shall maintain original documents in a secure location and shall make copies available to the parties and the hearing officer for the appeal. The allegations shall not become a part of the student's disciplinary record until appeals are exhausted.
  - b. The Office of Judicial Affairs will notify the student within five (5) business days after receiving a report of violation and schedule a hearing with the Director of Judicial Affairs.
  - c. The Director of Judicial Affairs will determine the merit of the complaint and assign sanctions if the complaint is found to be meritorious and to warrant sanctions. The Director of Judicial Affairs shall notify the student in writing of his or her finding and of any sanctions within ten (10) business days of the hearing. Except in cases of urgent circumstances, the Director of Judicial Affairs shall refrain from implementing irreversible sanctions until the student has had the opportunity to fully pursue the appeals process.
  - d. Sanctions may be modified at any point in the appeals process if evidence warrants.
  - e. If the student chooses to appeal the decision of the Director of Judicial Affairs, the appeal shall be made in writing to the Campus Appeals Board within ten (10) business days of the Director's decision. The student may choose to appeal directly to the Dean of Students rather than the Board.
  - f. The hearing body, i.e. the Board or the Dean of Students, shall render a decision in writing to the student and the Director of Judicial Affairs within ten (10) business days of receiving the written appeal.
  - g. If the student chooses to appeal the decision of the Board, the appeal shall be made in writing to the Dean of Students within ten (10) business days of the Board's decision. The Dean of Students shall be responsible for determining remediation and sanctions after a finding by the Board that a general infraction was committed.
  - h. The Dean of Students shall render a decision in writing to the student and the Director of Judicial Affairs, with a copy to the Board if they heard the previous appeal, within ten (10) business days of receiving the written notice.
  - i. The decision of the Dean of Students as to findings of General Infractions, remediation, and sanctions shall be final except for review of proposed suspension by the Vice President of Student Affairs (VPSA) and of proposed expulsion, or revocation of admission or degree by the VPSA and President.

- j. Final decisions in which allegations of General Infractions have been sustained shall be reported by the final deciding body to the Office of Judicial Affairs, with copies to the student and other parties to the appeal, within ten (10) business days of the decision.
3. Withdrawal of Appeals-An appeal may be withdrawn by the appellant at any time without prejudice.

## T. Campus Appeals Board Hearings

1. The Campus Appeals Board Chair shall convene a subcommittee from its members. The subcommittee of the Board shall consist of two members from the School of Division referring the appeal, a third member from another unit of the institution, two students, and a staff member to hear any appeal.

## U. Disciplinary Records

1. The Office of Judicial Affairs shall be responsible for facilitating written appeals and for keeping records of all decisions under this code, whether general or academic.
2. When a sanction has been imposed and made final after any appeals process, a report shall be submitted to the Office of Judicial Affairs by the final deciding instructor, officer, or Board.
  - a. Disciplinary records shall be kept confidential, and access, as necessary for carrying out their duties, shall be limited to Deans and institutional line officers above the Deans, the Office of Judicial Affairs, and members of the Campus Appeals Board. Nevertheless, students may give written consent to faculty members or other institutional employees to view their disciplinary records. A student requesting a recommendation that asks about disciplinary actions shall be presumed to give implied consent to the recommender to see the disciplinary record.
  - b. When the student's disciplinary record shows multiple similar infractions or a pattern of improper behavior, the Director of Judicial Affairs shall report the case to the Campus Appeals Board for further review. The Board shall hold a hearing with the student and determine further sanctions, if necessary and appropriate.
  - c. Determinations of when records are to be expunged or reports removed are to be made only by the Office of Judicial Affairs in order to maintain a single institutional standard for retention of records of Student Conduct Code actions.
  - d. Factors relevant to the decision to retain or delete specific records include:
    1. How much time has elapsed since the infraction (generally, at least five (5) years).
    2. Whether the student has graduated.
    3. The seriousness of the infraction and the resulting sanctions - institutional suspension, expulsion, and revocation of admission or degree shall be considered for expunging only upon application by the student to the Director of Judicial Affairs and then only with the concurrence of the relevant Dean, Vice President, and the President.
  - e. Students shall apply to the Director of Judicial Affairs to have their disciplinary records expunged. If the student applying for expungement has graduated, or if the disciplinary records are at least five (5) years old, they shall be expunged unless the Director of Judicial Affairs finds circumstances requiring retention of the records, except in the cases of suspension, expulsion, or revocation or withholding of a degree require further review.