

Repealed Res.  
89-150

BR#87-110  
~~84-45~~  
~~85-38~~  
70-4



# THE CONNECTICUT STATE UNIVERSITY

P.O. Box 2008 • New Britain, Connecticut 06050 • (203) 827-7701

## RESOLUTION

concerning

AN AMENDMENT TO THE

GUIDELINES FOR STUDENT RIGHTS AND RESPONSIBILITIES

AND JUDICIAL PROCEDURES

July 24, 1987

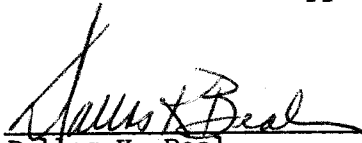
WHEREAS, Guidelines for Student Rights and Responsibilities and Judicial Procedures were adopted by the Trustees in Resolution 81-181 and amended in Resolutions 84-45 and 85-38, and

WHEREAS, Further amendment is now necessary to define sexual harassment in our student discipline guidelines as it applies to the behavior of students, behavior by faculty and other staff being covered in other published documents, now, therefore, be it

RESOLVED, That the student offense of sexual harassment shall be added to the list of offenses in the Appendix of the Guidelines for Student Rights and Responsibilities and Judicial Procedures in Section A, as No. 26 and shall be defined as:

"Sexual Harassment: Any unwelcome sexual advance, request for sexual favors, or any other verbal or physical conduct of a sexual nature, when accompanied by intimidating or coercive pressure to comply with same."

A Certified True Copy:

  
Dallas K. Beal  
President

ADDENDUM TO BOARD RESOLUTION #84-45; 85-38; 87-110  
GUIDELINES FOR STUDENT RIGHTS  
AND RESPONSIBILITIES AND JUDICIAL PROCEDURES  
(See also Article 3.1)

The Connecticut State University will adhere to the following guidelines which are consistent with requirements of due process. Students must note that as citizens they are subject to all Federal and State laws in addition to all University regulations governing student conduct and responsibility.

1. Formulation and Distribution of Student Rights and Responsibilities and Judicial Procedures:

A. Student Rights and Responsibilities and Judicial Procedures.

Student Rights and Responsibilities and Judicial Procedures shall be formulated on each campus in conformity with these guidelines.

B. Distribution of Student Rights and Responsibilities and Judicial Procedures.

The document must be published and made conveniently available to students. It does not have to be mailed to each student, but it should be posted or its availability should be publicly communicated to students.

## 2. STUDENT AFFAIRS

### 2. Punishable Offenses and Sanctions:

The basic list of punishable offenses and the maximum sanctions for each offense as well as all other permissible lesser sanctions are stated in the Appendix and must be listed in the Student Rights and Responsibilities and Judicial Procedures document of each campus.

### 3. Academic Misconduct

Instructors shall report cases of academic misconduct to the appropriate Academic Dean who shall in turn report the case to the Office of Student Affairs. The Dean of Student Affairs or his/her designee will review each case reported. If disciplinary action seems warranted the case will be presented to the appropriate Judicial Officer or Board. In no case may the Judicial Officer or Board act upon or change the grade for the course. The Dean of Student Affairs or the Judicial Officer or Board will inform the Dean of the School to whom the incident was originally reported that the case has been reviewed and what action, if any, was taken.

### 4. Who May File Charges:

Any member of the University Community may file charges. Such charges must be made in writing within ninety days of the alleged violation and filed with the appropriate office at each campus, except that in cases of alleged misuse of University documents or making false statements as defined in the Appendix hereto, such charges may be made at any time.

### 5. Pre-Hearing Investigation:

The institution will determine whether probable cause exists to believe there has been violation of campus rules.

The person assigned to determine probable cause may also present the case for the University at the hearing, but he/she shall not serve as hearing officer or as an advisor or resource person for the hearing officer.

## 2. STUDENT AFFAIRS

### 6. Rights of Accused:

A. In cases which could result in expulsion or suspension from the University or residence hall separation.

#### 1. Notice :

The accused shall receive a minimum of seven calendar days written notice of the hearing and of the charges unless he/she waives, in writing, the right to a notice of such duration.

The accused must be given notice of each section of the statement of Student Rights and Responsibilities alleged to have been violated and with respect to each such section a statement of the acts or omissions which are asserted to amount to a violation of such section including the time when and the place where such acts or omissions occurred.

#### 2. Hearing:

A decision to extend the time for the hearing may be made by the hearing officer. Such a decision may also be made by a coordinator of the judicial process in a good faith manner to respond to scheduling problems. A refusal by a coordinator to grant a postponement shall be reviewed upon request by the hearing officer.

An accused has the right to choose to be heard by a hearing officer duly appointed by the President of the campus.

#### 3. Record of Hearing:

When expulsion or suspension from the University campus or residence hall separation is a possibility, a tape recording of the hearing shall be made, and the accused may acquire a copy of the tape at his/her expense. The campus shall keep these tapes for three years from the ultimate disposition of the case by the campus, unless litigation is pending in which case the tapes must be held beyond three years until the litigation is finally concluded.

#### 4. Student Faces His/Her Accusers:

The accused student shall have the right to face his or her accusers at the disciplinary hearing.

## 2. STUDENT AFFAIRS

5. Evidence and Personal Data Concerning the Accused in the University's Files is Made Available to the Student Upon Request Prior to the Hearing:

The University campus is required to make available to the accused prior to the hearing the substance of any exculpatory evidence in its possession and, upon written request, any personal data concerning the accused in the campus' disciplinary or other files, subject to the provisions of Section 4-194 of the Connecticut General Statutes.

6. Accused Shall Receive a Fair Hearing:

The accused has the right to receive a fair hearing before a duly constituted impartial hearing officer.

If the claim of lack of impartiality is made, it must be dealt with, including a hearing of evidence if there is a dispute of fact, and ruled upon.

7. Accused May Present a Defense and Witnesses:

The accused shall have the right to present a defense and witnesses in his/her own behalf.

8. Right to Cross-Examine Opposing Witnesses:

Both the accuser and the accused have the right to cross-examine witnesses called by the other side.

9. Accused Can Choose Whether or Not to Testify in His or Her Own Defense:

The accused who is present at the hearing shall be advised by the hearing officer that he/she is not required to make any response. Refusal to testify or to answer questions shall not be evidence of guilt.

10. Non-Appearance of Accused at Disciplinary Hearing:

If an accused does not appear at a disciplinary hearing, the presiding officer shall enter a plea of not guilty on behalf of the accused and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The accused is entitled to due process whether he/she is present or not. Failure to appear shall not be evidence of guilt.

## 2. STUDENT AFFAIRS

### 11. Accused May Have An Open Hearing:

The hearing is to be open, except that it, or any appropriate part thereof, may be closed to protect rights of privacy granted by Section 1-19 (b) (2) of the Connecticut General Statutes.

The hearing officer shall not close a hearing because of fear of disruption. In the latter situation campus staff may be called upon to control or remove disrupters.

While an accused can waive his or her right to privacy if, being over eighteen years of age, he or she asks for an open hearing, the accused cannot thereby waive the right of others to privacy, e.g., a student witness, or a member of a judicial board whose impartiality is being questioned. If a student requests a closed hearing, he/she has waived his/her right to an open hearing, but the hearing officer has to make a decision on the request based on the criterion set forth in Section 1-19 (b) (2) of the General Statutes.

### 12. Accused Has the Right to Have Counsel Present at the Hearing:

The student has the right to consult with counsel of his/her choice, including an attorney, in the preparation of his/her defense. He/she also has the right to have counsel sit with him/her at the hearing and communicate privately with him/her, but counsel will not be permitted to speak or advocate unless the defendant is handicapped to the point of being unable to present his/her defense or unless the case against the student is presented by an attorney.

## 2. STUDENT AFFAIRS

### 13. Presentation of Evidence:

Only evidence abduced at the hearing itself may be taken into account by the hearing officer in reaching a decision.

### 14. Evidence of Prior Convictions or Disciplinary Actions:

Evidence of prior criminal convictions relevant to the case or campus disciplinary actions may be introduced to a hearing officer only after determination of guilt for consideration in connection with determining the penalty.

If prior disciplinary action is to be disclosed, this shall be at a closed hearing and any part of the written decision that refers to such shall not be public unless the accused student is over eighteen and waives the right to privacy in that respect.

### 15. Written Notice of Decision:

The accused shall receive written notice of the decision of the hearing officer which shall include the reasons for the decision, findings of fact, a fair summary of the evidence relied upon, and sanctions, if any.

The written decision shall be made public only in accordance with Section 1-19 of the General Statutes and the Federal Family Educational Rights and Privacy Act of 1974 as amended (hereinafter referred to as the Buckley Amendment).

Anything which is part of any student's "educational" record under the Buckley Amendment, shall not be disclosed without the written permission of the student, if he/she is over age eighteen, or his/her parents if he/she is under eighteen.

### 16. Appeal Procedures:

The decision of the hearing officer may be appealed by the accused to the campus President or the campus President's designee.

## 2. STUDENT AFFAIRS

### 17. Right of Appeal:

The student has the right to appeal the outcome of the original hearing on the grounds that (1) due process as set forth in these guidelines was not provided and substantial prejudice resulted to the student, (2) the evidence presented was not substantial enough to justify the decision, and/or (3) the sanction(s) imposed was (were) not in keeping with the gravity of the offense.

The appeal shall be confined to the record except that in cases of alleged irregularities in due process not shown in the record proof may be taken by the campus President or campus President's designee other than the original hearing officer.

The presentation of newly discovered evidence is not grounds for appeal. If there is new evidence, the defendant may request the original hearing officer to grant a rehearing.

### 18. Time For Filing An Appeal:

If the student wishes to appeal the decision of the hearing officer, such an appeal must be made in writing to the Campus President or Campus President's designee on any of the aforementioned grounds within seventy-two hours of receipt of the written notice of sanctions.

For good cause shown the campus President or campus President's designee may extend the seventy-two hour limitation on filing appeals.

### 19. Status of Student Pending Appeal:

The sanctions imposed go into effect immediately. However, if the person wishes to appeal or to have time to consider making an appeal, the hearing officer will hear argument on withholding the imposition of sanction until the time for filing an appeal has expired or until an appeal decision has been rendered.



## 2. STUDENT AFFAIRS

B. In cases which could not result in expulsion or suspension from University or residence hall separation:

1. Notice:

The accused shall receive a minimum of three campus calendar days written notice of the hearing and of the charges. Campus calendar days are days when classes are in session.

The accused must be given notice of each section of the statement of Student Rights and Responsibilities alleged to have been violated and with respect to each such section a statement of the acts or omissions which are asserted to amount to a violation of such section including the time when and the place where such acts or omissions occurred.

2. Hearing:

The accused has the right to a hearing before a hearing officer except when the campus has provided in its judicial procedures that for specified offenses the hearing shall be before a hearing board. Composition of such hearing boards shall be according to rules established on each campus and published to the campus community.

A decision to extend the time for the hearing may be made by the hearing board or officer.

3. Record of Hearing:

No tape recordings need be kept of the hearing.

4. Rights of Accused:

All rights of accused listed in 6.A.4 through 6.A.15. shall be observed.

C. Interim Suspension and/or Residence Hall Separation:

1. Continuing Danger Situations:

An interim suspension and/or residence hall separation for ten campus calendar days or less is permissible in cases when in the opinion of the suspending authority a student's continued presence constitutes a continuing danger to persons or property or an on-going threat to the academic process.

## 2. STUDENT AFFAIRS

### 2. Informal Hearing:

Oral or written notice of the charges must be given the student. If he/she denies the charges, the evidence has to be narrated to the accused, and its source has to be disclosed (i.e., names of witnesses) so the accused has an opportunity to rebut the evidence and present his or her side of the story. This hearing is on the question of the interim suspension only.

### 3. Suspending Authority:

The Dean of Students or the Deans' designee shall have authority to impose interim suspension or residence hall separation.

#### (APPENDIX)

#### CONNECTICUT STATE UNIVERSITY PUNISHABLE OFFENSES AND MAXIMUM SANCTIONS

##### PROSCRIBED CONDUCT

- A. A person who is found guilty of any of the following acts committed while a student on a University campus or on property controlled by the University or University affiliates or in connection with off-campus University activities shall be subject to the maximum penalty of expulsion or any other penalty authorized herein.
1. Academic Misconduct - including all forms of cheating and plagiarism. Academic misconduct includes but is not limited to providing or receiving assistance in a manner not authorized by the instructor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; and presenting, as one's own, the ideas or words of another person or persons for academic evaluation without proper acknowledgment.
  2. Actual or threatened physical assault or intentional or reckless injury to persons or property.
  3. Offensive or disorderly conduct which causes interference, annoyance, or alarm, or recklessly creates a risk thereof.
  4. Interfering with the freedom of any person to express his views, including invited speakers.
  5. Interference with entry into or exit from buildings or areas or with free movement of any person.
  6. Behavior or activities which endanger the safety of oneself or others.

## 2. STUDENT AFFAIRS

7. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities.
8. Violation of any of the restrictions, conditions or terms of a sanction resulting from prior disciplinary action.
9. Failure to provide identification upon demand by or to comply with other directions of University staff members or the staff of contractual affiliates of the University acting in the performance of their duties.
10. Misuse of University documents - forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card, course registration material, schedule card, other University identification or any other document or record.
11. Possession, sale, use, transfer, purchase or delivery of drugs except as expressly permitted by law.
12. Making False Statements in the application for admission, petitions, requests, or other official University documents or records; forgery on "add" or "drop" cards and other University records or documents.
13. Forcible entry into a building or other premises.
14. Unauthorized presence in a building or other premises.
15. Possession or use of firearms, fireworks, dangerous weapons, or possession of chemicals when not authorized.
16. Starting fires, and/or explosions, and/or false reporting of a fire, bomb, incendiary device, or other explosive or any false reporting of an emergency.
17. Theft, damage, destruction, tampering or defacement of personal, University, or University affiliates' property.
18. Lewd, obscene, indecent conduct or expression.
19. Gambling in any form as defined by the Connecticut General Statutes.
20. Unauthorized use of University property or property of members of the University community or University affiliates.
21. Violation or residence hall parietal rules and regulations.
22. Tampering with fire and safety equipment.

## 2. STUDENT AFFAIRS

23. Failure to meet financial obligations owed to the University.
  24. Violation of published University policies, rules, and regulations relating to: alcohol, Student Center, student activities, pets on campus, selling and solicitation, smoking. (Note: Parking and Traffic Rules are formulated separately on each campus in accordance with Section 10-109d of the General Statutes and approved by the State Traffic Commission. Appeals from penalties assessed under the Parking and Traffic Rules are considered by the Traffic Appeals Committees established on each campus in accordance with Section 10-109d of the General Statutes.)
  25. The use of computers for the violation of personal privacy or for the committing of crimes; the unauthorized use of computers and/or peripheral systems, unauthorized access to computer programs or files, unauthorized alteration of computer programs or files, unauthorized duplication or use of computer programs or files, making unauthorized charges to a computer account, or other deliberate action which disrupts the operation of computer systems serving other students or the university community generally.
  26. Sexual Harassment: Any unwelcome sexual advance, request for sexual favors, or another verbal or physical conduct of a sexual nature, when accompanied by intimidating or coercive pressure to comply with same. (BR#87-110)
- B. A student who is found guilty of violation of the University Residence Hall Rules and Regulations not covered in Section A is subject to the maximum penalties of: disciplinary probation, residence hall probation, residence hall warning.
- C. A person who is found guilty of unauthorized use of the name or insignia of the University, occurring while a student, shall be subject to the maximum penalty of expulsion or of any other penalty authorized herein.

## 2. STUDENT AFFAIRS

### DISCIPLINARY PENALTIES

Disciplinary penalties which may be imposed by the University include any of the following or any combination thereof: Expulsion, Suspension, Disciplinary Probation, Disciplinary Warning, Residence Hall Separation, Residence Hall Probation, and Residence Hall Warning. In cases in which penalties are imposed for offenses involving damage to, destruction of, or misappropriation of property, agreement by the student to make restitution may constitute grounds for mitigation of the penalty.

#### Definition of Disciplinary Penalties

The following penalties may be imposed and will be entered into student's disciplinary records. Notation of disciplinary penalties are on file only in the Office of Student Affairs and are not released without the written consent of the student except to appropriate University enforcement personnel or as required by law.

1. Expulsion: Expulsion is permanent disciplinary separation from the University involving denial of all student privileges. Expulsion shall be effective on the date of notice of the expulsion, or later if so stated in the notice.
2. Suspension: Suspension is temporary disciplinary separation from the University involving denial of all student privileges. Suspension shall be effective on the date of notice of the suspension or later if so stated in the notice; and shall prescribe the date and conditions upon which the student may petition for readmission.

Students separated from the University by suspension may under the terms of the suspension be excluded from University premises or University related premises when in the judgment of the suspending authority the students' continued presence would adversely affect the ability of others to pursue their educational goals. Notwithstanding the foregoing, the Dean of Students or his/her designate may authorize a suspended student who has been excluded from University premises or University related premises to enter such premises for designated purposes.

## 2. STUDENT AFFAIRS

3. Disciplinary Probation: Disciplinary Probation is a status which may involve restrictions, conditions or terms imposed for a definite period of time. Restrictions which may be imposed by the hearing board or hearing officer include ineligibility to participate in University activities or events. Periodic contact with a designated member of the University community or non-college professional may be required. If the terms and conditions of the probation are complied with, eligibility to participate in restricted activities or events is automatically restored upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes proscribed conduct which is separate from and in addition to the act for which the probation was imposed. A student accused of violation of probation will be given due notice and a full hearing in accordance with the Student Rights and Responsibilities and Judicial Procedures document.
4. Disciplinary Warning: Disciplinary Warning involves written notice to the student indicating that specific behavior or activity is in violation of the code and that repetition of such behavior would likely result in more serious disciplinary action.
5. Residence Hall Separation: Residence Hall Separation involves removal from the University residence hall community for conduct which clearly demonstrates unwillingness or inability to function appropriately in the residence hall living situation. Such separation may include a restriction of access to all or designated residence halls.
6. Residence Hall Probation: Residence Hall Probation is a status which may be imposed for behavior which indicates unwillingness or inability to accommodate the regular expectations of residence hall living. This status may include restrictions, conditions or terms on residence hall activities and privileges for a definite period. Periodic contact with a member of the residence hall staff or other professional may be required so that conduct may be reviewed. If the terms and conditions of the probation are complied with, eligibility to participate in restricted activities or events is automatically restored upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes proscribed conduct which is separate from and in addition to the act for which the probation was imposed. A student accused of violation of probation will be given due notice and a full hearing in accordance with the Student Rights and Responsibilities and Judicial Procedures document.
7. Residence Hall Warning: Residence Hall Warning involves written notice to that student indicating that specific behavior or activity is unacceptable to the expectations of residence hall living. The student is officially warned in writing that further unacceptable behavior would likely result in more serious disciplinary action.

GUIDELINES FOR  
STUDENT RIGHTS AND RESPONSIBILITIES  
AND JUDICIAL PROCEDURES

February 2, 1984

The Connecticut State University will adhere to the following guidelines which are consistent with requirements of due process. Students must note that as citizens they are subject to all Federal and State Laws in addition to all University regulations governing student conduct and responsibility.

1. Formulation and Distribution of Student Rights and Responsibilities and Judicial Procedures:

- A. Student Rights and Responsibilities and Judicial Procedures. Student Rights and Responsibilities and Judicial Procedures shall be formulated on each campus in conformity with these guidelines.
- B. Distribution of Student Rights and Responsibilities and Judicial Procedures. The document must be published and made conveniently available to students. It does not have to be mailed to each student, but it should be posted or its availability should be publicly communicated to students.

2. Punishable Offenses and Sanctions:

The basic list of punishable offenses and the maximum sanctions for each offense as well as all other permissible lesser sanctions are stated in the Appendix and must be listed in the Student Rights and Responsibilities and Judicial Procedures document of each campus.

3. Academic Misconduct:

Instructors shall report cases of academic misconduct to the appropriate Academic Dean who shall in turn report the case to the Office of Student Affairs. The Dean of Student Affairs or his/her designee will review each case reported. If disciplinary action seems warranted the case will be presented to the appropriate Judicial Officer. In no case may the Judicial Officer act upon or change the grade for the course. The Dean of Student Affairs or the Judicial Officer will inform the Dean of the School to whom the incident was originally reported that the case has been reviewed and what action, if any, was taken.

4. Who May File Charges:

Any member of the University Community may file charges. Such charges must be made in writing within ninety days of the alleged violation and filed with the appropriate office at each campus, except that in cases of alleged misuse of university documents or making false statements as defined in the Appendix hereto, such charges may be made at any time.

5. Pre-Hearing Investigation:

The institution will determine whether probable cause exists to believe there has been violation of campus rules.

The person assigned to determine probable cause may also present the case for the University at the hearing, but he/she shall not serve as a hearing officer or as an advisor or resource person for the hearing officer.

6. Rights of Accused:

A. In cases which could result in expulsion or suspension from the University or residence hall separation.

1. Notice:

The accused shall receive a minimum of seven calendar days written notice of the hearing and of the charges unless he/she waives, in writing, the right to a notice of such duration.

The accused must be given notice of each section of the statement of Student Rights and Responsibilities alleged to have been violated and with respect to each such section a statement of the acts or omissions which are asserted to amount to a violation of such section including the time when and the place where such acts or omissions occurred.

2. Hearing:

A decision to extend the time for the hearing may be made by the hearing officer. Such a decision may also be made by a coordinator of the judicial process in a good faith manner to respond to scheduling problems. A refusal by a coordinator to grant a postponement shall be reviewed upon request by the hearing officer.

An accused has the right to be heard by a hearing officer duly appointed by the President of the campus.



3. Record of Hearing:

When expulsion or suspension from the University campus or residence hall separation is a possibility, a tape recording of the hearing shall be made, and the accused may acquire a copy of the tape at his/her expense. The campus shall keep these tapes for three years from the ultimate disposition of the case by the campus, unless litigation is pending in which case the tapes must be held beyond three years until the litigation is finally concluded.

4. Student Faces His/Her Accusers:

The accused student shall have the right to face his or her accusers at the disciplinary hearing.

5. Evidence and Personal Data Concerning the Accused in the University's Files is made available to the Student Upon Request Prior to the Hearing:

The University campus is required to make available to the accused prior to the hearing the substance of any exculpatory evidence in its possession and, upon written request, any personal data concerning the accused in the campus' disciplinary or other files, subject to the provisions of Sec. 4-194 of the Connecticut General Statutes.

6. Accused Shall Receive a Fair Hearing:

The accused has the right to receive a fair hearing before a duly constituted impartial hearing officer.

If the claim of lack of impartiality is made, it must be dealt with, including a hearing of evidence if there is a dispute of fact, and ruled upon.

7. Accused May Present a Defense and Witnesses:

The accused shall have the right to present a defense and witnesses in his/her own behalf.

8. Right to Cross-Examine Opposing Witnesses:

Both the accuser and the accused have the right to cross-examine witnesses called by the other side.

9. Accused Can Choose Whether or Not to Testify in His or Her Own Defense:

The accused who is present at the hearing shall be advised by the

hearing officer that he/she is not required to make any response. Refusal to testify or to answer questions shall not be evidence of guilt.

10. Non-Appearance of Accused at Disciplinary Hearing:

If an accused does not appear at a disciplinary hearing, the presiding officer shall enter a plea of not guilty on behalf of the accused and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The accused is entitled to due process whether he/she is present or not. Failure to appear shall not be evidence of guilt.

11. Accused May Have an Open Hearing:

The hearing is to be open, except that it, or any appropriate part thereof, may be closed to protect rights of privacy granted by Section 1-19(b)(2) of the Connecticut General Statutes.

The hearing officer shall not close a hearing because of fear of disruption. In the latter situation campus staff may be called upon to control or remove disrupters.

While an accused can waive his or her right to privacy if, being over eighteen years of age, he or she asks for an open hearing, the accused cannot thereby waive the right of others to privacy, e.g., a student witness, or a member of a judicial board whose impartiality is being questioned. If a student requests a closed hearing, he/she has waived his/her right to an open hearing, but the hearing officer has to make a decision on the request based on the criterion set forth in Section 1-19(b)(2) of the General Statutes.

12. Accused Has the Right to have Counsel Present at the Hearing:

The student has the right to consult with counsel of his/her choice, including an attorney, in the preparation of his/her defense. He/she also has the right to have counsel sit with him/her at the hearing and communicate privately with him/her, but counsel will not be permitted to speak or advocate unless the defendant is handicapped to the point of being unable to present his/her defense or unless the case against the student is presented by an attorney.

13. Presentation of Evidence:

Only evidence adduced at the hearing itself may be taken into account by the hearing officer in reaching a decision.

14. Evidence of Prior Convictions or Disciplinary Actions:

Evidence of prior criminal convictions relevant to the case or campus disciplinary actions may be introduced to a hearing officer only after determination of guilt for consideration in connection with determining the penalty.

If prior disciplinary action is to be disclosed, this shall be at a closed hearing and any part of the written decision that refers to such shall not be public unless the accused student is over eighteen and waives the right to privacy in that respect.

15. Written Notice of Decision:

The accused shall receive written notice of the decision of the hearing officer which shall include the reasons for the decision, findings of fact, a fair summary of the evidence relied upon, and sanctions, if any.

The written decision shall be made public only in accordance with Section 1-19 of the General Statutes and the Federal Family Educational Rights and Privacy Act of 1974 as amended (hereinafter referred to as the Buckley Amendment).

Anything which is part of any student's "educational" record under the Buckley Amendment, shall not be disclosed without the written permission of the student, if he/she is over age eighteen, or of his/her parents if he/she is under eighteen.

16. Appeal Procedures:

The decision of the hearing officer may be appealed by the accused to the campus President or the campus President's designee.

17. Right of Appeal:

The student has the right to appeal the outcome of the original hearing on the grounds that (1) due process as set forth in the guidelines was not provided and substantial prejudice resulted to the student, (2) the evidence presented was not substantial enough to justify the decision, and/or (3) the sanction(s) imposed was (were) not in keeping with the gravity of the offense.

The appeal shall be confined to the record except that in cases of alleged irregularities in due process not shown in the record proof may be taken by the campus President or campus President's designee other than the original hearing officer.

The presentation of newly discovered evidence is not grounds for

6

appeal. If there is new evidence, the defendant may request the original hearing officer to grant a rehearing.

18. Time for Filing an Appeal:

If the student wishes to appeal the decision of the hearing officer, such an appeal must be made in writing to the campus President or campus President's designee on any of the aforementioned grounds within seventy-two hours of receipt of the written notice of sanctions.

For good cause shown the campus President or campus President's designee may extend the seventy-two hour limitation of filing appeals.

19. Status of Student Pending Appeal:

The sanctions imposed go into effect immediately. However, if the person wishes to appeal or to have time to consider making an appeal, the hearing officer will hear argument on withholding the imposition of sanction until the time for filing an appeal has expired or until an appeal decision has been rendered.

B. In cases which could not result in expulsion or suspension from University or residence hall separation.

1. Notice:

The accused shall receive a minimum of three campus calendar days written notice of the hearing and of the charges. Campus calendar days are days when classes are in session.

The accused must be given notice of each section of the statement of Student Rights and Responsibilities alleged to have been violated and with respect to each such section a statement of the acts or omissions which are asserted to amount to a violation of such section including the time when and the place where such acts or omissions occurred.

2. Hearing:

The accused has the right to a hearing before a hearing officer except when the campus has provided in its judicial procedures that for specified offenses the hearing shall be before a hearing board. Composition of such hearing boards shall be according to rules established on each campus and published to the campus community.

A decision to extend the time for the hearing may be made by the hearing board or officer.

3. Record of Hearing:

No tape recordings need be kept of the hearing.

4. Right of Accused:

All rights of accused listed in 6.A.4. through 6.A.15. shall be observed.

C. Interim Suspension and/or Residence Hall Separation.

1. Continuing Danger Situations:

An interim suspension and/or residence hall separation for ten campus calendar days or less is permissible in cases when in the opinion of the suspending authority a student's continued presence constitutes a continuing danger to persons or property or an on-going threat to the academic process.

2. Informal Hearing:

Oral or written notice of the charges must be given the student. If he/she denies the charges, the evidence has to be narrated to the accused, and its source has to be disclosed (i.e., names of witnesses) so the accused has an opportunity to rebut the evidence and present his or her side of the story. This hearing is on the question of the interim suspension only.

3. Suspending Authority:

The Dean of Students or the Deans's designee shall have authority to impose interim suspension or residence hall separation.

## APPENDIX

### Connecticut State University Punishable Offenses and Maximum Sanctions

#### PROSCRIBED CONDUCT

- A. A person who is found guilty of any of the following acts committed while a student on a University campus or on property controlled by the University or University affiliates or in connection with off-campus University activities shall be subject to the maximum penalty of expulsion or any other penalty authorized herein.
1. Academic Misconduct - including all forms of cheating and plagiarism. Academic misconduct includes but is not limited to providing or receiving assistance in a manner not authorized by the instructor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; and presenting, as one's own, the ideas or words of another person or persons for academic evaluation without proper acknowledgement.
  2. Actual or threatened physical assault or intentional or reckless injury to persons or property.
  3. Offensive or disorderly conduct which causes interference, annoyance, or alarm, or recklessly creates a risk thereof.
  4. Interfering with the freedom of any person to express his views, including invited speakers.
  5. Interference with entry into or exit from buildings or areas or with free movement of any person.
  6. Behavior or activities which endanger the safety of oneself or others.
  7. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities.
  8. Violation of any of the restrictions, conditions or terms of a sanction resulting from prior disciplinary action.
  9. Failure to provide identification upon demand by or to comply with other directions of University staff members or the staff of contractual affiliates of the University acting in the performance of their duties.
  10. Misuse of University documents - forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card, course registration material, schedule card, other University identification or any other document or record.

11. Possession, sale, use, transfer, purchase or delivery of drugs except as expressly permitted by law.
12. Making False Statements - in the application for admission, petitions, requests, or other official university documents or records; forgery on "add" or "drop" cards and other university records or documents.
13. Forcible entry into a building or other premises.
14. Unauthorized presence in a building or other premises.
15. Possession or use of firearms, fireworks, dangerous weapons, or possession of chemicals when not authorized.
16. Starting fires, and/or explosions, and/or false reporting of a fire, bomb, incendiary device, or other explosive or any false reporting of an emergency.
17. Theft, damage, destruction, tampering or defacement of personal, University or University affiliates' property.
18. Lewd, obscene, indecent conduct or expression.
19. Gambling in any form as defined by the Connecticut General Statutes.
20. Unauthorized use of university property or property of members of the university community or university affiliates.
21. Violation of residence hall parietal rules and regulations.
22. Tampering with fire and safety equipment.
23. Failure to meet financial obligations owed to the University.
24. Violation of published University policies, rules, and regulations relating to: alcohol, Student Center, Student Activities, pets on campus, selling and solicitation, smoking. (note: Parking and Traffic rules are formulated separately on each campus in accordance with Section 10-109d of the General Statutes and approved by the State Traffic Commission. Appeals from penalties assessed under the Parking and Traffic rules are considered by the Traffic Appeals Committees established on each campus in accordance with Section 10-109d of the General Statutes.)

terms and conditions of the probation are complied with, eligibility to participate in restricted activities or events is automatically restored upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes proscribed conduct which is separate from and in addition to the act for which the probation was imposed. A student accused of violation of probation will be given due notice and a full hearing in accordance with the Student Rights and Responsibilities and Judicial Procedures document.

7. Residence Hall Warning: Residence Warning involves written notice to that student indicating that specific behavior or activity is unacceptable to the expectations of residence hall living. The student is officially warned in writing that further unacceptable behavior would likely result in more serious disciplinary action.