



RESOLUTION

concerning

CONNECTICUT STATE UNIVERSITY SYSTEM POLICY

on

GUIDELINES FOR STUDENTS RIGHTS
AND RESPONSIBILITIES AND JUDICIAL PROCEDURES

May 7, 1999

WHEREAS, The Board of Trustees for the Connecticut State University System adopted by Board Resolution 97-61 *Guidelines for Student Rights and Responsibilities and Judicial Procedures* which include a uniform list of student offenses and sanctions for application at all four institutions of the Connecticut State University System, and

WHEREAS, The policy was amended by Board Resolution 98-64 to include changes in the list of punishable offenses, and

WHEREAS, After comprehensive review of this policy by members of the Judicial Committee, Student Advisory Board and the Council of Student Affairs, it is appropriate to make certain revisions to the wording of these guidelines, therefore be it

RESOLVED, That the Board Resolutions 97-61 and 98-64 be rescinded, and be it further

RESOLVED, That the Board of Trustees for the Connecticut State University System hereby adopts the attached addendum, *Guidelines for Student Rights and Responsibilities and Judicial Procedures* as Board Policy.

A Certified True Copy:

William J. Cibes, Jr., Chancellor

Connecticut State University System

Guidelines for Student Rights and Responsibilities and Judicial Procedures

The following guidelines are provided to present a clear statement of student rights and responsibilities to create fair and appropriate judicial procedures for the protection of said rights and the implementation of said responsibilities.

The Connecticut State University will adhere to the following guidelines which are consistent with the 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.

All complaints under this policy will be taken seriously. At the conclusion of the investigation, to the extent permitted by law, complainants and victims will be provided with appropriate information necessary to demonstrate that the complaint was taken seriously and a general understanding of the disposition of the complaint.

PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well-being of society. In line with this purpose, the university has the duty to protect the freedoms of inquiry and expression and furthermore has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

The Connecticut State University System has certain self-defined institutional values. Principal among these is respect for the dignity, rights, and individuality of each member of the university community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education at this University.

All members of the university community must at all times govern their social and academic interactions with tolerance and mutual respect so that the men and women who pass through the university's doors are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society.

Because of the university's commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on the university campus. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation, disability, gender, age, or ethnic background are antithetical to the university's fundamental principles and values. It is the university's responsibility to secure the students' right to learn by establishing an environment of civility.

1. Application and Distribution of the Guidelines for Student Rights and Responsibilities and Judicial Procedures:

A. Application of the Guidelines for Student Rights and Responsibilities and Judicial Procedures:

These Guidelines shall apply to the four Connecticut State Universities: Central, Eastern, Southern and Western Connecticut State University.

B. Distribution of Guidelines for 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 shall be publicly communicated to students. The document will be distributed to and made available to students, staff, and faculty in the Student Handbooks, both Online and in printed publications. The Office of Student Affairs will distribute and make available to students, faculty and staff any revisions to the document.

2. Punishable Offenses and Sanctions:

The basic list of punishable offenses and the range of sanctions for each offense are stated in the Appendix and shall be listed in the Student Rights and Responsibilities and Judicial Procedures document of each campus.

3. Academic Misconduct:

If an instance of academic misconduct is reported by a member of the university community other than the relevant instructor, the Vice President or Dean of Student Affairs or his/her designee will inform the Academic Vice President or his/her designee. The Academic Vice President or his/her designee will inform the relevant instructor. If disciplinary action seems warranted, the case will be presented to the appropriate Judicial Officer or Board or panel by the Vice President of Student Affairs. The Academic Vice President or his/her designee will request that the appropriate persons will review and advise both the Academic Vice President and the Student Affairs Vice President or their designees of the findings. The Academic Vice President or his/her designee in collaboration with the Vice President or Dean of Student Affairs or either of their designees will inform the Dean of the School in which 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 calendar days of the alleged violation and filed with the Student Affairs 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 Vice President of Student Affairs or his/her designee 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 or as a member of a hearing panel or board.

6. Rights of Accused:

A. In cases which could result in expulsion or suspension from the university and/or residence hall separation, the procedures will be as follows:

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.

Notice may be given by hand delivery to the accused, by sending through the campus mail to the accused who has an on-campus residence hall address, or when appropriate by first-class mail to the accused's address of record. When notice is sent by campus mail, or by first class mail, the person who mails the notice shall include in the file of the case a signed statement that the notice has been mailed; such statement shall include the name of the addressee, the date of mailing, and the address to which the notice was sent.

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:

An accused has the right to be heard by a hearing officer, board or panel duly appointed by the Vice President of Student Affairs or his/her designee of the student's home campus, i.e. the campus of registration.

A decision to extend the time for the hearing may be made by the hearing officer, board, or panel. Such a decision may also be made by a designee of the Vice President or Dean of Student Affairs in a good faith manner to respond to scheduling problems. A refusal by the Vice President's or Dean of Student Affairs' designee to grant a postponement shall be reviewed upon request by the hearing officer, board, or panel.

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 university, unless litigation is pending in which case the tapes must be held beyond three years until the litigation is finally concluded.

4. Student Has the Opportunity To Present Evidence And Question Witnesses:

The accused student shall have the full opportunity to present evidence in his/her behalf and to question any witnesses who testify at the disciplinary hearing.

5. Evidence and Personal Data Concerning the Accused in the University's Files 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 evidence to be introduced at the hearing upon written request. Any personal data concerning the accused in the campus' disciplinary or other files is 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, board, or panel.

Any disputes surrounding the impartiality of the hearing officer will be referred to the Vice President of Student Affairs or his/her designee who will hear the matter and make a determination.

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 Question Opposing Witnesses:

Both the accuser and the accused have the right to question witnesses called by the other side.

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

The accused who is present at the hearing shall be advised by the hearing officer, board or panel 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. 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 1-210(b)(2) of the Connecticut General Statutes.

The hearing officer, board or panel shall not close a hearing because of fear of disruption. In the latter situation University 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 1-210(b)(2) of the General Statutes.

12. Accused Has the Right to Have an Advisor or Legal Counsel Present at the Hearing:

The student has the right to consult with an advisor of his/her choice in the preparation of his/her defense. He/she also has the right to have an advisor sit with him/her at the hearing and communicate privately with him/her, but the advisor 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. The advisor, in all instances in this paragraph, may be legal counsel.

13. Presentation of Evidence:

Only evidence introduced at the hearing itself may be taken into account by the hearing officer, board or panel.

14. Evidence of Prior Convictions or Disciplinary Actions:

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

If prior disciplinary action is to be disclosed, then the hearing must be closed. 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, board or panel which shall include the decision, the findings of fact, an elementary summary of the evidence relied upon, and sanctions, if any.

The written decision shall be made public only in accordance with Section 1-210 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.

However, pursuant to the Student Right to Know and Campus Security Act of 1990, regardless of the prior written permission of the student, the accuser as well as the accused must be informed of the outcome of any institutional disciplinary proceeding, including the finding as to guilt or innocence as well as the sanction, in which what was charged was in the nature of a sex offense, without regard to the specific charge(s) or to whether the offense involved the use of force.

In addition, pursuant to the Student Right to Know and Campus Security Act of 1990, regardless of the prior written permission of the student, disclosure of the results of any disciplinary proceeding, including the finding as to guilt or innocence as well as the sanction, is permitted to a victim of an offense of violence that is not in the nature of sex offense.

16. Appeal Procedures:

The decision of the hearing officer, board or panel 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 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 evidence may be taken by the university President or President's designee other than the original hearing officer or member of the hearing board, or hearing panel.

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

18. Time For Filing An Appeal:

If the student wishes to appeal the decision of the hearing officer, board, or panel such an appeal must be made in writing to the campus President's designee on any of the aforementioned grounds within three university calendar days of receipt of the written notice of sanctions.

For good cause shown the campus President or campus President's designee may extend the three university calendar day 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 have time to consider making an appeal, the hearing officer, or the presiding officer of the hearing board or panel will hear and decide the argument on withholding the imposition of sanction until the time for filing and appeal has expired or until an appeal decision has been rendered.

- B. In cases which do not involve offenses which could result in expulsion or suspension from the university and/or residence hall separation, the procedures will be as follows:

1. Notice:

The accused shall receive written notice of hearing and charges within a minimum of three university calendar days. University calendar days are weekdays when the university is open.

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 on his/her home campus, i.e. university of registration, before a hearing officer except when the university has provided in its judicial procedures that for specified offenses the hearing shall be before a hearing board or panel. Composition of such hearing board or panel shall be according to rules established on each campus and published to the university community.

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

3. Record of Hearing:

No tape recordings will be made 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 university 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 Vice President or Dean of Student Affairs or the Vice President or Dean of Student Affairs' designee shall have authority to impose interim suspension or residence hall separation.

APPENDIX
CONNECTICUT STATE UNIVERSITY PUNISHABLE OFFENSES AND RANGE OF
SANCTIONS

PROSCRIBED CONDUCT

- A. A person who is a student on any Connecticut State University campus who is found guilty of any of the following acts committed on any Connecticut State 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.

In no case may the judicial officer, board or panel act upon or change the grade for the course.
 2. Actual or threatened physical assault or intentional or reckless injury to persons or damage to property.
 3. Offensive or disorderly conduct which causes interference, annoyance, or alarm, or recklessly creates a risk thereof. This offense does not apply to constitutionally protected expression.
 4. Interfering with the freedom of any person to express his/her 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 or drug paraphernalia except as expressly permitted by law.
12. Making false statements regardless of the manner of expression 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 sale, transfer, purchase, delivery or use of firearms, ammunition for firearms, fireworks, dangerous weapons, or of chemicals when not authorized.
16. Starting fires, and/or causing 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 with or defacement of personal, university, or university affiliates' property.
18. Lewd or obscene conduct or obscene expression. That which is obscene shall be as defined under Connecticut General Statute Section 53a-193.
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 policy, rules, and regulations concerning topics other than those contained herein, including but not limited to alcohol, Student Center, student activities, pets on campus, selling and solicitation, smoking.

25. Unauthorized use of university computers and/or peripheral systems and networks; unauthorized access to university computer programs or files; unauthorized alteration or duplication of university computer programs or file; any deliberate action to disrupt the operation of university computer systems which serve other members of the university community, including all networks to which university computers are connected; use of university computer systems and networks for committing crimes, violating civil laws, or violating university rules .
 26. Sexual Harassment: Any unsolicited, unwelcome, and unwanted sexual advance, or other conduct of a sexual nature in which these actions have the effect of interfering with an individual's performance or creating an intimidating hostile, or offensive environment.
 27. Sexual Assault: Any unwanted physical contact of a sexual nature.
 28. Conduct harmful to others: Any conduct which is harmful to any person's health, safety, or personal well being, including physical abuse, verbal abuse, threats, intimidation, harassment, sexual misconduct, coercion or any other conduct which threatens or endangers the health or safety of any person.
 29. Conduct which violates federal, state, and/or municipal laws and/or ordinances.
- 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.

DISCIPLINARY PENALTIES

Disciplinary penalties which may be imposed by the university include any of the following or any combination thereof: Expulsion, Suspension, 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, university police, staff, and administrators or as required by law.

1. Expulsion: Expulsion is permanent disciplinary separation from all universities within the Connecticut State University System involving denial of all student privileges. Expulsion shall be effective on the date of notice of expulsion, or later if so stated in the notice.

Students separated from all universities of the CSU System by expulsion may under the terms of the expulsion be excluded from all university premises or all university related premises when in the judgment of the expelling authority the students' presence would adversely affect the ability of others to pursue their educational goals.

2. Suspension: Suspension is temporary disciplinary separation from all universities within the system involving denial of all student privileges. Suspension shall be effective on the date of the 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 all universities within the CSU system by suspension may under the terms of the suspension be excluded from all university premises or all 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 suspending university authority of the suspended students' home university or his/her designee may authorize a suspended student who has been excluded from all university premises or all university related premises to enter such premises of the home university campus for designated purposes.

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 officer, board, or panel 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.

ITEM

Revised Policy on *Guidelines for Student Rights and Responsibilities and Judicial Procedures*

BACKGROUND

In the Fall of 1997, the members of the Student Life Committee requested a review of the Guidelines for Student Rights and Responsibilities and Judicial Procedures to readdress the issue of the "Fighting Words Offense." In November 1998, the Board amended the policy to include changes in the list of punishable offenses and requested that the Guidelines continue to be reviewed to ensure that the policy reflects the latest legal requirements and regulations.

ANALYSIS

The changes in the Guidelines reflect the revisions recommended by legal counsel, and by members of the Judicial Committee, Council of Student Affairs, and Student Advisory Board. The revisions are minor, but they address the need for clarification of statement and language consistency.

The most significant discussion and resulting change is under the section pertaining to "Rights of Accused," Student Confronts his/her Accusers. The proposed recommendation is as follows:

Student Has the Opportunity to Present Evidence and Question Witnesses:

- The accused student shall have the full opportunity to present evidence in his/her behalf and to question any witnesses who testify at the disciplinary hearing.

The most complex revision was the result of the legal consultant's urging that all complaints must be processed no matter whether there is a complainant willing to formally charge or not. In situations where the complainant of the charge refuses to be involved in the formal requirements of charging someone, the legal consultant believes that we must follow through on the investigation of the informal charge to the best of our ability.

Therefore, it is recommended that the following statement be added to the introduction of the guidelines:

- All complaints under this policy will be taken seriously. At the conclusion of the investigation, to the extent permitted by law, complainants and victims will be provided with appropriate information necessary to demonstrate that the complaint was taken seriously and a general understanding of the disposition of the complaint.

CHANCELLOR'S RECOMMENDATION

Approve the revised Guidelines for Student Rights and Responsibilities and Judicial Procedures.