

Student Responsibilities and Rights

I. Student Conduct

Students of Southern Utah University share with many others a vital interest in the essential mission of their college. True to its founders and motto, "Learning Lives Forever," Southern Utah University is a center of learning where students prepare in knowledge and self-discipline for the responsibility to make, as free men and women, a worthy contribution to the social, cultural, and economic progress their forefathers thus far advanced. This purpose forges a compelling bond of common interest among all administrators, faculty members, students, alumni, and fellow citizens of the region and state—who share the responsibility for cooperative action and support to fulfill it.

On the commitment to this aim by everyone that shares it, rests the future of Southern Utah and the opportunity this institution provides. For this reason, each student is expected to uphold and improve the partnership in his/her University for the sake of those to come, by the conduct that respects the rights and interest of others in common endeavor. This code is designed to provide basic standards for student conduct to ensure the fulfillment of the obligation stated above.

As citizens of the larger community in which the University is located, students have all the responsibilities which devolve upon any citizen. While the University is deeply concerned with what happens to students both on and off the campus and is willing to assist students in need of help, the University holds students to be adults responsible for their own actions, and subject to local, state, and national laws.

Students who violate expected standards of conduct will be subject to disciplinary action. Incidents occurring on the campus, or of primary concern to the University, will usually be handled by appropriate University agencies. Incidents occurring away from the campus will usually be under the jurisdiction of local authorities. Students should be aware, however, that the campus is not a sanctuary and that local law enforcement officials have authority to intervene when circumstances warrant. Moreover, University officials can call on outside peace officers for assistance when, in their judgment, such assistance is needed.

II. Sexual Harassment

It is a violation of policy for any member of the University community to engage in sexual harassment. It is a violation of policy for any member of the University community to take action against an individual for reporting sexual harassment.

According to guidelines issued by the Equal Employment Opportunity Commission and followed by the Office of Civil Rights of the United States Department of Education, sexual harassment in the academic community may involve unwelcome sexual advances, request for sexual favors, and other intimidating verbal or written communications or physical conduct of a sexual or sexually offensive nature. Sexual harassment takes various forms; inappropriate sexually related remarks or behavior; inappropriate and offensive sexual advances without explicit threats or promises of rewards; solicitation of sexual activities or other sex-linked behavior by promise of reward; coercion of sexual activity by threat of punishment; and sexual assault.

Students who believe they have been a victim of sexual harassment may obtain a copy of the Sexual Harassment Policy Statement and Procedures from the Vice President for Student Services, Sharwan Smith Center 206, (435) 586-7710.

III. On-Campus Behavior

All members of the University are charged with the responsibility of maintaining order and discipline within their sphere of influence, i.e., instructors in classrooms, student officers in student organizations, head residents within residence halls, etc.

Illustrations of improper behavior on the campus which can result in disciplinary action include, but are not limited to, the following:

1. Stealing or other misappropriation of money or property, including books belonging to the University or others on campus.
2. Cheating, forgery, plagiarism, or other use of work belonging to another; falsification of records, including knowingly furnishing false or misleading information to University officials or on University records or altering or tampering with such records (including official identification cards).
3. Passing a worthless check or money order for goods or services or in payment of any financial obligation to the University.
4. Violation of standards designed to protect the safety and welfare of others. Because of the danger involved, students are not allowed to keep firearms on the campus except at approved times and/or in designated storage areas, and it is against University regulations to discharge a firearm loaded with live ammunition on the campus.
5. Assault. Except in self-defense, students shall not strike nor attempt to strike any person nor intentionally place any person in danger of bodily harm.
6. Illegal or unauthorized entry upon the property of any University facility, particularly any property which has been restricted in use and thereby placed off-limits; or unauthorized presence in a University facility after closing hours; or unauthorized possession or use of a key to a University facility.
7. Destruction of property belonging to the University or to individuals.
8. Improper protests and/or demonstrations or continual harassment of individuals. In keeping with its essential mission, the University provides a forum for the free exchange of ideas and the expression of all responsible points of view. At the same time, no persons, whether acting singly or in concert with others, will be allowed to resort to illegal actions which jeopardize the rights or safety of others; which endanger property; which may cause injury to any person; which violate the legitimate interest of others such as interrupting classes, lectures, scheduled events, interviews, or administrative functions; or which in any way interfere with the operation of the University.
9. Gambling. Gambling is forbidden by state law.
10. Use of alcohol or other intoxicants or use, without medical supervision, or abuse of drugs controlled by law, including possession, use, or trafficking in marijuana, LSD, or other illegal drugs and controlled substances as defined by Utah Law.
11. Violation of published University rules and regulations; failure to comply with the directives of a University official in the performance of his/her official duties; violating the terms of disciplinary probation during a period when a student is on probation.
12. Sexual harassment or assault. Any violation of campus sexual harassment policy or any violation of a person in a sexual or sexually offensive way as otherwise defined by Utah Law.

IV. Off-Campus Behavior

If a student is arrested away from the campus by a public law enforcement officer and charged with a crime and arraigned in a court of law, the disciplinary agencies of the University, at their discretion, may take action independent of any proceeding in the criminal or civil courts. Unless, in the opinion of University authorities, the presence of a student so charged on the campus constitutes a danger to others at the University, he/she may be permitted to continue in school until the court determines his/her innocence or guilt.

Serious offenses such as stealing, illegal use of drugs, or assault, whether occurring on or off campus, may be referred to courts of law. On the other hand, students arrested away from the campus for offenses that are associated with University activities may be referred to University authorities for disciplinary action. Usually, however, violations occurring on campus are dealt with by judicial bodies of the University and those off campus by appropriate courts of law.

If a student is convicted in a court of law of a serious offense, particularly of a felony, he/she may be suspended or expelled from school by properly constituted University agencies. Such sanctions may be imposed, not to increase the punishment of offenders, but in recognition of the University's obligation to protect other members of the University and to maintain an environment conducive to the pursuit of academic enterprises.

V. University Disciplinary Agencies

Students charged with violations requiring disciplinary action are referred to one of several agencies; the Office of the Vice President for Student Services, the Student Parking Appeals Committee, or the Student Disciplinary Board.

Each of these bodies—whose functions are described below—has a dual responsibility: (1) to maintain the safety and integrity of all members of the University community through upholding campus policy and civil law, and (2) to safeguard the rights of all students, including those charged with violations of expected standards of conduct.

In all hearings before University disciplinary agencies, the principles of fair play and due process are followed. All persons present at the hearings shall treat the matters discussed therein with confidence. Each student accused of misbehavior is guaranteed certain rights and must be informed of those rights. Among those rights are the following:

1. The right to be informed in writing of the nature of any complaint brought against him/her.
2. The right to a hearing before the appropriate judicial body, to be held no earlier than three days nor later than two weeks after the student is notified of the charges against him/her. (The same procedure must be followed on appeals.)
3. The right to present witnesses and evidence on his/her behalf.
4. The right to hear and examine all evidence presented against him/her and ask questions of witnesses either directly or through the chairperson of the hearing committee.
5. The right to be accompanied at the hearing by any person of his/her choosing, whether a fellow student, a counselor, or member of his/her family. An accused student also has, at his/her expense, the right to the assistance of an attorney. This assistance may include preparation for the hearing and attendance at the hearing. However, an attorney attending a hearing should only advise the student. The nature of the proceedings is such that the student should plan to speak for him/herself and not by or through an attorney.
6. The right to appeal any decision to the appropriate campus judicial body. Appeals must be filed within seven days following notification of decision.

In all hearings, it is assumed that a student charged with violation of University regulations is innocent of charges until proven guilty. A finding of innocent or guilty shall be based on a preponderance of the evidence. A preponderance of the evidence is defined as "the greater weight of the credible evidence." A student will not be compelled to testify at his/her own hearing, and failure to do so will not be considered as evidence of his/her guilt or proof of facts detrimental to his/her position. If a student does not appear before

the judicial body responsible for hearing his/her case after he/she has been properly notified of the hearing, the case will be heard in his/her absence and action rendered on the basis of evidence available. All hearings are closed to persons not specifically authorized by the board chairperson as a means of protecting the privacy of individuals and the intended confidential nature of the proceedings.

VI. Office of the Vice President for Student Services

The Vice President for Student Services is responsible for a wide range of discipline cases referred from students, faculty, administrative staff, the housing office, and others. While the primary responsibilities of the Vice President for Student Services are to direct services for students, to formulate policies for student activities, and to counsel students, he/she also is charged with coordinating the activities of the various student disciplinary agencies of the University.

Charges of misconduct are referred to the VPSS, who notifies the student of his/her rights, and refers the case to the appropriate disciplinary agency for action. In minor cases and in certain cases of a confidential nature, the VP has the authority to dispose of cases without referring them to other disciplinary agencies. To fulfill his/her responsibilities, the VP is empowered to impose disciplinary sanctions, including social probation, housing probation, assessment of fines, and/or reprimand. In addition, the VP has the authority to impose temporary suspension from school; however, cases in which suspension is invoked must be referred to the Student Disciplinary Board for final disposition within five days after the student has been notified of his/her suspension. In no case will the VPSS unilaterally dispose of a case without the concurrence of the student charged with misconduct. Any student suspended from classes who is later found innocent by one of the disciplinary agencies of the University shall have the right to make up all class work missed during the suspension. When a disciplinary sanction is specified, the VPSS will sign the document which informs the student of the sanction. The VPSS may also counsel with members of his/her staff, students and/or faculty before rendering a decision or making a recommendation in a particular case.

The VPSS in his/her capacity as coordinator of all campus student disciplinary agencies is responsible for convening the Student Disciplinary Board. Requests for a hearing before the Student Disciplinary Board should be made through the VPSS.

VII. Student Parking Appeals Committee

The power to pass rules and regulations governing parking and traffic on campuses is vested in the governing board of each state institution of higher education. (See chapter 150, Laws of Utah, 1969, pp. 61 ff.) Enforcement of traffic rules and regulations is vested in the chief of the department of public safety. Fines assessed for traffic violations must be paid to the University Cashier. Visitors to the campus who feel their cases warrant special considerations may appeal to the public safety officer.

Students who feel their cases warrant special attention may appeal to the Student Parking Appeals Committee. The committee is composed of three members of the SUUSA Judicial Council. A member of the public safety staff will serve as a non-voting adviser. Students may appeal by filling out the appropriate notice of appeal form in the student government office in the Sharwan Smith Center within 10 class days of the date of the ticket. All decisions of the Student Parking Appeals Committee shall be final.

VIII. Student Disciplinary Board

The responsibility for disciplining students charged with serious violations is delegated to a student-faculty board, the Student Disciplinary Board. The Board has the authority to hear cases of students charged with violation of University rules and regulations. The Board is also the appeals agency for students not satisfied with decisions rendered by the Vice President for Student Services.

The Student Disciplinary Board is a permanent University Board composed of three members of the SUUSA Judicial Council appointed by the Southern Utah Student Association (both sexes should be represented); one faculty member appointed by the Faculty Senate; two faculty or staff members appointed by the president of the University (both sexes will be represented); and the SUUSA activities vice president as an ex-officio member without a vote except in case of a tie.

The Vice President for Student Services or his/her designee, the SUUSA Academic Vice President, University legal council and department of public safety personnel (in addition to possibly serving in a witness capacity) may attend meetings of the Board, but will serve the board in advisory capacities only.

Terms of office for faculty or staff members of the board shall be for two academic years, and a member may be reappointed. Student members shall remain on the Board for as long they retain their positions in student government. The President of the University shall appoint a chairperson of the Board of Student Discipline from among its members.

In his/her capacity as coordinator of all campus student disciplinary agencies, the vice president for student services has the responsibility to set the calendar for the Board, to counsel with students charged with violations of University regulations, advising them of their rights and informing them of the board's action. The vice president for student services will also be responsible for informing those designated to enforce the decisions of the Board of all Board action.

IX. The President of the University

The president of Southern Utah University is the final appellate authority in the University. Students who have been found guilty of misconduct by the Student Disciplinary Board have the right to appeal that decision to the president. Appeals should be in writing and should be filed within seven days after a decision is rendered by the Disciplinary Board.

X. Disciplinary Penalties and Sanctions

In order to carry out its essential mission, the University has the authority to penalize or to impose sanctions against students guilty of violating University regulations. Many of the penalties and sanctions which may be invoked by the various disciplinary agencies have been described above, but in general; possible punishments that can be levied by the various agencies include the following:

1. Admonition or warning or reprimand.
2. Loss of privileges, for example: (a) Removal from campus housing. (b) Discontinuation of scholarship, loan or other financial aid. (c) Denial of participation in University activities such as athletics, drama, forensics, etc.
3. Disciplinary probation, with or without loss of designated privileges for a stated period of time.
4. Suspension: Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite or indefinite period of time.

5. Expulsion: Termination of student status for an indefinite period of time.
6. Other sanctions will be as determined by the appropriate disciplinary agency, including the requirement that the student complete a special project, which may be, but is not limited to, writing an essay, attending a special class or lecture, or visiting with a counselor.

Restitution for stolen or damaged property may be required in addition to any of the sanctions listed above. The University may withhold awarding of degrees or awards or issuing transcripts of credit unless satisfactory arrangements are made regarding payment of fines or assessments or the clearing of other financial obligations to the University.

