

## **Rights and Obligations Policies and Statements**

### **Mutual Responsibility**

[Faculty-Staff Handbook 2100]

- A. **MUTUAL RESPONSIBILITY.** UI's acceptance of a student for admissions and the student's enrollment in the university constitute and agreement of mutual responsibility. The student's part of this agreement is to accept established UI policies and rules, to respect the laws of governmental units, and to act responsibly and in a manner appropriated to these laws, policies, and rules. UI's part is to carry out its commitment to higher education, to fulfill its responsibilities in pursuit of the academic goals and objectives of all members of the university community, and to meet its obligation to provide an atmosphere in which students will have an opportunity to be heard in matters affecting their welfare as students. UI must take appropriate disciplinary action when it has been ascertained that a student's action is contrary to UI regulations and thus that this agreement has been violated.

### **Statement of Student Rights**

[Faculty-Staff Handbook 2200]

#### **Preamble.**

The regents recognize that students enjoy the same inalienable rights as other citizens under the constitution and laws of the United States, and have, therefore, adopted the following statements, the purpose of which is to guarantee basic and fundamental rights to UI students. Except for the addition of the second sentence in IV-9, this version is identical to that which appeared in the 1979 Handbook. For purposes of this statement, a "student" is any person who is regularly enrolled in UI as an undergraduate, graduate, law, or nonmatriculated student and who is not a member of the faculty. For further information, contact the Dean of Students (208) 885-6757. See also the preamble to 2300.

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#### **Section I-Freedom of Association.**

1. Students shall be free to organize and join associations to promote their common interests.
2. UI Approval shall not be required for the organization of any student association. The operation of such an association is subject to regulations necessary for the

orderly scheduling of events, but in no case shall the views or objectives of the association be a basis for exercising these or other regulatory powers. In the event that UI regulations are violated, disciplinary action will be taken only against individual students and not against the association.

3. UI may require student associations to submit a list of officers and objectives, but they shall not otherwise be required to disclose their membership.

### **Section II-Freedom of Inquiry and Expression.**

[See also 6220.]

1. Students and student associations shall be free to examine and discuss all questions of interest to them and to express their opinions publicly or privately, subject only to civil and criminal law.
2. Students shall be free to support causes by any lawful means.
3. Student associations shall be free to invite and to hear any person at their meetings.
4. All official student communications media shall have the right to establish and maintain internal control of operations and content, free from prior censorship. Only for proper and stated causes will editors and managers be subject to removal, and then only by procedures prescribed at a prior date.

### **Section III-Disciplinary Regulation.**

1. Disciplinary regulations may be enacted only to govern the conduct of students on campus or at authorized UI activities. Such disciplinary regulations shall be approved by the faculty and shall be codified and published under the title of a "Student Code of Conduct".
2. Internal regulations of UI residences halls need not be included in the "Student Code of Conduct", but shall otherwise conform with the provisions of this section.
3. No disciplinary regulation shall take effect until after it has been published. No ex post facto regulations shall be enacted.
4. No disciplinary regulation shall discriminate against any student because of race, color, national origin, religion, sex, age, or disability, nor shall any regulation in any way deny to any student equal protection of the laws.

### **Section IV-Disciplinary Hearings and Procedures.**

1. "Disciplinary action" is defined as any penalty imposed for misconduct, including cheating and plagiarism. Disciplinary action, except that action necessary to stop a violation, shall not be taken against any student until his or her guilt has been ascertained at a fair and impartial hearing before a body authorized by the faculty for that purpose. Basic requirements of due process and fair play must be observed.
2. Disciplinary hearings shall be commenced only for alleged violations of regulations that have been properly enacted and that are in force at the time of violation.

3. Students who are suspected of violations may be questioned, but they must be informed at the beginning of such questioning of the right to remain silent. No form of coercion or harassment shall be used in questioning.
4. Neither the premises inhabited by student nor their personal possessions shall be searched or seized in violation of federal or state law.
5. A disciplinary hearing may be waived and informal disposition of disciplinary action may be made by agreed settlement with the student or an order by the hearing board consented to by the student. If the student pleads guilty or fails to appear after receiving proper notice, an appropriate penalty may be imposed.
6. Except as provided in paragraph 5, the student charged with the violation shall: (a) be entitled to prompt hearing, (b) be informed in writing of the specific charges for proposed disciplinary action, (c) be given sufficient time to prepare for the hearing, and (d) state in writing whether he or she wishes the disciplinary hearing to be public or private.
7. During the disciplinary hearing and except as provided in paragraph 5, the student charged with the violation: (a) may be assisted by an adviser of his or her choice, (b) shall be given the opportunity to testify and to present evidence and witnesses on his or her behalf, (c) shall have the opportunity to hear and question adverse witnesses, (d) must have all testimony or evidence introduced in his or her presence unless he or she refuses to appear or fails to appear after having received proper notice, and (e) shall not be forced to testify against himself or herself and his or her refusal to testify shall not be considered as evidence against him or her.
8. The hearing board: (a) shall disregard any evidence secured by improper questioning or by illegal search and seizure, (b) shall assume the innocence of the student charged with the violation and shall place the burden of proof upon the party seeking disciplinary action, (c) shall base its findings and decision exclusively upon proper evidence and testimony and upon facts that are universally regarded as true (hearing boards should hear evidence on any disputed points; however, the board may itself take notice of facts that everyone agrees are true; for example, evidence does not have to be introduced to show it was dark if the act in question is clearly shown to have occurred at midnight), and (d) must state its findings and its decision in writing.
9. A student may be expelled or suspended from UI as a penalty for violating disciplinary regulations only if his or her misconduct seriously and critically endangers the essential operation of UI or the safety of members of the university community. By action of the regents, violations of alcohol related disciplinary regulations may lead to suspension or expulsion even without a showing that the misconduct seriously and critically endangers the essential operation of UI or the safety of members of the university community. (See 2300 XI 10)
10. No Student shall be tried twice for the same offense within the UI system of disciplinary hearings.
11. Any party to a disciplinary hearing shall have the right to appeal the decision to the faculty or its duly authorized representative. Subsequent appeals may be taken to the president and to the regents when the president and the regents agree to hear the appeal.

- a. A student found guilty of a disciplinary violation will be entitled to a new hearing if prejudicial error is found on appeal. If the appellate body affirms the action of the hearing body, the severity of the penalty shall not be increased.
- b. Except in extraordinary circumstances, any disciplinary action shall be held in abeyance until appeals have been completed.
- c. Appellate bodies may consider the validity of the regulations under which a disciplinary hearing was held, the compliance of the hearing body with provisions of this statement, and the adequacy of the hearing body's findings and decision.
- d. Appellate bodies shall establish their own procedures; these must include adequate notice to the parties and sufficient opportunity for the parties to prepare their arguments.

**Section V**  
**Protection Against Improper Disclosure.**  
**[See also 2600]**

1. Students shall be protected from improper disclosure of data from their disciplinary records. Such data shall only be made available: (a) in cases of legal compulsion, (b) when the student's written permission is secured, or (c) to person within UI who are directly involved in the disciplinary proceedings established in this statement, and then only to the extent that consultation of the record is essential to determine the charge against the student or to determine penalties, and (d) provided that transcripts of academic records shall not contain information about disciplinary action except when such action affects the eligibility of the student to continue as a member of the academic community.
2. Information about a student contained in academic and counseling records shall be considered confidential. Information about the views, beliefs, and associations of the students acquired by instructors and advisers may be released only with written consent of the student. Judgments of ability and character may be provided, however. Information accumulated in counseling students on personal problems of a private or confidential nature shall be available only to those persons authorized by the student's written permission.
3. Information in academic and counseling records may be released only when: (a) such release is legally compelled, (b) the student gives written authorization for such release, (c) faculty and staff members have adequate reasons, as defined by the faculty, to consult academic records, or (d) individual students are neither identified nor identifiable in statistical summaries of academic records.

**Section VI-Construction and Amendment.**

1. The enumeration of rights in this statement shall not be construed to deny or disparage other rights retained by students.
2. This state may be amended by the regents. Proposals for amendments from the university community will be made upon a two-thirds affirmative vote of the

student voting in an election in which at least 35 percent of the students vote, together with the affirmative vote of a majority of the university faculty at a meeting at which a quorum is present.

3. No legislation enacted by students or by the faculty shall supersede or conflict with the provision of this statement.