

MEMORANDUM

TO: Liz Brandt, Faculty Secretary
Patrick Hrdlicka, Chair

FROM: Chuck Staben, President 

DATE: October 17, 2017

SUBJECT: Enactment of Temporary Emergency Policy

The University of Idaho holds student safety and campus well-being as a top priority. At the Faculty Senate meeting held on October 10, 2017, the Faculty Senate voted to adopt changes to FSH 2400 and FSH 1640.83, relating to the disciplinary process for alleged violations of the Student Code of Conduct. This vote was the culmination of a large undertaking and very collaborative effort, with input from key constituents and stakeholders across campus, but most importantly, input and feedback from students.

As this collaboration was coming to a close, the Department of Education's Office of Civil Rights released two documents: a "Dear Colleague" Letter and a Q&A on Campus Sexual Misconduct, which, among other things, informed institutions that the Dear Colleague Letter dated April 4, 2011, and the Q&A document dated April 29, 2014, were withdrawn. However, this will not change how the University of Idaho responds to reports of sexual misconduct, nor cause a need to alter the recently passed conduct process. Our commitment to due process, Title IX, and overall campus safety has not wavered in light of the local and federal changes. These changes to our policy enhance the safety of our community and the rights of our students. Thank you to those who provided valuable feedback, critique and input.

Upon review, I find that it is in the best interests of the university to enact these changes to policy immediately on a temporary emergency basis. Enacting the policies immediately, with instructions on how to transition pending cases from the current disciplinary process to the new disciplinary process, will allow a smooth transition between the policies and provide certainty and guidance to the Office of the Dean of Students and to students who are facing potential disciplinary action.

NOW, Therefore, pursuant to FSH 1460 C-3, I hereby adopt the changes to FSH 2400 and FSH 1640.83, as approved by the Faculty Senate on October 10, 2017, and direct that for all student discipline matters commenced after today, the changes shall take effect immediately. I further direct that for each disciplinary case that is currently pending, the Dean of Students, in conjunction with the Office of Civil Rights and Investigations, will review the status of the case to determine whether the new policy standards may still be met in a timely fashion. If so, the new policy will apply, if not, the matter will continue under the previous policy. Students may also elect to proceed under the new policy subject to the approval of the Dean of Students.

A copy of the new policy, as adopted by the Faculty Senate, is attached.