

## PPM 6-22, Student Code



Responsible Office: Dean of Students Office\*

### 1.0 **PURPOSE**

The University recognizes students as adults pursuing their education and cannot assume the responsibility of parents for the conduct of students. The underlying goals of the Student Code are to: 1) contribute to the development of appropriate individual and group behavior and 2) encourage responsible citizenship within the University community. The administration of student policies should be conducted in a manner that will foster the ethical development and personal integrity of students and promote an environment that is in accord with the overall educational mission of the University.

### 2.0 **REFERENCES**

- 2.1 PPM 3-32, Discrimination, Harassment, and Sexual Misconduct (including Title IX)
- 2.2 PPM 3-34, Americans with Disabilities Act & Section 504 Requests for Accommodations
- 2.3 PPM 3-67, Violence Prevention
- 2.4 PPM 5-36a, Safety, Response, and Reporting (Clery)
- 2.5 Utah Code Ann. § 76-5-107.5
- 2.6 Utah Code Ann. § 76-8-701, *et. seq.*
- 2.7 20 USC § 1092(f), Jeanne Clery Disclosure of Campus Safety Act

### 3.0 **DEFINITIONS**

The following definitions have been accepted by the University to apply to the various terms used in describing the procedures of academic due process as outlined in Sections 5.0 through 12.0 below:

**3.1 Academic Dishonesty** - includes, but is not limited to, those actions identified in Section 6.0.

**3.2 Academic Disruption** - behaviors that, by virtue of their intensity and/or repetitiveness, substantially interfere with and materially disrupt the teaching or learning process in a University academic activity (e.g. classroom, remote or online learning environments, lecture, lab, workshop, or other instructional activity, whether the University activity is conducted in an on-campus, off-campus, or virtual setting.) This may include, but is not limited to: creating noise that obstructs the learning process; repeatedly interrupting others; monopolizing or dominating discussion outside the bounds of reasonable classroom engagement after being notified of the problem; repeatedly entering and leaving the classroom without authorization; or threatening the instructor or other students. Mere expression of disagreement or differences of opinion, or differing values or beliefs do not in and of themselves constitute academic disruption. (See section 6.4.8 and PPM 9-5.)

**3.3 Advisor** - any individual selected by the respondent or complainant to attend the pre-hearing conference or hearing, including legal counsel, if desired.

**3.4 Arbitrary and capricious** – a decision that is not supported by substantial evidence or exceeds the bounds of reasonableness and rationality. A decision is supported by substantial evidence if a reasonable mind could reach the same conclusion as did the decision maker based on the evidence available to the decision maker.

**3.5 Cheating** - seeking to obtain an unfair advantage by fraud, deception, or the violation of University rules or agreements.

**3.6 Complaint** - an informal accusation that a violation of University policy has allegedly occurred.

**3.7 Complainant** - any member of the University community (individual or group) who registers a complaint or files a charge. The individual who registers the complaint need not also be the individual who files an associated charge.

**3.8 Due Process** – For clarification, Constitutional due process is afforded where a student has a property or liberty interest and procedures will comply with constitutionally defined due process of notice and an opportunity to be heard. However, all references to “due process” used herein refer only to the process the University will endeavor to provide under this policy, as described herein.

**3.9 Due Process Officer** - a member of the University administration, faculty, or staff, appointed by the President, to perform the following functions:

**3.9.1** Facilitate implementation of the due process provisions of the Student Code;

**3.9.2** Serve as a resource to members of the University community, including students, providing clarification of issues and assistance in utilizing appropriate processes related to grievances involving students;

**3.9.3** Provide adequate orientation to the due process system, hearing formats, consultation, and assistance to those involved in the dispute resolution process involving students;

**3.9.4** Interpret due process provisions of the Student Code in consultation with University Legal Counsel;

**3.9.5** Maintain records of decisions and/or sanctions imposed by hearing committees;

**3.9.6** Hear and decide all appeals filed under the provisions of this Student Code;

**3.9.7** Report annually on the operation of this Student Code to the Vice President of Student Affairs and the Provost.

**3.9.8** Review the due process provisions of this Code every three (3) years and make recommendations for revisions as needed to the Vice President of Student Affairs and the Provost.

**3.10 Faculty Member** –an individual holding academic rank or title as defined in PPM 8-6.

**3.11 Harassment** - unwelcome written, verbal, or physical conduct (including virtual conduct) directed toward an individual that based on the intensity and/or repetitiveness of the conduct would cause a reasonable individual to suffer (and that actually causes an individual to suffer) physical harm or substantial emotional harm, and thereby substantially interferes with and materially disrupts: the work of the university or the ability of another person to participate in the University's programs or activities. Harassment does not include Constitutionally protected activity. Discriminatory harassment based on protected categories is defined and adjudicated in accordance with PPM 3-32, Discrimination, Harassment, and Sexual Misconduct (including Title IX).

**3.12 Hazing** – intentionally, knowingly, or recklessly engaging in an act, or causing or participating with another to commit an act, that causes or creates a risk, above the reasonable risk encountered in the course of participation in University or organization activities, of the physical or psychological injury of another, regardless of that person's willingness to participate, and that is committed in connection with an initiation

into, affiliation with, or maintenance of membership in any organization, team, society, or association. Hazing also includes acts described in 20 USC § 1092(f)(6)(vi) or Utah Code 76-5-107.5(2). Hazing may be further defined in University handbooks or rules applicable to specific student activities.

**3.13 Legal Counsel** – University Legal Counsel or the lawyer assigned to the University by the Attorney General's Office. The Legal Counsel will serve as a representative of the University to provide advice at any stage of the due process procedure to the Due Process Officer. It should be recognized by all parties, however, that in this assignment the University Legal Counsel serves to protect the interests of the University.

**3.14 Organization** - refers to any group of individuals who have complied with the formal requirements of registration for a University organization at Weber State University.

**3.15 Reasonable Care** - the level of performance recognized in the academic profession as reasonable in light of obligations one has assumed, competing demands upon energy and time, the nature and quality of the work, and all other circumstances that the University community, after being fully informed, would properly take into account in determining whether responsibilities have been discharged at an acceptable performance level.

**3.16 Reasonable Cause** - cause that a person of ordinary prudence would consider sufficient to justify an action under all of the circumstances.

**3.17 Respondent** - a student, faculty member, staff member, or administrator against whom a complaint has been made or a charge has been issued.

**3.18 Sanctions** - includes measures or disciplinary actions which are imposed as a penalty for the violation of University policy. The sanctions authorized under this code are defined above.

**3.19 Student** - includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating this code, as well as individuals who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students," as are persons who are living in the University residence halls, although not enrolled in this institution.

**3.20 Student Code** - title of those provisions in the Student Affairs section of the PPM which set forth the rights and responsibilities and jurisdictional and due process policies and procedures applicable to students attending Weber State University.

**3.21 University Community** - includes any individual who is a student, faculty member, staff member, administrator, or any other person employed by the University.

**3.22 University Premises** - includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including streets and sidewalks).

**3.23 University Policy** - written regulations of the University as found in the Weber State University Policies and Procedures Manual (PPM).

**3.24 Working Day** - those days which fall during an official University semester with the exception of Saturday, Sunday, and legal or University holidays.

#### **4.0 PREFACE**

**4.1** Weber State University derives its legal authority from the State of Utah to provide programs and services to students. This authorization, established by the State Legislature, is administered by the Governor and delegated to the State Board of Higher Education, the Weber State University Board of Trustees, and the Weber State University President. The Weber State University President has the option of delegating specific elements of University authority to various entities including University administrators, faculty, staff, and student governance systems. The administration of the Student Code has been delegated to the Vice President of Student Affairs.

**4.2** As members of the Weber State University academic community, students have significant opportunities and special privileges, but they also assume the obligations thereof. Students are responsible for becoming familiar with the Student Code.

## **5.0 STUDENT RIGHTS**

**5.1** Weber State University students retain and enjoy all rights guaranteed to citizens by the Constitution and laws of the United States and the Constitution and laws of the State of Utah. Examples of such rights include but are not limited to the following:

**5.1.1** The right of reasonable access to University facilities and programs and the right to learn free from unlawful discrimination or other arbitrary and capricious treatment;

**5.1.2** The right of free inquiry, expression, and assembly subject to constitutional limitations;

**5.1.3** The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures. Privacy rights are not absolute and are governed by this and other University policies, which outline further privacy expectations.

**5.2** In addition to the foregoing, Weber State University will make reasonable efforts to promote an environment that provides:

**5.2.1** The right to form and operate an organized student government within the guidelines prescribed by the University;

**5.2.2** Student representation through the Weber State University Student Association (WSUSA) on University committees, councils, commissions, and other formally constituted bodies that make general policy decisions affecting students or that govern student activities and conduct;

**5.2.3** University due process, as described further in section 10.2;

**5.2.4** Procedural safeguards and privacy with respect to testing for drugs and infectious diseases;

**5.2.5** The right to be reasonably informed about the full cost of tuition, activity fees, lab fees, etc., and about available financial aid programs, their attendant obligations, procedures, loan repayment schedules, consequences of non-payment, etc.;

**5.2.6** The right of reasonable access to and use of University services and programs such as financial aid, orientation, counseling, academic advisement, career planning, library services, etc.;

**5.2.7** The right to competent academic instruction and advisement such that students may:

**5.2.7.1** Expect to complete the course work required for specific programs within a reasonable period of time and with reasonable scheduling options to meet program and institutional requirements as outlined in the University catalog;

**5.2.7.2** Inquire and be informed of course, program, major, and institutional requirements, and expect that such requirements will not be changed for students already enrolled in a program without reasonable alternatives being provided;

**5.2.7.3** Expect that courses offered will be comparable with their catalog descriptions, and that reasonable attempts will be made to offer periodically all courses listed in the catalog;

- 5.2.7.4 Expect that program changes will be well-planned, widely communicated, and will incorporate an orderly transition from the old to the new;
- 5.2.7.5 Receive academic credit and/or academic degrees when all specified requirements have been satisfied;
- 5.2.7.6 Receive appropriate credit or notations for work included in faculty publications or other endeavors;
- 5.2.7.7 Expect faculty members to conduct themselves ethically and professionally, in accordance with University policies and directives and accepted professional standards;
- 5.2.7.8 Expect faculty members, when reasonably possible, to provide a syllabus which outlines course requirements and faculty members availability to be distributed the first week of class;
- 5.2.7.9 Experience academic evaluation through orderly procedures and criteria, which are announced within fourteen (14) calendar days of the first day of class and which are designed to prevent prejudice and arbitrary judgment;
- 5.2.7.10 Inquire and be informed by faculty members of sanctions they may impose in the different courses they teach for the basic types of inappropriate behavior and academic dishonesty;
- 5.2.7.11 Have access to faculty members in formal classes, during scheduled office hours, and/or by scheduling appointments;
- 5.2.7.12 Have the right of intellectual inquiry, including specifically the right to engage in reasonable academic discussion and dissent within the framework of course material, class size, reasonable faculty members availability, and other exigencies defined by the University;
- 5.2.7.13 Have the opportunity, through course evaluation and/or access to the department chair, to assess the personal value of a course and make suggestions about its direction, including the opportunity to complete anonymous evaluations of both the faculty members and the instruction they have received;
- 5.2.7.14 Expect that the University or any of its departments will not require unreasonable absences from classes in order to maintain extracurricular or academic scholarships and/or positions;
- 5.2.7.15 Expect faculty members to allow students absent from class while engaged in official University activities, or students absent due to mandatory military orders that do not exceed 20% of total participation for the course, a reasonable opportunity to make up missed quizzes, exams, and/or assignments or complete some comparable activity.
- 5.2.7.16 Request a resolution of conflict between course content and the student's core-beliefs. See PPM 6-22 6.4.8.

## **6.0 STUDENT RESPONSIBILITIES**

- 6.1 Students at Weber State University assume the personal obligation to conduct themselves in a manner that is compatible with the University's role as a public institution of higher education. By enrolling at Weber State University, students agree to maintain certain standards of conduct, which if violated, may result in the imposition of sanctions or other forms of University discipline.
- 6.2 General categories of misconduct for which students may be subjected to University discipline are listed below.
  - 6.2.1 Conduct which violates federal, state, or local law;
  - 6.2.2 Conduct which violates Weber State University rules or regulations;
  - 6.2.3 Conduct which unreasonably disrupts, adversely affects, or otherwise interferes with the lawful functions of the University, or the rights of any individual to pursue an education at Weber State University;
  - 6.2.4 Conduct which results in injury or damage to persons affiliated with the University or property owned or controlled by the University.

**6.3** As members of the Weber State University community, students shall avoid conduct which violates the provisions of Section 6.2 above. Examples of such prohibited conduct include but are not limited to the following:

**6.3.1** Engaging in or supporting hazing, violent behavior, or other behavior as described in PPM 3-67, Violence Prevention;

**6.3.2** Harassment and/or discrimination based on "protected classifications" as defined in PPM 3-32, Discrimination, Harassment, and Sexual Misconduct and as handled through those processes. This includes sexual assault, stalking, dating violence, or domestic violence, as those terms are defined in PPM 5-36a, Safety, Response, and Reporting (Clery);

**6.3.3** Disorderly, lewd, indecent, defamatory, or obscene conduct or expression on University-owned or controlled property or at University-sponsored or supervised functions or events.

**6.3.4** Participating in demonstrations, rallies, assemblies, performances, showings, exhibits, pickets, etc. in violation of any law or University policy;

**6.3.5** Distributing, publishing or posting materials, soliciting funds, selling items, engaging in commercial activity, erecting structures, exhibiting items, displaying films and videos, using official University insignia or materials, or participating in performances and activities without proper authorization or not in accordance with University policy;

**6.3.6** Obstructing or disrupting teaching (including engaging in academic disruption), research, administration, disciplinary procedures, computing services, other University-sponsored activities, services, or events, including public service functions;

**6.3.7** Deliberate interference with academic freedom and freedom of speech, including not only instructional activities, but also interference with performances, exhibits, displays, dissemination of information, demonstrations, or the freedom of any speaker invited by any segment of the University community to express views;

**6.3.8** Initiating or causing to be initiated any intentionally false report warning;

**6.3.9** Leaving children unattended on University premises or allowing them to create a disruption on University premises or at University-sponsored functions;

**6.3.10** Failing to meet contractual obligations with the University;

**6.3.11** Knowingly violating terms of any disciplinary sanction;

**6.3.12** Intentionally furnishing false information, including false identification;

**6.3.13** Forging, altering, misusing, or mutilating University documents, records, identification, educational materials, or other University property;

**6.3.14** Influencing or attempting to influence the academic process or any University administrative process through explicit or implied bribery, threats, sexual behavior, etc;

**6.3.15** Theft or misappropriation of property, equipment, materials, services, or data;

**6.3.16** Theft or other abuse of computer facilities and resources, including but not limited to:

**6.3.16.1** Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose;

**6.3.16.2** Unauthorized transfer of a file;

**6.3.16.3** Use of another individual's identification and/or password;

**6.3.16.4** Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official;

- 6.3.16.5** Use of computing facilities and resources to send obscene or abusive messages;
- 6.3.16.6** Use of computing facilities and resources in violation of state or federal law or University policies, or for any illegal purpose;
- 6.3.16.7** Use of computing facilities and resources to interfere with normal operation of the University computing system;
- 6.3.16.8** Use of computing facilities and resources in violation of copyright laws;
- 6.3.16.9** Any violation of the University Acceptable Use Policy.
- 6.3.17** Knowingly possessing stolen property, equipment, materials, services, or data;
- 6.3.18** Intentionally or recklessly destroying, defacing, vandalizing, damaging, or misusing the property, equipment, materials, services, or data of the University or other University community members, or aiding, abetting, or contributing to such actions;
- 6.3.19** Unauthorized entry upon or use of University facilities, equipment, materials, data, premises, or services;
- 6.3.20** Unauthorized possession or use of a key to any University facility;
- 6.3.21** Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such items, even if legally possessed, in a manner that harms, threatens, or causes reasonable fear of imminent bodily harm;
- 6.3.22** Unlawful use, possession, distribution, sale, manufacture, or possession for purposes of distribution or sale of any controlled substance or illegal drug;
- 6.3.23** Sale, possession, manufacture, distribution, or consumption of alcoholic beverages on University premises;
- 6.3.24** Unauthorized sale, possession, manufacture, distribution, or consumption of alcoholic beverages at any official off-campus University-sponsored function or event;
- 6.3.25** Smoking in unauthorized locations on University premises in violation of state law, University, or public health regulations;
- 6.3.26** Aiding, abetting, or inciting others to commit any act prohibited by law or University policy;
- 6.3.27** Violating University parking regulations or other misuse of a vehicle which violates the law or University policy;
- 6.3.28** Refusing to respond to reasonable requests and directions from University or local government officials while in the performance of their duties, including but not limited to course directions provided orally or in writing by a faculty member;
- 6.3.29** Abuse of the Student Code system, including but not limited to:
  - 6.3.29.1** Failure to obey the notice from a University official to appear for a meeting or hearing as part of the Student Code system;
  - 6.3.29.2** Falsification, distortion, or misrepresentation of information before a hearing committee;
  - 6.3.29.3** Disruption or interference with the orderly conduct of a hearing committee proceeding;
  - 6.3.29.4** Initiation of a Student Code proceeding in bad faith;
  - 6.3.29.5** Attempting to discourage an individual's proper participation in, or use of, the Student Code system;
  - 6.3.29.6** Attempting to influence the impartiality of a member of a hearing committee prior to and/or during the course of the proceeding;
  - 6.3.29.7** Harassment (verbal or physical) and/or intimidation of a member of a hearing committee prior to, during, and/or after a Student Code proceeding;
  - 6.3.29.8** Failure to comply with the sanction(s) imposed under the Student Code;
  - 6.3.29.9** Influencing or attempting to influence another person to commit an abuse of the Student Code system.

**6.3.30** Any other violation of clearly stated proscriptions of any legal authority or any published rule or regulation promulgated by any official, University administrator, committee, commission, or council acting within the scope of their authority.

**6.4** In addition to the foregoing, as members of the Weber State University academic community, students shall:

**6.4.1** Maintain academic standards including institutional, school, departmental, program, and individual course standards;

**6.4.2** Maintain academic ethics and honesty. To this end, the following activities are specifically prohibited:

**6.4.2.1** Cheating, which includes but is not limited to the following examples:

- Copying from another student's test;
- Using materials during a test not authorized by the person giving the test;
- Collaborating with any other person during a test without authorization;
- Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of any test without authorization of the appropriate University official;
- Bribing any other person to obtain any test;
- Soliciting or receiving unauthorized information about any test;
- Substituting for another student or permitting any other person to substitute for oneself to take a test;
- Knowingly obtaining academic credit for work that is not one's own regardless of the source of the work;
- Knowingly involved in arranging fraudulent academic credit or false transcripts.

**6.4.2.2** Plagiarism, which is the unacknowledged (uncited) use of any other person's or group's ideas or work. This includes purchased or borrowed papers;

**6.4.2.3** Collusion, which is the unauthorized collaboration with another person in preparing work offered for credit;

**6.4.2.4** Falsification, which is the intentional and unauthorized altering or inventing of any information or citation in an academic exercise, activity, or record-keeping process;

**6.4.2.5** Giving, selling, or receiving unauthorized course or test information;

**6.4.2.6** Using any unauthorized resource or aid in the preparation or completion of any course work, exercise, or activity;

**6.4.2.7** Infringing on the copyright law of the United States which prohibits the making of reproductions of copyrighted material except under certain specified conditions.

**6.4.3** Obtain the faculty member's permission at least one (1) working day before bringing any children (including infants) into a classroom, workshop, or laboratory setting. In the case of an emergency, prior approval may be sought up to the beginning of the class or activity. If the child becomes disruptive in any way during an approved visit, the responsible person must remove the child immediately;

**6.4.4** In the absence of the faculty members, remain in the classroom at least fifteen (15) minutes from the class starting time, unless otherwise notified;

**6.4.5** Notify their faculty members as far in advance as possible of any planned absence for participation in University-approved or requested group activities, and discuss the terms, options, and possible outcomes of these absences with faculty members;

**6.4.6** Avoid unethical, wasteful, and/or inappropriate use of any computer system, library, or other campus resource, or interference with the productivity of other users;

**6.4.7** Avoid misrepresentation of a research project or paper for other than its original intended usage.

**6.4.8** Determine, before the last day to drop courses without penalty, when course requirements conflict with a student's core beliefs. If there is such a conflict, the student should consider dropping the class. A student who finds this solution impracticable may request a resolution from the faculty member. This policy does not oblige the faculty member to grant the request, except in those cases when a denial would be arbitrary and capricious or illegal. This request must be made to the faculty member in writing and the student must deliver a copy of the request to the office of the department head. The student's request must articulate the burden the requirement would place on the student's beliefs.

**6.5** Any student found in violation of the aforementioned examples of dishonesty may, in addition to the appropriate academic sanctions imposed by the faculty member, have his/her name forwarded to the Dean of Students and/or other designated individuals/entities for appropriate institutional sanctions identified below. All members of the University community have the obligation to report instances of academic dishonesty to the responsible faculty member.

## **6.6 Recordings**

**6.6.1** Restrictions Purpose. The University restricts students' permission, as described in Sections 6.6.2, 6.6.3, and 6.6.4, to make audio or visual recordings (including still and audio recordings) of other people and instructional materials on University premises and in University sponsored activities in the furtherance of the following University interests:

**6.6.1.1** To protect intellectual property, privacy, and personality rights;

**6.6.1.2** To promote the marketplace of ideas and reasonable pedagogical concerns;

**6.6.1.3** To encourage the free exchange of ideas in an environment where students are learning and exploring new concepts;

**6.6.1.4** To prevent substantial disruptions, material interferences with activities, defamation, and illegal activity; and

**6.6.1.5** To promote other reasonable, important, substantial, and compelling interests.

Violations of this Section 6.6 may result in any of the disciplinary actions listed in Section 11.0 and the student may be required to remove and delete such recordings.

**6.6.2** Recording in Private Places. Students may not make an audio or visual recording of any person in a private place, where the person reasonably expects to be safe from casual or hostile intrusion or surveillance without the person's permission. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

### **6.6.3 Academic Recording.**

**6.6.3.1 Student Responsibilities.** Students must obtain a faculty member's permission before making audio or visual recordings of non-public University-sponsored academic experiences, supervised by faculty and designed to impart particular knowledge or skills to students, including classes, course related activities, and related academic meetings. Where a faculty member grants permission, students may only use these recordings for personal educational purposes unless otherwise agreed in writing by the faculty member. Students who have been granted permission to record may not share these recordings with other people through any means (e.g. sharing on social media, posting online, giving to other students, etc.) unless each recorded person gives their written permission.

**6.6.3.2 Faculty Responsibilities.** Each faculty member may grant permission to make recordings by a blanket policy established in the syllabus or on a case-by-case basis. Faculty members shall include a recording policy statement in their syllabi. This policy statement outlines the faculty member' policies on the recording and use of instructional materials. The absence of a statement in the syllabi describing restrictions on the recording and use of instructional materials by default is not permission to make these recordings.

**6.6.3.3 Recordings for Accommodations.** Where students seek to make recordings for purposes of accommodating a disability, students must contact Disability Services, who will work with the faculty member to provide an academic adjustment and will enter into a written agreement outlining parameters of use, consistent with this policy (see PPM 3-34).

**6.6.4** Students must not make or use audio or visual recordings in any way that violates the Student Code. This includes making and using recordings in a manner that engages in prohibited behaviors described in Section 6.0, such as hazing, violence, discrimination, and cheating.

**6.7** Weber State University reserves the right to take appropriate action against any individual or group which is found to pose an unreasonable risk of harm to the health, safety, or welfare of the University community, subject to applicable due process rights outlined herein.

## **7.0 STUDENT ORGANIZATIONS AND ACTIVITIES**

**7.1** Weber State University believes in student participation in the government of the institution. As constituents of the University community, students are encouraged individually and collectively to express their views concerning policy to the administration. The WSUSA constitution establishes the governing bodies for students of the University by a delegation of authority through the President of the University.

**7.2** Student organizations may be established within the University for any lawful purpose. All organizations must register with the WSUSA. By virtue of registering as a student organization, such organizations do not become official agencies of Weber State University. Student organizations are subject to rules governing student organizations and the code of conduct.

## **8.0 FREEDOM OF EXPRESSION**

**8.1** Academic freedom, the free flow of ideas, the right to speak, and the right to hear must be protected not only from censorship, but also from those committed to interfere with free expression through acts of disruption. It is the responsibility of all members of the University community to refrain from conduct which interferes with free speech. The University shall apply appropriate sanctions under proper procedural safeguards to those who violate this obligation.

**8.2** Members of the University community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject only to constitutional guidelines and clearly stated, reasonable, and nondiscriminatory rules and regulations.

**8.3** By virtue of regulating the exercise of free speech on the University premises, unless expressly stated otherwise, the University does not sponsor or sanction the messages being stated or the methods of speech being used. Nothing in these regulations shall be construed as authorizing or condoning unlawful, defamatory, or obscene exercises of speech rights defined under these regulations and national, state, or local laws.

## **9.0 STUDENT RECORDS**

**9.1** The privacy and confidentiality of all student records shall be preserved in accordance with the law and University policy. The Family Educational Rights and Privacy Act of 1974 ("FERPA"), establishes the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data.

**9.2** Students also have the right to file complaints with the Registrar concerning alleged failures by Weber State University to comply with FERPA. Questions regarding this Act and the related University policies may be referred to the Registrar.

**9.3** The complete listing of official student records, information regarding their confidentiality, their access, and the access and/or accuracy of the challenge/hearing process, may be obtained from the Registrar.

## **10.0 RESOLUTION OF STUDENT CODE ISSUES AND UNIVERSITY DUE PROCESS**

**10.1 Overview.** Procedures and hearings of all Weber State University bodies that have the potential of sanctioning students or providing relief to students will follow guidelines specified in the Student Code. Jurisdiction of bodies hearing types of grievances is as outlined in this Section 10.3. Actions that seek imposition of sanctions on staff/faculty members of Weber State University and/or its administrative entities will follow guidelines and procedures outlined in the Weber State University PPM. All other hearing bodies shall create rules outlining procedures, time frames, and due process requirements that must be consistent with the due process objectives described below and approved by the Student Code Procedural Committee. This committee shall be comprised of the Due Process Officer, the Dean of Students, a member of Faculty Executive Committee, an administrator designated by the Provost's office, and a student appointed by Student Senate, and shall be advised by University Legal Counsel. This committee shall be guided by principles of consistency, efficiency, fairness, and will be consistent with applicable law. All rules governing procedures or hearings that implicate discrimination or harassment based on protected classifications or Title IX considerations will follow rules outlined in PPMs 5-36a, 3-32, or other applicable policies. All rules created under this Section 10.3 shall be made publicly available on a website made easily accessible to all students and the University community. Students shall also be provided a hard copy of such rules, upon request to the Dean of Students.

### **10.2 University Due Process Objectives.**

#### **10.2.1 In General.**

Due process in an academic setting is a system of procedures designed to produce fair and reasonable judgments in those situations in higher education that may yield a serious adverse action against students and other members of the University community. In general, due process seeks a clear, orderly, and fair way of rendering decisions by providing procedural and substantive safeguards. Due process furnishes the structure for a reasonable and fair administration of justice in institutions of higher learning. Complaints or charges requiring due process may be originated by an individual or group (complainant) from outside or from within the University community, yet the process itself involves the University community. It may be initiated in the interest of the University community or the public to ensure accountability under these policies.

#### **10.2.2 Procedural Due Process**

Procedural due process refers to the receipt of adequate notice, timeliness, and deliberative actions in accordance with established policies and procedures. In general, procedural due process will be deemed to have been afforded when the greater weight of evidence shows individuals took reasonable care in following established procedures. Reasonable care in the performance of the various roles of committee members and administrators (allowing for exigencies and unanticipated problems) is sufficient to meet the requirements for procedural due process. However, the University recognizes that procedures may be deviated from due to circumstances in an individual matter. Therefore, only in cases where prejudicial failure to meet procedural guidelines is shown will there be sufficient reason for reconsideration.

The level of procedural due process required depends on the circumstances and possible sanctions that may be imposed on a student.

Generally due process includes:

**10.2.2.1** adequate notice of the charges or basis of action,

**10.2.2.2** an impartial decision maker,

**10.2.2.3** an opportunity to be heard,

**10.2.2.4** an opportunity to present evidence to the decision maker,

**10.2.2.5** a decision based on the record with a statement of the basis for the decision.

Different levels of procedural due process may be required, depending on the type of grievance or sanction that may be imposed or as otherwise required by law.

### **10.2.3 Substantive Due Process**

Substantive due process refers to rational and professional decision making in the resolution of disputes and/or imposition of sanctions.

Examples of substantive due process violations include decisions that are unsupported by evidence or are arbitrary or capricious.

**10.2.4 Appeal.** Some form of appeal will be provided for purposes of reviewing due process concerns, consistent with the standards outlined herein, unless prohibited by applicable law. The Student Code Procedural Committee shall create rules regarding appeal processes and make them available as described in this Section 10.1.

### **10.3 Jurisdiction**

**10.3.1 Scope.** Generally, University jurisdiction and discipline shall be limited to conduct that occurs on University premises, or in University activities that occur off-campus or virtually, and that adversely affects the University community and/or the pursuit of its objectives. Off-campus behavior by students or student groups acting as official representatives of the University or utilizing the name of the University in any capacity or by students or student groups engaged in any violent behavior (as further described in PPM 3-67, Violence Prevention) may be referred by any interested party to the Dean of Students for review. Where a reasonable person would believe the behavior presents a risk to the safety or welfare of the University community or security of University property, University action may be taken and sanctions may be imposed.

**10.3.2 Specific Issues.** Procedures that foster dialogue and promote resolution between the immediate parties involved in a dispute are encouraged. Every effort should be made to resolve disputes at the lowest possible level (e.g., individual, supervisor, department chairperson, program director, and/or dean). In all cases, students must meet designated time frames for initiating a complaint. Time frames may be extended to accommodate extraordinary circumstances. In cases not involving allegations of harassment or discrimination, the University may require students to exhaust levels of administrative review prior to proceeding to the next, unless there are unusual or extenuating circumstances that would warrant otherwise. This determination is made by the Due Process Officer. In order to promote the resolution of disputes in an efficient and effective manner, the power to resolve particular issues shall be exercised as follows:

**10.3.2.1 Academic Issues.** Academic issues generally include, but are not limited to, concerns regarding academic dishonesty, grade disputes, course sanctions, standing in restricted enrollment programs, and program completion. Academic complaints are generally reviewed within the academic program in which they arose. Whenever possible, such complaints should be resolved at the lowest level (e.g. faculty member,

staff member, director, etc.). Further procedures for handling and resolving academic complaints shall be created and made available as described in this 10.1.

**10.3.2.2 Administrative Issues.** Administrative issues generally include concerns regarding residency, tuition, course waivers, credit adjustment, graduation, participation in specific activities, financial aid, parking and traffic, and residence halls. Administrative issues are generally reviewed by the administrative unit governing the issue. Further procedures for handling and resolving administrative complaints shall be created and made available as described in this Section 10.1. Financial and business obligations such as payment of tuition, parking fees, residence hall charges, financial aid, etc., are considered business transactions and are covered by legal agreements in addition to the Student Code.

**10.3.2.3 Behavioral Issues.** Unless otherwise specified herein, behavioral issues involving the alleged violation of the Student Code are generally reviewed by the Dean of Students. Further procedures for handling and resolving behavioral issues shall be created and made available as described in this Section 10.1.

**10.3.2.4 Student Grievances Against Faculty.** Grievances against an individual faculty member on grounds other than grading, course sanctions, academic dishonesty, or admission/standing in restricted enrollment programs shall be referred to the appropriate department chair, dean, vice president, or other responsible administrator for resolution according to the provisions of Section 9 of the PPM. Specific guidance with respect to this procedure should be obtained from the Due Process Officer. Individuals should submit their petitions as soon as possible but no later than six (6) months after the event or issue being contested. Where the interests of justice require, however, this time limit may be extended with the approval of the Due Process Officer. The student's petition must contain a statement of the relief sought (desired outcome) and a short account of the facts, reasons, and rationale to support the desired outcome.

**10.3.2.5 Student Grievances Against Staff/Administration.** Whenever possible, complaints or grievances should be resolved at the lowest level possible (ie: staff member, supervisor, director, etc.). If unresolved, grievances against an individual member of the University staff or administration should be referred to the vice president having supervisory jurisdiction over the subject matter of the complaint for resolution according to the provisions of the Student Code or other relevant portions of the PPM. (See PPM 3-31a). Specific guidance with respect to this procedure should be obtained from the Due Process Officer.

**10.3.2.6 Discrimination/Harassment.** Complaints of discrimination and harassment based on “protected classifications,” including sexual harassment, as more fully identified in that policy and herein, are handled in accordance with PPM 3-32, Discrimination and Harassment.

**10.3.2.7 Criminal Activity/Civil Court Actions.** The jurisdiction of federal, state, and local courts and law enforcement officials is recognized by the University with regard to criminal offenses and civil matters. Courts have jurisdiction over cases involving violations of civil and criminal law. Weber State University has jurisdiction over violations of University rules and regulations. When an act allegedly violates both civil or criminal law and University rules, there is concurrent jurisdiction. University Police have the responsibility to investigate criminal acts and enforce court orders as mandated by the requirements of their duly constituted offices. When a charge has been filed against a respondent and criminal or civil charges on the same or closely related acts are pending in a court of law, hearing proceedings under University policy may be postponed at the discretion of the appropriate hearing committee, in accordance with applicable law, after considering the arguments of the parties, and with the concurrence of the University Legal Counsel.

**10.3.2.8 Referral Power.** If jurisdiction is not clear or the issues exceed the jurisdictional scope of a particular hearing committee, the matter shall be referred to the Due Process Officer for assignment to an appropriate committee. An appropriate committee may be fashioned for specific purposes, so long as appropriate University due process procedures are followed.

## **11.0 SANCTIONS AND REMEDIES**

### **11.1 General Considerations**

When a sanction is imposed, the individual/group will be informed in writing of the specific action, the appeals processes available, and reasonably prompt time frames established to avail the individual/group of an appeal process, where available.

### **11.2 Sanctions Against Students: General Considerations**

**11.2.1** Sanctions shall be imposed pursuant to administrative procedures outlined in the Weber State University PPM.

**11.2.2** No hearing committee may impose sanctions which exceed its specific jurisdiction. If the committee concludes that additional sanctions are warranted, it may refer the case to the Due Process Officer for further action.

**11.2.3** Reasonable efforts should be made to see that:

**11.2.3.1** The severity of sanctions imposed is reasonable in light of the violation committed;

**11.2.3.2** A similar range of sanctions is imposed under similar circumstances.

**11.2.4** Relevant factors may be considered, including but not limited to:

**11.2.4.1** Present attitude;

**11.2.4.2** Past disciplinary records of the individual/group charged with violations;

**11.2.4.3** Nature of the offense;

**11.2.4.4** Severity of any damage, injury, or harm resulting from the offense.

**11.2.4.5** Repeated violations or an aggravated violation of any University policy or procedure may result in the imposition of a more severe sanction.

**11.2.5** Attempts to commit acts prohibited by University policy may be subject to sanctions to the same extent as completed violations.

### **11.3 Possible Sanctions Against Students**

A hearing committee is authorized to impose the following punitive disciplinary actions under this Code:

#### **11.3.1 Academic Sanctions**

**11.3.1.1 Grade Adjustment.** Receipt of a lower grade as determined and administered by the faculty member. A hearing committee may recommend this action to faculty members;

**11.3.1.2 Loss of Credit.** A hearing committee may mandate loss of credit for a particular academic course.

#### **11.3.2 Institutional Sanctions**

**11.3.2.1 Warning.** Verbal or written notice to a student that his/her conduct may be in violation of University rules and regulations and that the continuation of such conduct or actions may result in further disciplinary action;

**11.3.2.2 Reprimand.** A verbal or written censure by the faculty member or University official involved;

**11.3.2.3 Probation.** A specified period of observation and review of conduct during which the student must demonstrate compliance with University rules and regulations. Counseling or participation in specific courses or workshops may be required. Terms of probation and the probationary period will be determined at the time the sanction is imposed. Appropriate University officials shall be notified of the imposition of the sanction;

**11.3.2.4 Denial of or Suspension from Participation in a Restricted Enrollment Program.** The opportunity to participate in a restricted enrollment program may be denied or suspended;

**11.3.2.5 Suspension of Specific Privileges.** The opportunity to participate in extracurricular activities, attend University activities, or utilize facilities, resources, or services on the University premises may be suspended;

**11.3.2.6 Suspension of Use of Specific University Services.** The right to access and receive transcripts, register, etc. may be suspended for a specific period of time or until specific conditions are met;

**11.3.2.7 Deferred Suspension.** Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Student Conduct. A deferred suspension may be accompanied by a transcript remark. If, during the period of the deferred suspension, the student is again found responsible for violating any University rule or regulation or an order of the Dean of Students or hearing committee, the student may be immediately suspended from the University;

**11.3.2.8 Suspension.** Separation of the student from the University for a specified or indefinite period of time. Temporary and/or permanent notification may appear on the student's transcript. Participation in any University-sponsored activity or the student's physical presence on the University premises may be restricted;

**11.3.2.9 Expulsion.** Permanent separation of the student from the University. A permanent indication of expulsion will be made on the student's transcript. The student can also be barred from the University premises or activities. This sanction must be approved by the Weber State University President before being implemented;

### **11.3.3 Monetary Sanctions**

**11.3.3.1 Forfeiture.** Loss of tuition, monies due to an individual or group, and other appropriate fees may be imposed jointly with expulsion, suspension, suspension of specific privileges, probation, or restitution;

**11.3.3.2 Restitution.** Reimbursement for damage to or misappropriation of property, which may take the form of direct financial compensation, the individual obligation to perform up to twenty-five (25) hours of uncompensated work for the University, community service, or other forms of indirect compensation as outlined in the official decision;

**11.3.3.3 Fines.** Payment of up to two hundred (200) dollars in punitive fines may be required. Fines may be imposed separately or in conjunction with any other individual sanction or combination of sanctions. A portion of the fine may be suspended pending successful completion of other sanctions. Those groups or individuals who fail to pay may be subject to further sanctions.

### **11.3.4 Personal Development Sanctions**

Requirements or recommendations for counseling and/or enrollment in specific courses or workshops may be made. If requirements are not met, probation and further sanctions may result.

### **11.3.5 Group Sanctions**

Any single sanction or combination of sanctions listed in this Code, including the loss of Clubs and Organizations status, may be imposed against an entire group, individual group officers, or individual group members, arising from their conduct in or leadership of the group, pursuant to the provisions for personal conduct outlined in this Code. Notification of any sanction listed may be made to national affiliates and officials.

### **11.3.6 Temporary Interim/Emergency Sanctions**

In special circumstances, any sanction listed above may be temporarily implemented prior to a hearing.

**11.3.6.1** Such circumstances include situations in which there is reasonable cause to believe the continued presence of the student/student group on the University premises or at University events poses an unreasonable risk of harm to the health, safety, or welfare of the University community or its individuals, such as:

- Inflicting bodily harm on oneself or others;
- Inflicting serious emotional or mental distress on oneself or others;
- Creating a substantial disruption of University functions including instruction;
- Presenting a threat to the stability and continuance of any University function;
- Being criminally charged with a felony;
- Engaging in behavior that would violate PPM 3-67, Violence Prevention or Utah Code § 53B-20-107 or Utah Code § 76-8-701, et.seq.

**11.3.6.2** Any student may be immediately removed from a classroom for behavior outlined in this Section 11.3.6.1 for up to one class period.

If the faculty member requests removal for a longer period of time, the faculty member must notify the Dean of Students of the removal within twenty-four (24) hours of the removal with a written statement documenting the behavior necessitating the removal. The Dean of Students, or their designee, must review the action prior to the next time the class meets, to determine what further action(s) need(s) to be taken and will notify the faculty member and student of any disciplinary actions or recommendations. The student may not return to that class until given approval by the Dean of Students or designee, or due process has been granted as further outlined in this Section 11.3.6.

**11.3.6.3** Any student/student group receiving a sanction on an interim basis shall be given the opportunity for a review by the chair of the appropriate hearing committee within ten working days from the effective date of the action.

**11.3.6.4** If, after a review, it is determined that the student or registered student organization did not violate University policy or fall under the provisions of this emergency sanction, arrangements will be made so that any missed academic work may be made up.

**11.3.6.5** As soon as practical, the chair of the appropriate hearing committee will schedule a hearing to determine if temporary sanctions should become permanent.

### **11.3.7 Pending Civil or Criminal Actions**

Civil or criminal court actions may be grounds for sanctions imposed by the University.

**11.3.7.1** University actions in addition to formal legal action may be considered at the request of University Police or other interested parties by referral of an issue to the Due Process Officer for further action.

**11.3.7.2** Temporary sanctions may be imposed before courts have determined guilt or civil liability based on guidelines outlined in this Code.

**11.3.7.3** Permanent sanctions may be imposed after a court decision is reached.

**11.3.7.4** The due process procedures and guidelines outlined in this Code must be followed in any process in which permanent sanctions or additional University sanctions may be imposed.

**11.4 Remedy of Students: General Considerations.** Subject to the concerns of academic freedom applicable in grading cases (see Section 11.5 below), if the hearing committee finds that the imposition of a sanction or other adverse institutional action is not justified, based on the greater weight of the evidence, it shall have the power to set aside the sanction or decision and to fashion an appropriate remedy.

**11.5 Remedy of Students: Academic Freedom Considerations.** No hearing committee may interfere with a faculty member's academic freedom to manage the learning process and grading evaluations within a particular course. Hearing committees may take one or more of the following actions:

**11.5.1** Encourage the faculty member to alter a course sanction and/or to submit a change of grade.

**11.5.2** Expunge relevant elements (courses etc.) of the student's academic record.

**11.5.3** Authorize a student to retake a particular course(s) or designated equivalent at no additional charge.

**11.5.4** Authorize the refund of tuition and/or full/partial student fees for a particular course(s).

**11.5.5** Waive relevant course(s) as requirements or prerequisites in the individual's academic program.

In cases in which the hearing committee determines that the charge of academic dishonesty has not been proven, the faculty member shall rescind any reduced grade for academic dishonesty and shall evaluate and grade the student's performance in the course, examination, or academic assignment without consideration of the charge of academic dishonesty.

## **12.0 AMENDMENTS**

**12.1** Amendments to this Code follow this process, rather than the process under PPM 1-20, except as outlined herein. Amendments may be proposed by the Board of Trustees, the President of the University, the Vice President for Student Affairs, the Provost, the Due Process Officer, the Faculty Senate, the Staff Advisory Council (SAC), the WSUSA Student Senate (WSUSA), or by written petition of not less than two hundred and fifty (250) members of the University community through a designated representative.

**12.2** Proposed amendments shall be submitted to the Committee on Student Standards and Admissions (SSA) and the Policy Office. The Policy Office will solicit feedback from SAC, WSUSA, and Faculty Senate (hereafter collectively referred to as "University entities"), and all faculty, staff, and students, through its normal circulation process described in PPM 1-20, section 4.3.5, and transmit any feedback to SSA. If any University entity requests an open hearing to solicit feedback on the proposal, SSA will conduct the hearing, assisted by the Policy Office, in accordance with protocols created by the Policy Office.

**12.3** If needed, SSA has the responsibility to attempt to reconcile the feedback into a consensus amendment. SSA shall submit the original proposal and any proposed amendments to the University entities and the original proposer. The Faculty Senate shall consider the proposal at its next regularly scheduled meeting and shall forward the SSA proposal, the original proposal, and the recommendation from the Faculty Senate to the President. Any University entity or the original proposer may choose to submit its proposed amendment to the President or provide additional feedback to the President, either in writing or in a presentation, with an opportunity for representatives of all the University entities and the original proposer to be present during the presentation.

**12.4** The President shall, after considering all feedback, approve or disapprove of the amendment(s), recommend any of the submitted proposals without change or a modified version thereof to the Board of Trustees, or return it to any stage with instruction for further consideration.

**12.5** The Board of Trustees shall may approve or disapprove the amendment(s), or may approve the same with modifications as it deems appropriate, or return it to any stage with instruction for further consideration.

**12.6** Any question of interpretation regarding the due process provisions of this Code shall be referred to the Due Process Officer for final determination in consultation with the University Legal Counsel.

\*The Dean of Students provides information about interpretation of the Student Code. Questions about balancing of rights, protection of speech rights, or assistance with adjudication issues may be requested - see [Dean of Students \(https://www.weber.edu/dean-of-students\)](https://www.weber.edu/dean-of-students).

<b>Revision History</b>
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