PPM 6-22 STUDENT CODE, cont’d

XIV. 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 III through XI above:

A. Academic Dishonesty - includes, but is not limited to, those actions identified in Section IV - Student Responsibilities.

B. Administrative Hearing – a forum provided by the University for students to be heard regarding administrative issues, as described in IX.B.

C. Administrative Hearing Officer/Committee – an individual or committee, internal or external to the applicable department, who is charged with hearing student administrative issues as set forth in section IX.

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

E. Charge - a concise, written statement of the complaint, summarizing the facts, conduct, or circumstances alleged to constitute failure to comply with the standards set forth in University policy. The charge is directed to the chair of the hearing committee, who in turn informs the respondent.

F. Cheating – seeking to obtain an unfair advantage by fraud, deception, or the violation of University rules or agreements.

F G. Complaint - an informal accusation that a violation of University policy has allegedly occurred.

G H. 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.

H I. Due Process – due process in an academic setting is a system of procedures designed to produce fair and reasonable judgments in those situations in higher education which may yield a serious adverse decision concerning or relating to a member 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. This process presupposes that the dispute has not been resolved informally by direct communication between the parties without recourse to these procedures.

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

1. Facilitate implementation of the due process provisions of the Student Code;

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

4. Interpret due process provisions of the Student Code in consultation with University Legal Counsel;

5. Maintain records of decisions and/or sanctions imposed by hearing committees;

6. Hear and decide all appeals filed under the provisions of this Student Code;

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

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

J K. Faculty Member – a professionally trained individual holding academic rank or title whose primary function is that of instruction.

K L. Formal Hearing - a forum provided by the University in which a charge is presented, information taken, findings and conclusions entered, and sanctions possibly imposed by a hearing committee as described above.

L M. Formal Hearing Committee - a committee appointed by a dean or a vice president which reviews charges brought against members of the University community under the jurisdiction identified above. The committee is composed of five members of the University community, two of whom must be students as described above. Two alternates will also be identified, including one student. Members shall serve for a term of one year and may be reappointed to consecutive or nonconsecutive terms. No hearing committee shall conduct hearings until appropriate orientation has been received from the Due Process Officer. When the context so requires, "hearing committee" shall refer to the chair acting alone in the capacity of an individual hearing officer.

M N. Formal Hearing Committee Chair - an individual member of a hearing committee designated by a dean or vice president to be responsible for the proper functioning of the committee. Following orientation provided by the Due Process Officer, this individual shall be responsible for conducting the hearing process, which includes receiving the charge, conducting the pre-hearing conference, conducting the hearing, keeping records and minutes, and notifying the respondent, the complainant, and the Due Process Officer of the hearing committee's decision. In appropriate cases when the parties waive their right to a hearing by the full committee, this individual may perform all of the functions of the hearing committee as if a full committee were present.

N O. Informal Meeting - a conference between a respondent and complainant to attempt resolution of the complaint.

O P. Legal Counsel – University 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.

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

Q R. Pertinent Information – refers to information which pertains to the issue under consideration.

R S. Pre-hearing Conference - a meeting held after a charge has been filed with the chair of the hearing committee. At this meeting, initiated and conducted by the chair, the composition of the hearing committee will be determined and the issues to be examined will be identified and clarified.

S T. Procedural Due Process - refers to the receipt of adequate notice, timely meeting of deadlines, completion of committee assignments, 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 reasonable care in following established procedures. Reasonable care in the performance of the various committees and administrators (allowing for exigencies and unanticipated problems) is sufficient to meet the requirements for procedural due process. Therefore, only cases of prejudicial failure to meet procedural guidelines will be considered sufficient reason for rehearings.

T U. 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 which the University community, after being fully informed, would properly take into account in determining whether responsibilities have been discharged at an acceptable performance level.

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

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

W X. 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.

X Y. 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.

Y Z. 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.

Z AA. Student Conduct Hearing – the procedure for resolution and informal hearing when an issue arises concerning student conduct, as set forth in Section X.

AA BB. Substantive Due Process - refers to protection from arbitrary and unreasonable action in the resolution of disputes and/or imposition of sanctions.

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

CC DD. 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).

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

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