STUDENT CODE

No. 6-22 / Rev. 05-06-14 / 4-20-77

Reflects Removal of Section VIII: Jurisdiction & Procedures for Hearing (7-31-14)

I. PURPOSE

A. Weber State 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 Weber State University Student Code (Student Code or 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.

B. The Weber State University Student Code is a document incorporated in the University Policies and Procedures Manual (PPM) and is available online at [www.weber.edu](http://www.weber.edu/).

II. PREFACE

A. 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 Regents, 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.

B. 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.

III. STUDENT RIGHTS

A. 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:

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;

2. The right of free inquiry, expression, and assembly subject to constitutional limitations;

3. The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.

B. In addition to the foregoing, Weber State University will make reasonable efforts to promote an environment which provides:

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

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;

3. Due process, including a fair hearing in appropriate cases by a body which includes a reasonable proportion of students;

4. Procedural safeguards and privacy with respect to testing for drugs and infectious diseases;

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.;

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.;

7. The right to competent academic instruction and advisement such that students may:

a. 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;

b. 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;

c. 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;

d. Expect that program changes will be well-planned, widely communicated, and will incorporate an orderly transition from the old to the new;

e. Receive academic credit and/or academic degrees when all specified requirements have been satisfied;

f. Receive appropriate credit or notations for work included in faculty publications or other endeavors;

g. Expect instructors to conduct themselves ethically and professionally, in accordance with University policies and directives and accepted professional standards;

h. Expect instructors, when reasonably possible, to provide a syllabus which outlines course requirements and instructor availability to be distributed the first week of class;

i. Experience academic evaluation through orderly procedures and criteria, which are announced within 14 calendar days of the first day of class and which are designed to prevent prejudice and arbitrary judgment;

j. Inquire and be informed by instructors of sanctions they may impose in the different courses they teach for the basic types of inappropriate behavior and academic dishonesty;

k. Have access to faculty members in formal classes, during scheduled office hours, and/or by scheduling appointments;

l. 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 instructor availability, and other exigencies defined by the University;

m. 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 instructor and the instruction they have received;

n. Expect the observation of Academic Study (Dead) Week and other official University programs;

o. 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;

p. Expect instructors to allow students absent from class while engaged in official University activities a reasonable opportunity to make up missed quizzes, exams, and/or assignments or complete some comparable activity.

q. Request a resolution of conflict between course content and the student's core-beliefs. See PPM 6-22 IV.D.9.

IV. STUDENT RESPONSIBILITIES

A. Students at Weber State University assume the personal obligation to conduct themselves in a manner which 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.

B. General categories of misconduct for which students may be subjected to University discipline are listed below.

1. Conduct which violates federal, state, or local law;

2. Conduct which violates Weber State University rules or regulations;

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;

4. Conduct which results in injury or damage to persons affiliated with the University or property owned or controlled by the University.

C. As members of the Weber State University community, students shall avoid conduct which violates the provisions of paragraph IV.B. above. Examples of such prohibited conduct include but are not limited to the following:

1. Failing to respect the right of every person to be secure and protected from fear, intimidation, harassment, hazing, and/or physical harm caused by the activities of groups or individuals;

2. Sexual assault, sexual harassment, or any other non-consensual verbal or physical sexual activity, including the support or assistance of such activities;

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. Disorderly conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom;

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

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. Obstructing or disrupting teaching, research, administration, disciplinary procedures, computing services, other University-sponsored activities, services, or events, including public service functions;

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;

8. Initiating or causing to be initiated any intentionally false report warning;

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

10. Failing to meet contractual obligations with the University;

11. Knowingly violating terms of any disciplinary sanction;

12. Intentionally furnishing false information, including false identification;

13. Forging, altering, misusing, or mutilating University documents, records, identification, educational materials, or other University property;

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

15. Theft or misappropriation of property, equipment, materials, services, or data;

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

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

b. Unauthorized transfer of a file;

c. Use of another individual’s identification and/or password;

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

e. Use of computing facilities and resources to send obscene or abusive messages;

f. Use of computing facilities and resources in violation of state or federal law or University policies, or for any illegal purpose;

g. Use of computing facilities and resources to interfere with normal operation of the University computing system;

h. Use of computing facilities and resources in violation of copyright laws;

i. Any violation of the University Acceptable Use Policy.

17. Knowingly possessing stolen property, equipment, materials, services, or data;

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;

19. Unauthorized entry upon or use of University facilities, equipment, materials, data, premises, or services;

20. Unauthorized possession or use of a key to any University facility;

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;

22. Unlawful use, possession, distribution, sale, manufacture, or possession for purposes of distribution or sale of any controlled substance or illegal drug;

23. Sale, possession, manufacture, distribution, or consumption of alcoholic beverages on University premises;

24. Unauthorized sale, possession, manufacture, distribution, or consumption of alcoholic beverages at any official off-campus University-sponsored function or event;

25. Smoking in unauthorized locations on University premises in violation of state law, University, or public health regulations;

26. Aiding, abetting, or inciting others to commit any act prohibited by law or University policy;

27. Violating University parking regulations or other misuse of a vehicle which violates the law or University policy;

28. Refusing to respond to reasonable requests and directions from University or local government officials while in the performance of their duties;

29. Abuse of the Student Code system, including but not limited to:

a. Failure to obey the notice from a University official to appear for a meeting or hearing as part of the Student Code system;

b. Falsification, distortion, or misrepresentation of information before a hearing committee;

c. Disruption or interference with the orderly conduct of a hearing committee proceeding;

d. Initiation of a Student Code proceeding in bad faith;

e. Attempting to discourage an individual’s proper participation in, or use of, the Student Code system;

f. Attempting to influence the impartiality of a member of a hearing committee prior to and/or during the course of the proceeding;

g. Harassment (verbal or physical) and/or intimidation of a member of a hearing committee prior to, during, and/or after a Student Code proceeding;

h. Failure to comply with the sanction(s) imposed under the Student Code;

i. Influencing or attempting to influence another person to commit an abuse of the Student Code system.

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.

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

1. Maintain academic standards including institutional, school, departmental, program, and individual course standards;

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

a. Cheating, which includes but is not limited to the following examples:

i) Copying from another student's test;

ii) Using materials during a test not authorized by the person giving the test;

iii) Collaborating with any other person during a test without authorization;

iv) 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;

v) Bribing any other person to obtain any test;

vi) Soliciting or receiving unauthorized information about any test;

vii) Substituting for another student or permitting any other person to substitute for oneself to take a test;

viii) Knowingly obtaining academic credit for work that is not one's own regardless of the source of the work;

ix) Knowingly involved in arranging fraudulent academic credit or false transcripts.

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

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

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

e. Giving, selling, or receiving unauthorized course or test information;

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

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

3. Obtain the instructor's permission before recording lectures;

4. Obtain the instructor's permission at least 24 hours 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;

5. In the absence of the instructor, remain in the classroom at least 15 minutes from the class starting time, unless otherwise notified;

6. Notify their instructors 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 instructors;

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

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

9. 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 instructor. This policy does not oblige the instructor 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 instructor 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.

E. Any student found in violation of the aforementioned examples of dishonesty may, in addition to the appropriate academic sanctions imposed by the professor, have his/her name forwarded to the Dean of Students for appropriate institutional sanctions identified below.

F. Weber State University reserves the right to take appropriate action against any individual or group which is found upon hearing to pose an unreasonable risk of harm to the health, safety, or welfare of the University community.

V. STUDENT ORGANIZATIONS AND ACTIVITIES

A. 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.

B. 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.

VI. FREEDOM OF EXPRESSION

A. 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.

B. 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.

C. 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.

VII. STUDENT RECORDS

A. The privacy and confidentiality of all student records shall be preserved. Official student records shall be maintained only by members of the University staff employed for that purpose. The Family Educational Rights and Privacy Act of 1974 (FERPA), with which Weber State University intends to comply, was designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data.

B. 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.

C. 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.

VIII. JURISDICTION AND PROCEDURES FOR HEARINGS

Students having issues or who are experiencing problems or who wish to file a petition to reverse a decision made by a University entity can find information on the *Complaints, Grievances, Appeals & Petitions* website. Jurisdictional issues and procedures for hearings are determined by the Student Code Procedural Committee.

~~VIII. JURISDICTION~~

~~A. Procedures which 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 (i.e., individual, supervisor, department chairperson, program director, and/or dean). If resolution by these means is unsatisfactory, formal departmental or school procedures, if available, should be instituted and/or the office designated by the Vice President for Student Affairs should be notified. Students are also encouraged to contact their elected WSUSA representatives, if desired.~~

~~B. Procedures and hearings of all Weber State University bodies which have the potential of sanctioning students or providing relief to students will follow guidelines specified in the Student Code. Actions which seek redress from or 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.~~

~~C. Issues relating to admission, residence halls, academic requirements, eligibility, residency, or parking violations are deferred to University venues especially designated to handle such issues, and appeals from those bodies will be considered only as outlined in section IX.~~

~~D. Scope:~~

~~1. In the absence of specific guidelines and procedures indicated elsewhere in the PPM, the due process provisions contained in the Student Code shall be followed.~~

~~2. 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.~~

~~3. Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its objectives.~~

~~E. Specific Issues~~

~~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:~~

~~1. Academic Issues~~

~~a. Academic Dishonesty~~

~~i) All members of the University community have the obligation to report instances of academic dishonesty to the responsible faculty member.~~

~~ii) Grievances pertaining to academic dishonesty shall be referred to the college in which they arise for resolution according to the procedures for student petitions listed below in VIII.E.1.d.~~

~~b. Academic Grade/Course Sanctions~~

~~Grievances regarding grading or the imposition of course sanctions not involving academic dishonesty shall be referred to the college in which they arise for resolution according to the procedures for student petitions listed below in VIII.E.1.d.~~

~~c. Admission/Standing in Restricted Enrollment Programs~~

~~Grievances regarding admission to or standing in a restricted enrollment program at the University shall be referred to the college in which they arise for resolution according to the procedures for student petitions listed below in VIII.E.1.d.~~

~~d. Procedures for Student Petitions for Academic Grievances~~

~~Whenever possible, complaints or grievances should be resolved at the lowest level (i.e. faculty member, staff member, director, etc.). Students with unresolved academic issues can invoke the following levels in petitioning their cases.  Individuals must submit their petition within four (4) months after the event or issue being contested.  Time frames may be extended to accommodate extraordinary circumstances.  A 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.~~

~~The petition levels are sequential and students must exhaust their options at one level before proceeding to the next unless there are unusual or extenuating circumstances that warrant a petition going directly to the College Hearing Committee.  The College Dean will make this determination.~~

**~~Petition Level 1:~~**~~Petition the College Department Chair (or Department Committee if applicable). The Chair or Department Committee will determine how to proceed and shall attempt to resolve the issue(s) within a reasonable time period. Once a decision has been reached, the department chair (or Committee Chair) will make a good faith effort to respond in writing to the student within 10 business days with a copy of the letter sent to the college dean.  If a satisfactory resolution cannot be found the student may petition the college dean.~~**~~Petition Level 2:~~**~~Petition the College Dean.  The Dean shall attempt to resolve the issue(s) within a reasonable time period. Once a decision has been reached, the college dean will make a good faith effort to respond in writing to the student within 10 business days with a copy of the letter sent to the department chair.  If a satisfactory resolution cannot be found, the student may petition the College Hearing Committee.~~

**~~Petition Level 3:~~**~~Petition the College Hearing Committee. The petitioning student has the opportunity to meet in-person and present his or her case to the College Hearing Committee, which is not bound by the formal hearing process outline in Section XI. University Legal Counsel shall act as the Committee's legal advisor on all aspects of the process.  The student may be accompanied by an advisor at his or her expense (this person is advisory only).  The Committee shall review all relevant evidence presented and meet to render a decision within a reasonable time period.  Hearings shall be closed to the public except as permitted by applicable law and in consultation with University Legal Counsel. A written summary of the significant assertions and findings of the hearing shall be kept.  Decisions of the Committee must be in writing and should give the basis for the decision.  The Committee will make a good faith effort to respond in writing to the student within 10 business days with a copy of the letter sent to the college dean.  There are no appeals beyond the College Hearing Committee other than due process violations. (NOTE: Every college must have a five-member Hearing Committee appointed by the Dean consisting of at least one student and four other members of the University community from the respective college with one person acting as chair - see PPM 6-22.XI.A.1).~~

**~~Petition Level 4~~**~~: Meet with the University Due Process Officer on claims of substantive or procedural due process violation(s). The Due Process Officer can rule only on due process issues and shall render a decision and communicate it in writing to the student with copies to the College Dean and College Hearing Committee.  The Due Process Officer may take the following actions:~~

~~a. Affirm the decision of the College Hearing Committee;~~

~~b. Direct the College Hearing Committee to reopen the hearing for a particular purpose in order to safeguard due process;~~

~~c. Remand the case to the College Hearing Committee for a new hearing after consultation with University Legal Counsel in order to safeguard due process.~~

~~2. Administrative Issues~~

~~Decisions on all issues of an administrative nature, such as admission to the University, residency, tuition, course waivers, credit adjustment, graduation, program eligibility, participation in specific activities, financial aid, parking and traffic, and residence halls, will be resolved based on the procedures outlined in section IX.

3. Behavioral Issues

Unless otherwise specified herein, behavioral issues involving the alleged violation of the Student Code shall be referred to the Dean of Students for resolution according to the provisions hereof.

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.

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 PPMs~~[~~3-2~~](http://www.weber.edu/ppm/Policies/3-2_EmployeeDefinations.html)~~,~~[~~3-14~~](http://www.weber.edu/ppm/Policies/3-14_HourlyEmplyment.html)~~,~~[~~3-15~~](http://www.weber.edu/ppm/Policies/3-15_PersonnelRelations.html)~~and~~[~~3-32~~](http://www.weber.edu/ppm/Policies/3-32_DiscriminationHarassment.html)~~).  Specific guidance with respect to this procedure should be obtained from the Due Process Officer.

6. Off-Campus Behavior

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 charged with any violent crime may be referred by any interested party to the Dean of Students for review. If the behavior is in violation of the provisions of the Student Code and may endanger the safety or welfare of the University community, University action may be taken and sanctions may be imposed.

7. Criminal Activity/Civil Court Actions~~

~~a. 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.~~

~~i) Courts have jurisdiction over cases involving violations of civil and criminal law.~~

~~ii) Weber State University has jurisdiction over violations of University rules and regulations.~~

~~b. When an act allegedly violates both civil or criminal law and University rules, there is concurrent jurisdiction.~~

~~c. University Police have the responsibility to investigate criminal acts and enforce court orders as mandated by the requirements of their duly constituted offices.~~

~~8. Referral Power

Issues that exceed the jurisdictional scope of a particular hearing committee shall be referred to the Due Process Officer for reassignment to the appropriate committee.~~

~~IX. PROCEDURES FOR ADMINISTRATIVE ISSUES~~

~~This section deals with issues of an administrative nature such as admission to the University, residency, tuition, course waivers, credit adjustment, graduation, program eligibility, participation in specific activities, financial aid, parking and traffic, residence halls, etc.

          A. Administrative Petition~~

~~Administrative areas will provide a procedure for making decisions concerning disputes regarding the application of University policy or procedure. Procedures for reviewing requests and decision-making will be created under the direction of the supervising vice president, in consultation with legal counsel. Copies of these procedures will be made available to students who dispute University policy or procedure or who request an exception from the application of University policy or procedure. Students must submit a petition within one calendar year after the event or issue being contested, except in parking and traffic cases where a petition must be submitted within 10 days of the citation. This time frame may be waived to accommodate extraordinary circumstances. Students will be given a written decision of the result of their petition and in residency cases, an explanation of the rationale of the decision-maker. Students not satisfied with the decision have the opportunity to request an Administrative Hearing of their petition.~~

~~B. Administrative Hearing
Administrative Hearings are conducted by an Administrative Hearing Officer. At the discretion of the supervising vice president, the Administrative Hearing may be heard by an Administrative Hearing Committee, with the chair of the committee acting as the Administrative Hearing Officer. Administrative Hearings shall be conducted in such a manner as to provide prompt and fair resolution to the student’s petition. The Administrative Hearing Officer /Committee may be comprised of individuals both internal and external to the department. None of these individuals may be the same individuals who reviewed the Administrative Petition. Students have the right, at the Administrative Hearing level, to appear in person to present their case. The Administrative Hearing will follow the procedures set forth below.~~

~~1. Students must submit a request for an Administrative Hearing within 30 calendar days of the date posted on the official letter received as a result of the petition process, with the exception of a parking and traffic case where request must be made within 10 days of the date posted on the letter. This time frame may be waived by the Administrative Hearing Officer/Committee to accommodate extraordinary circumstances.~~

~~2. The Administrative Hearing Officer/Committee shall meet in a timely manner and make an independent determination of the pertinent issues based upon such oral and written proofs as may be presented, and shall make a final determination of the status of the petitioner consistent with the law and University policies.~~

~~3. The student challenging the decision from the Administrative Petition process shall have the responsibility of providing evidence supporting his/her claim.~~

~~4. Students shall be given copies of the University policies, if any, pertaining to determination of the administrative issue.~~

~~5. Oral and written evidence may be presented. However, it is not required that formal rules of evidence be followed.~~

~~6. On Administrative Hearings pertaining to Utah residency, both the student and the University are entitled to representation by counsel. In all other instances, students may be accompanied by an advisor, at his or her own expense. This advisor may be an attorney; however, the proceeding is not to be bound by formal trial procedures. The role of such persons is advisory only.~~

~~7. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the appeal shall be prepared.~~

~~8. Decisions of the Administrative Hearing Officer/Committee must be in writing and must give reasons for the decision.~~

~~9. With regard to hearings pertaining to the establishment of Utah residency, a ruling favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.~~

~~10. Appeals from the decision of the Administrative Hearing Officer/Committee will be considered only on due process grounds as outlined below. Students must submit a notice of appeal within 30 calendar days of the date posted on the decision letter from the Administrative Hearing Officer. This time frame may be waived by the Due Process Officer to accommodate extraordinary circumstances.~~

~~C. Due Process Appeals of Administrative Hearing~~

~~Individuals who believe they have not received due process may appeal to the University Due Process Officer. This appeal is to review whether or not the student received adequate due process in prior reviews. Students may submit information/documentation regarding his/her unique circumstances, and shall have an opportunity to appear in-person to present his/her case in a timely manner. The Due Process Officer does not review the merits of the case. A decision letter, including the pertinent findings, will be sent to the student and the person(s) conducting the Administrative Hearing.~~

~~1. Students pursuing due process appeals must provide evidence which supports one or more of the following criteria:~~

~~a. Lack of proper procedural due process, such as timely notice of the Administrative Petition or from the Administrative Hearing Officer/Committee of the results of the petition;~~

~~b. Lack of substantive due process, including the possibility that the decision was arbitrary and capricious or grossly inconsistent with previous decisions made in similar cases; or~~

~~c. The decision resulted from discriminatory or prejudicial treatment.~~

~~2. Remedies Available to the Due Process Officer~~

~~a. Uphold the Administrative Hearing decision; or~~

~~b. Remand the case for a new Administrative Hearing on the basis that due process was not provided.~~

~~3. There shall be no appeal from the due process review.~~

~~X. PROCEDURES FOR STUDENT CONDUCT HEARINGS~~

~~A. Resolution~~

~~1. Whenever possible, grievances should be resolved at the lowest level (i.e., individual, supervisor, faculty member, department chairperson, program director, and/or dean). The complainant's first recourse is to speak informally with the respondent. This informal meeting may include consultation with the appropriate supervisor(s). There is no University requirement to maintain records of the informal resolution proceedings.~~

~~2. If satisfactory resolution is not achieved through these means, any party in the dispute may pursue an informal hearing with the Dean of Students.~~

~~3. The respondent may elect to pursue a formal hearing (pursuant to PPM 6- 22 XI) instead of an informal hearing. This process is initiated by contacting the Due Process Officer.~~

~~B. Procedures for Informal Hearings
The student being held responsible for student code violations (respondent) may agree to waive a formal hearing and elect to have an informal hearing by the Dean of Students in the capacity of an individual hearing officer.~~

~~In an informal hearing, the respondent is informed of the charges and allowed to present pertinent information, testimony, and witnesses supporting the respondent's position in the matter. The Dean of Students may contact individuals who have knowledge or information about the incident. The respondent does not participate in these interactions. The respondent will be informed in writing of the decision and accompanying sanctions, if any. At any point in the informal hearing process the respondent may elect to pursue a formal hearing process or go back to an informal resolution process.~~

~~XI. PROCEDURES FOR FORMAL HEARINGS NOT INVOLVING ADMINISTRATIVE ISSUES~~

~~The goal of the hearing process is to provide for the prompt and fair resolution of all grievances as they occur, so that constructive, educational, and developmental relationships can be maintained at Weber State University. Informal resolution of any dispute should be attempted. If satisfactory resolution is not achieved through informal means, any party involved in the dispute may request access to the hearing process. Formal resolution may be sought from a college or departmental system or from the office designated by the Vice President for Student Affairs. Appeals from those bodies will be considered only on due process grounds.~~

~~A. Hearing Committee Membership~~

~~The appointment of hearing committees for the jurisdictional issues identified in the preceding section will be as follows:~~

~~1. Academic Issues - a hearing committee for each academic college will be appointed by the appropriate dean. The five-member hearing committee shall consist of at least one student and other members of the University community from the respective college.~~

~~2. Behavioral, Off-Campus Behavior, and Criminal Activity/Civil Court Action Issues - a hearing committee will be appointed by the appropriate vice president. The five-member hearing committee shall consist of at least one student and other members of the University community.~~

~~3. Student Grievances Against Faculty - grievances against faculty, other than those involving academic issues, will be resolved in accordance with PPM Section 9: Academic Freedom, Rights, Responsibilities, and Due Process.~~

~~4. Student Grievances Against Staff/Administration - a hearing committee will be appointed by the appropriate vice president. The five-member hearing committee shall consist of two students, as well as other members of the University staff and/or administration.~~

~~5. Administrative issues shall be governed by section IX and not under this section XI.~~

~~B. Resolution~~

~~1. Whenever possible, grievances should be resolved at the lowest level (i.e., individual, supervisor, faculty member, department chairperson, program director, and/or dean).~~

~~2. The complainant's first recourse is to speak informally with the respondent. This informal meeting may include consultation with the appropriate supervisor(s). If satisfactory resolution is not achieved through informal means, any party in the dispute may contact the Due Process Officer and initiate the hearing process.~~

~~3. There is no University requirement to maintain records of the informal resolution proceedings.~~

~~4. Exceptions to the time-delineated deadlines contained herein may be made by the chair of the hearing committee for good reasons. In addition, at any stage of these proceedings, the respondent and the complainant may go back to an informal resolution process.~~

~~C. Pre-Hearing Procedures~~

~~1. Any person may file a charge after an attempt at informal resolution has been made or the matter has been transferred to the formal hearing level. A charge shall be prepared in writing and directed to the Due Process Officer. Any charge should be submitted as soon as possible after the event takes place, preferably within 10 working days of the event(s) giving rise to the charge.~~

~~Within ten working days following receipt of a charge, a hearing committee may make a nonbinding recommendation that an informal attempt at resolution be initiated, if this meeting was not held previously. Furthermore, the hearing committee may at its discretion decide not to hold a hearing on the charge if it is determined to be frivolous, without merit, based on purely personal grounds or on issues that are beyond the jurisdictional boundaries established by University policy, or if it is determined to be an abuse of the intent of due process. The decision to dismiss the charge, together with reasons therefore, shall be submitted in writing to both the complainant and the respondent. If a decision is made to dismiss the charge, any appeal must be submitted to the Due Process Officer within ten working days following receipt of the decision.~~

~~Within ten working days following receipt of a charge, the chair shall inform the respondent in writing thereof. No adverse action or sanction may be taken against a respondent until notification of the charge has been given.~~

~~a. Written notice of the charge from the chair shall be delivered personally, or sent by certified mail, return receipt requested, to the respondent's last known address. Such notice shall contain the following:~~

~~i. A concise statement of the charge summarizing the facts, conduct, or circumstances alleged to constitute failure to comply with University policy. A copy of the applicable sections of the PPM shall be included with this notice;~~

~~ii. A list of possible sanctions which may be imposed if the allegations of noncompliance are sustained by the hearing committee;~~

~~iii. The time and place of the hearing and of the pre-hearing conference;~~

~~iv. The rights and responsibilities of the respondent and the complainant in the hearing. This provision shall be deemed satisfied if a copy of the Student Code is provided to the respondent and complainant along with a copy of the charge;~~

~~v. The current membership of the hearing committee, together with notification that both the complainant and the respondent have the right to challenge the composition of the hearing committee for good reasons.~~

~~b. A respondent who wishes to contest the charge may, within ten working days of receiving the charge, file a written answer to the charge with the chair. Emergencies may be grounds for a reasonable extension of the time within which an answer may be filed, but such emergencies must be of a serious and compelling nature.~~

~~c. 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, the hearing proceedings under University policy may be postponed at the discretion of the committee, after considering the arguments of the parties and with the concurrence of the University Legal Counsel.~~

~~d. The chair shall schedule the hearing for a time no later than thirty working days from the time the charge was initially received. An extension of time for hearing preparation may be granted by the chair if requested by the respondent or complainant for good reasons.~~

~~2. The purpose of the pre-hearing conference is to facilitate and expedite the hearing process. A pre-hearing conference will be held at least ten working days prior to the date set for the hearing. The following individuals should be in attendance at the pre-hearing conference:~~

~~a. The chair of the hearing committee;~~

~~b. The respondent(s);~~

~~c. The complainant(s);~~

~~d. Advisors of the respondent and the complainant, if any;~~

~~e. If deemed appropriate by the chair, the Due Process Officer and/or the University Legal Counsel may also attend.~~

~~At the pre-hearing conference, the complainant and the respondent may agree to waive a formal hearing and elect to pursue an informal hearing.~~

~~The individuals in attendance at the pre-hearing conference shall decide the parameters of and delineate the issues to be examined at the hearing. At this pre-hearing conference, the respondent and complainant shall make available to each other and to the chair upon request, a list of proposed witnesses to be called documents expected to be introduced at the hearing. Nothing in this paragraph shall, however, limit the parties involved from bringing additional information or requesting additional witnesses during the hearing, subject to the approval of the hearing committee.~~

~~At the pre-hearing conference each party may challenge the composition of the hearing committee for good reasons. In the event that member(s) of the hearing committee (other than the chair) are challenged, the chair shall rule on the challenges. In the event that the challenge is against the chair, the appropriate dean or vice president shall rule on the challenge. Appointment for the replacement member(s) shall be determined by the appropriate dean or vice president.~~

~~3. The pre-hearing conference may be continued or for good reasons shown by any of the participating parties.~~

~~D. Hearing Procedures~~

~~1. The function of the hearing is to allow the hearing committee to make an informed judgment according to the information presented and the standards of conduct contained in the Student Code.~~

~~2. Attendance at the hearing should, in addition to the hearing committee, include those persons in attendance at the pre-hearing conference as specified above. A substitute or representative for any of the specified individuals may attend upon approval of the chair. A quorum shall be constituted if at least three members of the committee are present, including at least one student. The committee may postpone the hearing in the event it determines that the absence of one or more individuals would jeopardize the fairness of the proceedings.~~

~~3. Hearings shall be open to the public unless the respondent or complainant requests that it be declared a closed hearing and the chair, in consultation with Legal Counsel, determines that a closed hearing would be appropriate under the circumstances.~~

~~4. In the event of disorder or disruption during a hearing, the chair may take reasonable steps to ensure order, including removal of any offending person(s).~~

~~5. Records pertaining to the case under review may be requested by either the chair or the parties. Compliance with such a request is an obligation of employment of any employee or officer of the University, provided that disclosure of confidential communications or records, as recognized either by law or published University regulations, is exempt. If an exemption is claimed, the chair of the hearing committee shall decide the issue in accordance with the Utah Government Records Access and Management Act (GRAMA).

6. The hearing shall be conducted as expeditiously as possible in order to produce a fair and reasonable judgment. The number and duration of meetings required to reach a decision shall be at the discretion of the committee.~~

~~7. Hearings shall be guided by the following considerations. Mere failure to follow any of the guidelines, however, without a showing of prejudice, shall not be construed as sufficient grounds for a charge of procedural error.~~

~~a. The meeting shall be called to order by the chair. The chair shall:~~

~~i. Introduce all persons in attendance;~~

~~ii. State whether it is an open or closed hearing;~~

~~iii. Remind all participants in a closed hearing of the confidential nature of the proceedings;~~

~~iv. State the charge being considered;~~

~~v. Describe how the meeting will be conducted;~~

~~vi. Inform the parties of the right of the committee to meet in closed session for deliberative purposes as needed;~~

~~vii. Inform those in attendance that a record of the meeting is being kept in an electronically recorded form. Written minutes shall be taken and transcribed by an individual qualified to do so. (It is not necessary, however, for this person to be a certified court reporter, nor is it necessary for a verbatim record to be transcribed. A verbatim record is deemed to have been kept by the electronic recording.)~~

~~b. The hearing will normally begin with a statement by the complainant which specifies the grounds and general information upon which the charge is based. Witnesses and other information supporting the charge shall be presented at this time. The committee shall have the right to question the complainant and the witnesses at the completion of their testimony. The respondent shall also have this right, subject to reasonable limitation by the chair. The chair may at any time limit the scope, nature, and duration of such testimony or cross-examination when it is deemed inappropriate, repetitious, disruptive, or otherwise of little use in the proceedings.~~

~~c. Having heard the information supporting the charge, the chair shall allow the respondent to make an opening statement and to present pertinent information, testimony, and witnesses supporting the respondent's position in the matter. The committee shall have the right to question the respondent and the witnesses at the completion of their testimony. The complainant shall also have this right, subject to reasonable limitation by the chair. The chair may at any time limit the nature, scope, and duration of such testimony or cross-examination when it is deemed inappropriate, repetitious, disruptive, or otherwise of little use in the proceedings.~~

~~d. In the foregoing procedures, it is understood that each party may have an advisor present at his/her own expense. The advisor may be an attorney. This proceeding, however, is not to be bound by formal trial procedures or by rules of information established for the civil and criminal courts. The role of such individuals shall be advisory only and not that of trial lawyers. Their actions shall be subject to approval and limitation by the chair. The intent of this provision is to ensure that the respondent and the complainant are afforded their right to representation while at the same time facilitating the academic nature of the proceedings.~~

~~e. Either the respondent or the complainant may request the calling of witnesses as provided for in the pre-hearing conference. The committee may, however, in its sole discretion, limit the number of witnesses called if it is determined that little useful or new information will be provided by additional witnesses.~~

~~f. The committee may hear testimony in whatever form of presentation it deems appropriate (e.g., verbal, written, response to examination and cross-examination, etc.). The respondent and the complainant shall, however, have the right to present a brief summary or closing statement.

g. After hearing the testimony presented and determining that it has sufficient information upon which to base a fair and reasonable decision, the committee shall meet in closed session for the purpose of deliberation and formulation of its decision. No written or other verbatim transcript of this closed deliberative session shall be kept. The deliberations are to be considered closed, confidential, and private.~~

~~h. Throughout the hearing it is the responsibility of the chair to ensure that written minutes of the meeting are produced in a timely and accurate manner. A copy of the minutes and the electronic record shall be made available to the complainant, respondent, the Due Process Officer, and/or members of the hearing committee upon request; the least costly copy shall be provided without fee. The disposition of the records of the hearing shall comply with the provisions of the Utah Government Records, Access, and Management Act, or other applicable law.~~

~~E. Findings and Report of the Hearing~~

~~1. A majority vote of those in attendance shall control the action of the hearing committee. The chair shall be entitled to vote. All such voting and deliberation leading to a vote shall be conducted in closed session. When the committee has concluded its deliberations, it shall prepare a written statement containing:~~

~~a. The decision,~~

~~b. The reasons for the decision, and~~

~~c. The sanction(s), if any.~~

~~Copies shall be given to the respondent, the complainant, and the Due Process Officer within ten working days of the hearing. A copy shall be retained in the minutes of the hearing.~~

~~2. In the case of a tie vote, the recommendation shall be to dismiss the charge.~~

~~3. The respondent or complainant may appeal to the Due Process Officer on due process grounds as described below.~~

~~F. Rights During a Formal Hearing~~

~~1. Respondent's Rights~~

~~Each respondent charged with violating this Code shall have and be informed of the right to a fair hearing, including but not limited to the following:~~

~~a. The right to written notice of the time and place of the hearing and of the charge against him/her, together with a written statement of the individual's basic procedural rights, which shall be personally delivered or sent by certified mail to the respondent's last known address at least ten working days prior to the date set for the hearing;~~

~~b. The right to written notice of possible sanctions which may be imposed in the event the allegations of noncompliance are sustained by the hearing committee;~~

~~c. The right to waive hearing before the full committee and elect to have the matter heard by the chair acting in the capacity of an individual hearing officer with the consent of the chair;~~

~~d. The right to a fair and objective hearing committee to decide the case. Personal involvement in the incident or any form of demonstrated bias or prejudice may be sufficient reason to challenge the composition of the hearing committee;~~

~~e. The right to request, for good reasons, a change in the time of the hearing;~~

~~f. The right to request that the hearing be declared a closed hearing;~~

~~g. The right to review pertinent documents or other materials reasonably required to prepare the defense, unless exempt from disclosure as provided above;~~

~~h. The right to be assisted at the hearing by an advisor or any other individual of the respondent's choice and at his/her own expense;~~

~~i. The right to be informed of the identity of the person initiating the charge, the right to be present during any testimony against him/her, and subject to reasonable limitation by the chair, the right to cross-examine such witnesses either personally or through the committee;~~

~~j. The right to produce witnesses, documentary information, and other materials in his/her own defense;~~

~~k. The right to testify in the respondent's own behalf, or to refuse to testify without such refusal being construed against the respondent;~~

~~l. The right to avoid being subjected to sanctions more than once on the same charge arising from the same incident;~~

~~m. The right in cases involving sexual conduct or misconduct to request the exclusion of information pertaining to the respondent's prior sexual history;~~

~~n. The right to a written statement of the committee's decision including findings of fact and a statement of the sanctions imposed, if any, within ten working days of the hearing;~~

~~o. The right to appeal on due process grounds as set forth below.~~

~~2. Additional Procedural Guidelines~~

~~The respondent has the right to expect that:~~

~~a. The complainant shall bear the responsibility of showing, through the greater weight of the evidence, sufficient reason exists to find against the respondent. The greater weight of the evidence shall be determined from the record as a whole;~~

~~b. Adequate time, including adjournment during hearings, shall be granted to enable either party to investigate information to which a valid claim of surprise is made;~~

~~c. The decision will be based upon the information presented during the hearing;~~

~~d. An electronic record of each hearing session shall be kept and a copy provided to the respondent upon request;~~

~~e. Reasonable efforts will be made to obtain the most trustworthy and reliable information available; however, the hearing committee shall not be bound by strict rules of legal evidence, but may admit any pertinent information which is deemed useful in appropriately addressing the complaint or charge;~~

~~f. Publicity by anyone involved in closed proceedings will be avoided.~~

~~3. Complainant's Rights~~

~~Each complainant filing a charge shall enjoy the following rights in connection with a hearing:~~

~~a. The right to written notice of the time and place of the hearing, together with a written statement of the individual's basic procedural rights, which shall be personally delivered or sent by certified mail to the complainant's last known address at least ten working days prior to the date set for the hearing;~~

~~b. The right to written notice of possible sanctions which may be imposed by the hearing committee;~~

~~c. The right to waive hearing before the full committee and elect to have the matter heard by the chair acting in the capacity of an individual hearing officer with the consent of the chair;~~

~~d. The right to a fair and objective hearing committee to decide the case. Personal involvement in the incident or any form of demonstrated bias or prejudice may be sufficient reason to challenge the composition of the hearing committee;~~

~~e. The right to request, for good reasons, a change in the time of the hearing;~~

~~f. The right to request that the hearing be declared a closed hearing;~~

~~g. The right to review pertinent documents or other materials reasonably required to prepare the case, unless exempt from disclosure as provided above;~~

~~h. The right to be assisted at the hearing by an advisor or any other individual of the complainant's choice and at his/her own expense;~~

~~i. The right to be present during any testimony, and subject to reasonable limitation by the chair, the right to cross-examine such witnesses either personally or through the committee;~~

~~j. The right to produce witnesses, documentary information, and other materials in support of his/her case;~~

~~k. The right to testify in the complainant's own behalf;~~

~~l. The right in cases involving sexual conduct or misconduct to request the exclusion of information pertaining to the complainant's prior sexual history;~~

~~m. The right to a written statement of the committee's decision including findings of fact and a statement of the sanctions imposed, if any, within ten working days of the hearing;~~

~~n. The right to appeal on due process grounds as set forth below.~~

~~4. Additional Procedural Guidelines~~

~~The complainant has the right to expect that:~~

~~a. Any complaint brought will be reviewed in accordance with the policies outlined herein;~~

~~b. Adequate time, including adjournment during hearings, shall be granted to enable either party to investigate information to which a valid claim of surprise is made;~~

~~c. Reasonable efforts will be made to provide adequate protection from improper retaliation or other infringements on the complainant's civil or professional rights by the respondent;~~

~~d. The decision will be based upon the information presented during the hearing;~~

~~e. An electronic record of each hearing session shall be kept and a copy provided to the parties upon request;~~

~~f. Reasonable efforts will be made to obtain the most trustworthy and reliable information available; however, the hearing committee shall not be bound by strict rules of legal evidence, but may admit any pertinent information which is deemed useful in appropriately addressing the complaint or charge;

g. Publicity by anyone involved in closed proceedings will be avoided.~~

~~G. Appeals~~

~~1. A decision reached or a sanction imposed by a hearing committee may be appealed by respondents or complainants to the Vice President of Student Affairs (for behavioral issues) or to the Due Process Officer (for academic issues) within ten working days following receipt of the decision. Appeals on Administrative issues are covered by section IX. Notice of appeal shall be in writing and shall be delivered to the appropriate officer.~~

~~2. Except as may be required to clarify the issues and/or to explain the significance of new information, an appeal shall be limited to review of the verbatim record of the original hearing and supporting documents for one or more of the following purposes:~~

~~a. To determine whether the original hearing was conducted fairly in light of the charge and information presented, and in conformity with prescribed procedures, giving the complainant a reasonable opportunity to prepare and present information that University rules or regulations were violated, and giving the respondent a reasonable opportunity to prepare and to present a rebuttal of those charges;~~

~~b. To determine whether the decision reached was based on substantial information; that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred;~~

~~c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the respondent was found to have committed;~~

~~d. To consider new information sufficient to alter a decision or other pertinent facts not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original hearing.~~

~~3. If an appeal is taken under this section, the appellant has the responsibility to show that the decision from which the appeal was taken violated due process in a prejudicial manner.~~

~~4. Following consideration of the appeal, the appropriate officer may take the following actions:~~

~~a. Affirm the decision of the committee;~~

~~b. Direct the hearing committee to reopen the hearing for a particular purpose in order to safeguard due process;~~

~~c. Remand the case for a new hearing after consultation with the University Legal Counsel in order to safeguard due process.~~

~~5. The decision shall be in writing and delivered to the parties and the chair of the hearing committee as provided herein.~~

~~6. There shall be no appeal from the due process review.~~

~~H. Records~~

~~1. Any member of the University community shall have the right to examine any University records which are retrievable in the member's name, with the exception of documents which have been classified to restrict or prevent disclosure to such persons in accordance with state and federal law.~~

~~2. All records pertaining to the hearing will be classified appropriately and filed with the Due Process Officer. They may be made available for review by authorized individuals only through and on the decision of the Due Process Officer in consultation with Legal Counsel.~~

~~3. The records of hearings shall be retained in the office of the Vice President of Student Affairs for five years from the date of final decision or until such time that the Due Process Officer determines that no useful purpose would be served by their retention, after which they will be disposed of according to law.~~

~~XII. SANCTIONS~~

~~A. When a sanction is imposed, the individual/group will be informed by certified mail of the specific sanction and the appeals processes available within 10 working days of the decision.~~

~~B. General Considerations~~

~~1. Sanctions shall be imposed pursuant to administrative procedures outlined in the Weber State University PPM.~~

~~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.~~

~~3. Reasonable efforts should be made to see that:~~

~~a. The severity of sanctions imposed is reasonable in light of the violation committed;~~

~~b. A similar range of sanctions is imposed under similar circumstances.~~

~~4. Mitigating factors may be considered, including but not limited to:~~

~~a. Present attitude;~~

~~b. Past disciplinary records of the individual/group charged with violations;~~

~~c. Nature of the offense;~~

~~d. Severity of any damage, injury, or harm resulting from the offense.~~

~~5. Repeated violations or an aggravated violation of any University policy or procedure may result in the imposition of a more severe sanction.~~

~~6. Attempts to commit acts prohibited by University policy may be subject to sanctions to the same extent as completed violations.~~

~~C. Possible Sanctions Against Students~~

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

~~1. Academic Sanctions~~

~~a. 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;~~

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

~~2. Institutional Sanctions~~

~~a. 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;~~

~~b. Reprimand
A verbal or written censure by the faculty member or University official involved;~~

~~c. 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;~~

~~d. 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;~~

~~e. 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;~~

~~f. 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;~~

~~g. 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;~~

~~h. 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.~~

~~3. Monetary Sanctions~~

~~a. 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;~~

~~b. 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 25 hours of uncompensated work for the University, community service, or other forms of indirect compensation as outlined in the official decision;~~

~~c. Fines
Payment of up to two hundred 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.~~

~~4. Personal Development Sanctions

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

~~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.~~

~~6. Temporary Interim/Emergency Sanctions~~

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

~~a. 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:~~

~~i) Inflicting bodily harm on oneself or others;~~

~~ii) Inflicting serious emotional or mental distress on oneself or others;~~

~~iii) Creating a substantial disruption of University functions including instruction;~~

~~iv) Presenting a threat to the stability and continuance of any University function;~~

~~v) Being formally charged with a felony.~~

~~b. 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.~~

~~c. 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.~~

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

~~7. Pending Civil or Criminal Actions~~

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

~~a. 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.~~

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

~~c. Permanent sanctions may be imposed after a court decision is reached.~~

~~d. 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.~~

~~D. Possible Actions Against Administrators, Staff, or Faculty~~

~~A hearing committee may recommend sanctions against administrators, staff, or faculty members as permitted in PPM Section 9-14, Disciplinary Actions.~~

~~E. 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:~~

~~1. Encourage the faculty member to alter a course sanction or to submit a change of grade;~~

~~2. Expunge the academic record; and/or~~

~~3. Authorize a student to retake a particular course or designated equivalent at no additional charge.~~

~~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.~~

~~F. Other Remedies~~

~~Subject to the concerns of academic freedom applicable in grading cases, if the committee finds that the imposition of a sanction or other adverse institutional action is not justified by the information, it shall have the power to set aside the sanction or decision and to fashion an appropriate remedy.~~

~~XIII. AMENDMENTS~~

~~A. Amendments to this Code 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 WSUSA Student Senate, or by written petition of not less than 250 members of the University community.~~

~~B. Proposed amendments shall be submitted to the Admissions, Standards, and Student Affairs (ASSA) Committee. The ASSA Committee shall, within 60 working days of receiving amendment(s), publish notice of the same and solicit comment from the members of the University community via open hearings. Following these activities, the ASSA Committee shall transmit the proposed amendment(s) to the WSUSA Student Senate.~~

~~C. The WSUSA Student Senate shall consider the proposed amendment(s) and return its findings to the ASSA Committee within 60 working days. The ASSA Committee, at this point, has the responsibility to attempt to reconcile different versions of the amendment(s).~~

~~D. The ASSA Committee shall submit its proposed amendment(s) to the Faculty Senate. In the event that the proposed amendments from the WSUSA Student Senate and the WSU Faculty Senate are irreconcilable, either body may choose to submit its proposed amendment(s) to the President, with the opportunity for students and faculty to be present during such a presentation.~~

~~E. The President shall, within 60 working days of receiving the proposed amendment(s), recommend either proposal without change or a modified version thereof to the Board of Trustees.~~

~~F. The Board of Trustees shall, within 60 working days of receiving the proposed amendment(s) from the President, act thereon. The Board of Trustees may approve or disapprove the amendment(s), or may approve the same with modifications as it deems necessary.~~

~~G. The due process provisions of this Code shall be reviewed every three years under the direction of the Due Process Officer who shall make recommendations for revisions to the Vice President of Student Affairs and the Provost. Amendments to this Code shall follow procedures outlined above. 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.~~

~~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.

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

~~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.~~

~~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.~~

~~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.~~

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

~~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.~~

~~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.~~

~~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.~~

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

~~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.

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.~~

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

~~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.~~

~~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.~~

~~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.~~

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

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

~~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.~~

~~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.~~

~~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.~~

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

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

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

~~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).~~

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

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