

The Code of Policies and Procedures for Students at Utah State University

Approved by the Utah State University
Board of Trustees on April 12, 2002

TABLE OF CONTENTS: **The Code of Policies and Procedures**

	Page
PREFACE	3
ARTICLE I. RELATIONSHIP BETWEEN THE UNIVERSITY AND STUDENTS	4
ARTICLE II. RESPONSIBILITIES AND RIGHTS	4
SECTION II-1 Responsibilities of Students	4
SECTION II-2. Rights of Students	5
ARTICLE III. PROCEDURES FOR FREEDOM OF EXPRESSION	5
SECTION III-1. Demonstrations and Distribution of Literature	5
SECTION III-2. Posters and Bulletin Boards	6
ARTICLE IV. STUDENT ORGANIZATIONS AND THEIR FUNCTIONS	6
SECTION IV-1. Associated Students of Utah State University (ASUSU)	6
SECTION IV-2. Registration of Student Organizations	7
SECTION IV-3. Non-ASUSU Student Organizations	8
SECTION IV-4. University-owned Living Units	8
SECTION IV-5. Regulations Pertaining to Student Organizations	9
ARTICLE V. UNIVERSITY REGULATIONS REGARDING STUDENT CONDUCT	10
SECTION V-1. Off-Campus Conduct	11
SECTION V-2. Violation of Federal, State, or Local Laws	11
SECTION V-3. University Standards	11
ARTICLE VI. DISCIPLINE	17
SECTION VI-1. Penalties	18
SECTION VI-2. Reporting Violations of University Standards	19
SECTION VI-3. Organization, Functions, and Authority of Hearing Boards	19
SECTION VI-4. Procedural Rights of Students Regarding Hearings	20
SECTION VI-5. Discipline Regarding Honor System Violations	21
SECTION VI-6. Discipline Regarding Misconduct Violations	24
SECTION VI-7. Appeal of Hearing Board Decision.....	26
SECTION VI-8. Recording and Disclosure of the Disciplinary Penalty	27
SECTION VI-9. Temporary Disciplinary Action	27
ARTICLE VII. GRIEVANCES	28
SECTION VII-1. Channels for Grievances	28
SECTION VII-2. Procedures for Grievances Not Relating to Discrimination or Harassment	29
SECTION VII-3. Appeals	30
SECTION VII-4. Procedures For Grievances Relating to Discrimination or Harassment	31
ARTICLE VIII. MISCELLANEOUS	33
SECTION VIII-1. Parking Regulations	33
SECTION VIII-2. Student Employment	33
SECTION VIII-3. Curricular Uses of University Facilities	33

The Code of Policies and Procedures for Students at Utah State University

PREFACE

Utah State University derives from the State of Utah its legal authority to provide programs and services to its students. This authority is vested in the State Board of Regents, the Board of Trustees, and the President of the University.

Upon enrollment in an academic program, a student is entitled to receive the services and participate in the activities of the University. As a member of the academic community, each student is expected to participate freely in and to support academic processes. To maintain the quality of its programs and to protect the integrity of academic freedom for its community as a whole, the University may discipline those who fail to meet and maintain its standards or who violate University policies and procedures.

Utah State University aspires to maintain academic freedom and to maximize individual responsibility. To that end, the University endorses the principles of community identified by the Carnegie Foundation for the Advancement of Teaching. Utah State University is: 1) a purposeful community where members work together to strengthen teaching and learning on the campus; 2) a just community, a place where the dignity of all individuals is affirmed and where equality of opportunity is vigorously pursued; 3) an open community where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed; 4) a disciplined community, a place where individuals accept their obligations to the group and where well-defined governance procedures guide behavior for the common good; and 5) a caring community where the well-being of each community member is sensitively supported and where service to others is encouraged. (Boyer, 1990).

The University may not interfere with the student's rights guaranteed by federal and state laws. The University grants to the student membership in a community which provides opportunities for education.

The following Code of Policies and Procedures for Students at Utah State University [the "Student Code"] attempts to establish these ideals in practice. It was originally initiated by the students, given final form by a joint student-faculty committee, and reviewed by members of the Student Senate and the Faculty Senate.

The Student Code is available in alternative format upon request, such as large print, braille, audio, and disc.

Amendment. The Student Code in its present form has been approved by the ASUSU Executive Council, the Faculty Senate (regarding academic dishonesty matters), the Vice President for Student Services, the Provost, the President of the University, and the Board of Trustees. Students, faculty, and administration may suggest proposals to amend the Student Code. Proposals for amendment must be coordinated with the Vice President for Student Services and shall be approved by the ASUSU Executive Council, the Faculty Senate (regarding academic dishonesty matters), the Vice President for Student Services, the Provost, the President of the University, and the Board of Trustees.

References.

A. References to the Vice President for Student Services, to other University officials, or to ASUSU officers include their designees [e.g., the Vice President for Student Services is often represented by a designee, the Campus Judicial Officer, in matters pertaining to violations of University Standards].

B. References to an "instructor" include all persons engaged in teaching students and is not limited to

the professorial rank of instructor.

C. References to “days” include the 274 consecutive calendar days in an academic year. An academic year commences in August and concludes on the date of spring commencement. The specific dates for any given academic year are approved by the Administrative Council of the University.

1. In all proceedings under this Student Code:

a. The days not included within an academic year and the days between the last day of fall semester (i.e. the last day for final examinations) and the first day of spring semester, are not included in the period of days specified for an act, unless all involved persons mutually agree otherwise. All persons involved include an accused student, an individual complainant, an instructor (if academic dishonesty is involved), the Vice President for Student Services, the hearing board members, the Appeals Board members, and the Hearing Officer.

b. Where the period specified for an act is 10 days or less, a “day” means a Monday, Tuesday, Wednesday, Thursday, or Friday. A “day” does not include a Saturday, Sunday, or an official University holiday.

c. Where the period specified for an act is 11 days or more, a “day” means a calendar day. If the period ends on a Saturday, Sunday, or an official University holiday, the period shall be extended to the next Monday, Tuesday, Wednesday, Thursday, or Friday.

2. Subparagraph 1.a. above does not apply to proceedings under Article VII (*Grievances*), Section 4 (*Procedures For Grievances Relating to Discrimination or Harassment*) where the occurrence or incident which is the basis for the grievance has a disparate impact on the aggrieved student’s educational opportunity in an academic activity controlled or supervised directly by the University.

ARTICLE I. RELATIONSHIP BETWEEN THE UNIVERSITY AND STUDENTS

Under the concept of *in loco parentis*, universities generally were viewed as standing in the place of students’ parents, and courts gave universities a great deal of discretion in disciplining students pursuant to such parent/child relationships. During the 1960’s, however, the law moved away from the concept of *in loco parentis*, and the relationship between the students and a university is now considered contractual. The existence of regulations regarding student conduct does not place the University in a custodial relationship with its students or impose upon the University a duty to protect students from proscribed acts. All students who have reached the age of majority are responsible for their own actions.

Students and student organizations are not agents of the University and may not act on behalf of the University unless specifically and expressly authorized to do so by established policy or in writing by the University President, the Provost, or appropriate vice president.

ARTICLE II. RESPONSIBILITIES AND RIGHTS

SECTION II-1. Responsibilities of Students

As members of the academic community at Utah State University, students share responsibility for its growth and continued well-being and for maintaining an environment which encourages free inquiry and expression. Students are expected to engage in reasonable and substantial preparation for their coursework, to follow course and class guidelines as set forth in syllabi and as enunciated by their instructors, and to complete all academic exercises with integrity. All interactions with faculty members, staff members, and other students shall be conducted with courtesy, civility, decency, and a concern for personal dignity. These responsibilities are the foundation of the University’s Standards of conduct (the Honor System--see: Section V-3.—and Misconduct--see: Section V-3.). The University seeks to vest students with primary oversight of these responsibilities through their participation in hearings boards.

SECTION II-2. Rights of Students

Students can reasonably expect the following:

- A. The right to a learning environment free of harassment and unlawful discrimination.
- B. The right to due process in all disciplinary proceedings, which means fundamental and procedural fairness in accordance with the provisions of this Student Code.
- C. The right to inquire, including specifically the right to engage in reasonable academic discussion and dissent within the framework of course material, with due regard to factors such as class size and the limits on the instructor's time for conferences.
- D. The right, subject to time, place, and manner restrictions, to express personal opinions on campus, to support or oppose causes, to arrange public assemblies, and to hold rallies, demonstrations, and pickets which do not materially and substantially interfere with normal University activities or the rights of others. Institutional control of facilities shall not be used as a censorship device. Any institutional regulation regarding time, place, and manner of expression must be content-neutral, must be narrowly tailored to serve a significant University interest, and must leave open ample alternative channels of communication.
- E. The right to organize and the freedom of association.
- F. The right to publish and the freedom from censorship.
- G. The right to meaningful representation in the formulation of University policies which affect students.
- H. The right to a proper academic evaluation through orderly procedures and announced criteria designed to prevent prejudice and capricious judgment.
- I. The right to confidentiality of records and due limitation of disclosure of personally identifiable information.

ARTICLE III. PROCEDURES FOR FREEDOM OF EXPRESSION

SECTION III-1. Demonstrations and Distribution of Literature

- A. Students, student organizations, and nonstudent individuals or groups sponsored by students/student organizations desiring to demonstrate, picket, or distribute literature on the campus shall file a written request with the Vice President for Student Services indicating the preferred time, place, and manner of such activity. The request shall be filed at least 24 hours before the activity commences. Those involved shall abide by the regulations listed in paragraph B. Where it is deemed necessary, the Vice President for Student Services shall provide for security.
- B. Students, student organizations, and nonstudent individuals or groups sponsored by students/student organizations, may demonstrate, picket, or distribute literature on the campus in areas generally available to the public; provided that such demonstrators, picketers, or distributors do not or do not attempt to:
 - 1. Breach the peace.
 - 2. Physically obstruct pedestrian traffic.
 - 3. Physically obstruct vehicular traffic.
 - 4. Interfere with classes or other scheduled meetings.

5. Damage University property.
6. Discard banners, placards, picket signs, leaflets, pamphlets, handbills, or other literature or materials in a manner which litters University property.
7. Permanently occupy land areas or permanently locate signs and posters.
8. Erect structures, shelters, or camps.
9. Sleep overnight on University property.
10. Threaten or endanger the health or safety of any person.

SECTION III-2. Posters and Bulletin Boards

A. The Vice President for Student Services shall ensure that space is available on campus for posters. Students desiring to display posters in the Taggart Student Center shall confer with the Director of the Taggart Student Center (Room 326), who shall issue approval and specify the location for such display.

B. Bulletin boards or announcement boards maintained by the various departments, administrative offices, and other divisions of the University are generally not suitable for the display of student posters; however, the University official in charge of any such board may give permission for the display of student posters.

ARTICLE IV. STUDENT ORGANIZATIONS AND THEIR FUNCTIONS

SECTION IV-1. Associated Students of Utah State University (ASUSU)

To aid in identifying the common needs of the students and to share in the development of the University, the University President and Board of Trustees support a student association, which is known as the Associated Students of Utah State University (ASUSU). The form of the association is specified in a written constitution initiated by the students. Subsequent changes to the constitution shall not become effective until approved by the President of the University.

The University President, Board of Trustees, and State Board of Regents shall approve student fees and authorize their collection upon recommendation from the University Student Fee Board. The funds from the fees shall become available to the fee receiving unit for its budgeting and expenditures. The procedures for encumbering and payment of the obligations shall be determined by the University Administration. Year-end balances shall be retained and managed by the University, for subsequent expenditures, by the fee receiving unit.

ASUSU:

- A. Represents students' interests to the University Administration.
- B. Plans and administers social and recreational activities.
- C. Issues requisitions and encumbers monies for student functions.
- D. Appoints representatives to University committees on which students have been given membership.
- E. Registers student organizations and allows them certain privileges.
- F. Initiates and responds to proposed amendments to the Student Code and related statements of policy.

SECTION IV-2. Registration of Student Organizations

The University acknowledges that students desire to organize and to identify with academic, social, recreational, service, and other groups. The organizations may be as varied as students desire, but must not interfere with or interrupt the policies and purposes of the University or violate the law.

A. All student organizations registered by ASUSU are allowed to use University facilities and services in accordance with established policy. The activity for which the facility is requested cannot interfere with basic ongoing facility requirements.

B. All registered organizations may apply for funding through ASUSU in accordance with established policy.

C. THE PROCEDURE FOR REGISTRATION OF STUDENT ORGANIZATIONS: Student organizations include clubs, groups, squads, societies, and other designations. The following procedures are required for all student organizations desiring registration:

1. Registration is under the jurisdiction of the ASUSU Organizations Vice President and is approved by the ASUSU's Council of Student Clubs and Organizations (CSCO).
2. Student organizations must register each year. Registration shall be valid from the date of approval until the end of the fourth week of the succeeding fall term.
3. A student organization must file the following information with ASUSU:
 - a. Name of the organization.
 - b. Names and titles of the officers.
 - c. Purpose of the organization.
 - d. Name of an advisor, if any. An advisor is not mandatory unless ASUSU, in its sole discretion, expressly requires that the organization have an advisor.
 - e. The name of any national affiliate organization and the names and addresses of the national affiliate officers.
 - f. A constitution and/or written statement ensuring that only students matriculated with Utah State University may be officers in the organization and that two-thirds of voting membership will be comprised of Utah State University students. Upon request of honorary and/or professional societies, the ASUSU Executive Council may waive this requirement, so that University faculty and staff may be included as officers and/or voting members.
4. Written notification of any changes in items a. – f. above must be delivered to the ASUSU Organizations Vice President within 10 days after the change is made.

D. A student organization may have its registration suspended by ASUSU or the Vice President for Student Services if:

1. The organization submits falsified information.
2. The organization violates any written policy of ASUSU, University Standards, or any other University regulation, including the Student Code.

E. No organization may have its registration denied or suspended on the grounds of its beliefs, attitudes, or goals; in particular, on the basis of race, color, national origin, religion, sex, age, disability, veteran's status, or sexual orientation.

F. A decision by ASUSU or the Vice President for Student Services to deny or suspend the registration of a student organization may be the basis for a grievance through the procedure described in Article VII.

G. Fraternal organizations are student organizations subject to all provisions of this Article and operate under the USU Greek Intrafraternal and Panhellenic Councils. The councils shall function according to their constitutions, as approved by the Vice President for Student Services.

H. Registered student organizations operate under the following conditions:

1. Officers and members of the organization are subject to all policies promulgated by ASUSU and to the Student Code.
2. Members, officers, and advisors, if any, do not represent the University in an official capacity.
3. Organizations are self-governing and are not subject to day-to-day direction by the University.
4. University involvement in organizations will occur only when issues dealing with interpretation and/or infractions of the Student Code are required.

I. When student organizations require a specific grade point average to maintain active membership, grades will be released by the University to the organization only when the organization presents a release form from the individual student member(s).

SECTION IV-3. Non-ASUSU Student Organizations

In addition to student organizations registered by ASUSU, certain student organizations are supported in their programming by an academic department/unit or a nonacademic department.

- A. These student organizations are not required to be registered by ASUSU and may not apply for funding through the ASUSU's Council of Student Clubs and Organizations (CSCO).
- B. The formation of these student organizations must be approved by the Provost or an appropriate vice president; the organization's operations can be suspended or terminated by the Provost or an appropriate vice president.
- C. The University appoints an advisor to oversee the functioning of these student organizations and to give direction regarding day-to-day operations.
- D. The assignment to act as the organization's advisor must be specifically listed as a primary and integral part of the person's job description.
- E. These student organizations are allowed to use University facilities and services in accordance with established policy. The activity for which the facility is requested cannot interfere with basic ongoing facility requirements.

SECTION IV-4. University-owned Living Units

- A. Students residing in University-owned living units may organize to formulate and propose living unit policies.
- B. Policies and regulations proposed by the students for the living unit shall become effective upon approval of the Housing Office and the Vice President for Student Services.
- C. Regulations and the method of enforcement shall be printed and made available to residents.
- D. Violations of living unit policies and regulations may be either (1) referred to the Vice President for Student Services for appropriate disciplinary action under Article VI, or (2) enforced under procedures

adopted by the Housing Office. Such procedures may provide for an informal resolution by the Director of Housing. Informal resolutions of the Director of Housing may be appealed to a Board.

SECTION IV-5. Regulations Pertaining To Student Organizations

The following regulations shall apply to ASUSU and to all student organizations.

A. Student organizations that own or rent real property of any kind shall be responsible for its maintenance and for all activities that take place on such premises.

B. Organizational activities that are held off campus or interfere with students' attendance at scheduled classes (the final examination period is considered part of the regularly scheduled class period) shall be regulated by the following:

1. For a competing group, one coached and financed by the University or ASUSU for the purpose of competing with groups from other universities and colleges:

a. The coach or supervisor of the competing group shall file a schedule of the semester's activities with the appropriate dean, director, or vice president at the beginning of each semester.

b. One week prior to an intended activity, the coach or supervisor should file a roster of the participating students with the appropriate dean, director, or vice president stating the details and times of the proposed absence.

c. Students should notify their instructors at least one week prior to any such planned absence.

d. Students absent from class while engaged in activities of the competing group shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.

2. For a performing group, one which has been requested by an appropriate office of the University to appear before an audience:

a. The advisor or supervisor of the performing group shall file a schedule of the semester's activities with the appropriate dean, director, or vice president at the beginning of each semester.

b. A roster of the performing students, the names of the supervisors or advisors, and the details and times of the activity should be submitted to the appropriate dean, director, or vice president one week prior to any such planned absence.

c. Students should notify their instructors at least one week prior to any such absence.

d. Students absent from class while engaged in activities of the performing group shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.

3. For ASUSU elected officers and their committee members, whose programs are financed by ASUSU for the purpose of administering the responsibilities of an ASUSU elected office:

a. Approval must be received from the appropriate director or vice president one week prior to the activity. Short leave-time requests may be initiated by the University President, Provost, or the Vice President for Student Services.

b. A roster of officers and their committee members, the name of the supervisor, and the purpose of an activity should be submitted to the appropriate director or vice president.

- c. Students should notify their instructors at least one week prior to any such absence.
 - d. ASUSU elected officers and their committee members who are absent from class while engaged in ASUSU-related activities shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.
4. For a scheduled class group, one directed by a departmental instructor for the purposes of a scheduled class, or a student participating in an academic activity (e.g., presentation of a paper or participation in an experiment):
- a. The instructor shall obtain approval from the academic dean, who shall concur that the activity is essential to the scheduled class group or student.
 - b. In no case shall the academic dean grant permission to a student to be absent from other scheduled classes. It is the student's responsibility to contact each instructor for his or her classes one week prior to any absence to discuss the intended absences.
 - c. Students shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.
 - d. In situations of conflict, it is appropriate to work with the department head and dean to resolve the matter.
5. For all other student organizations:
- a. A group registered by ASUSU shall submit to the Vice President for Student Services a request to leave the campus, or otherwise miss scheduled classes, two weeks prior to the intended activity.
 - b. All non-ASUSU groups shall submit to their advisors a request to leave the campus, or otherwise miss scheduled classes, two weeks prior to the intended activity.
 - c. A group granted permission to participate in an activity shall in no case be granted permission to be absent from classes by any person other than the class instructors.
 - d. One week prior to an activity, students shall discuss the terms of intended absences with their instructors, who will decide what course of action should be taken.
6. Although the University administration shall not grant excuses from classwork, it shall intercede when an instructor refuses to permit a student to make up work missed while engaged in a competing group, in a performing group, as an ASUSU officer or committee member, or in a scheduled class group. In such cases, the student may appeal to the department head, who shall, with the student's academic dean, intercede with the instructor for the student to make up missed work. The student may appeal to the Provost if necessary.
7. Upon request, the appropriate dean, director, or vice president shall supply to instructors and students verification of student absences for participation in a competing group, in a performing group, as an ASUSU elected officer or committee member, or in a scheduled class group.

ARTICLE V. UNIVERSITY REGULATIONS REGARDING STUDENT CONDUCT

The student at Utah State University is a member of both a civil community and a campus community. The regulations of both communities are applicable to the student.

SECTION V-1. Off-Campus Conduct

The University is concerned and involved with student conduct both on and off campus. The University Standards (Section V-3, below) apply to violations committed on campus, on any property owned, leased, or controlled by the University, or at any location where a student is engaged in an official University activity or the student represents the University, as well as occurring in practicum, internship, student field trip, student teaching, and independent study settings. When conduct occurs off-campus, the Vice President for Student Services, in concert with University attorney(s) and other University officials, shall determine whether disciplinary action should be undertaken.

SECTION V-2. Violation of Federal, State, or Local Laws

Students are expected to obey federal, state, and local laws.

The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include pursuing disciplinary action for any violation of federal, state, or local law that affects the university's educational interests.

University disciplinary action may be instituted against a student who is alleged in either a civil or criminal proceeding to have violated the law or the rights of others, when the student's actions also constitute a violation of University Standards. University disciplinary proceedings may be commenced without regard to the pendency of civil litigation or criminal prosecution; University discipline may be carried out prior to, simultaneously with, or following civil or criminal proceedings conducted by off-campus persons or authorities.

The student convicted of a crime committed on or off campus may be in violation of University Standards, and the offense may be reviewed when it comes to the knowledge of the University and make the student subject to University discipline. The Vice President for Student Services, in concert with University attorney(s) and other University officials, shall determine whether disciplinary action should be undertaken.

SECTION V-3. University Standards

A. Academic Integrity — "The Honor System"

Each student has the right and duty to pursue his or her academic experience free of dishonesty. The Honor System is designed to establish the higher level of conduct expected and required of all Utah State University students.

The Honor Pledge — To enhance the learning environment at Utah State University and to develop student academic integrity, each student agrees to the following Honor Pledge:

"I pledge, on my honor, to conduct myself with the foremost level of academic integrity."

Acts of academic dishonesty include but are not limited to:

1. Cheating: (1) using or attempting to use or providing others with any unauthorized assistance in taking quizzes, tests, examinations, or in any other academic exercise or activity, including working in a group when the instructor has designated that the quiz, test, examination, or any other academic exercise or activity be done "individually"; (2) depending on the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) substituting for another student, or permitting another student to substitute for oneself, in taking an examination or preparing academic work; (4) acquiring tests or other academic material belonging to a faculty member, staff member, or another student without express permission; (5) continuing to write after time has been called on a quiz, test, examination, or any other academic exercise or activity; (6) submitting substantially the same work for credit in more than one class, except with prior approval of the instructor; or (7) engaging in any form of research fraud.

2. Falsification: altering or fabricating any information or citation in an academic exercise or activity.

3. Plagiarism: representing, by paraphrase or direct quotation, the published or unpublished work of another person as one's own in any academic exercise or activity without full and clear acknowledgment. It also includes using materials prepared by another person or by an agency engaged in the sale of term papers or other academic materials.

B. "Misconduct"

In accord with the principles of "community" endorsed by the University (see: Preface), the conduct listed below and the conduct described in paragraph C. has been found to interfere with University functions or threaten the well-being and the educational purposes of students. Any student who engages in proscribed conduct shall be subject to discipline under Article VI.

Misconduct includes but is not limited to:

1. Possessing, consuming, selling, distributing, manufacturing, and/or storing any alcoholic beverage on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University function or event. Off-campus University functions are subject to federal, state, and local laws. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.) Any students who choose to drink off-campus are expected to obey federal, state, and local laws and maintain responsible control over their drinking.
2. Possessing, using, selling, manufacturing, or distributing any hallucinatory, narcotic, illegal, or controlled substance, as defined by federal or state laws, except as expressly permitted by such laws. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.)
3. Possessing, purchasing, selling, distributing, attempting to possess or purchase, or offering to sell or distribute any psychotoxic chemical solvent (as defined by state law), either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University sponsored function or event. Also, intentionally smelling or inhaling the fumes of any such psychotoxic chemical solvent for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
4. Using University funds or any funds under the management and control of the University to defray the cost of purchase or consumption of alcoholic beverages either on or off campus.
5. Smoking in (or within 25 feet of an entry to) any building owned or controlled by the University (including the football stadium) or, if under the age of 19, smoking or otherwise using any cigar, cigarette, or tobacco product in any form. Selling, offering for sale, giving, or furnishing (1) any cigar, cigarette, or tobacco product in any form to any person under 19 years of age, or (2) any "clove cigarette" (as defined by state law) to any person, either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University-sponsored function or event.
6. Disorderly conduct or an act of lewdness.
7. Obstructing or disrupting instruction, research, administration, meetings, processions, or other University activities, including its public service functions on or off campus, or authorized non- University activities on University premises. This includes aiding, abetting, or encouraging another person to engage in such activities.
8. Demonstrating, picketing, or distributing literature, except under the provisions of Article III or other University policy.
9. Obstructing the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
10. Failing to comply with directions of University officials or law enforcement officers acting in their official capacities or failing to identify oneself to these persons when requested to do so, resisting arrest, fleeing the scene of an accident, or improperly interfering with University police in the completion of their duties.

11. Unauthorized entry into or use of University facilities or equipment.
12. Possessing, using, or duplicating University keys for an unauthorized purpose.
13. Failing to maintain a current official mailing address in the Office of Student Records, Room 246 Taggart Student Center, (see: Section VI-4.A.1.b.) or giving a false or fictitious address.
14. For any student under 21 years of age, failing to provide to the Office of Student Records (and keep current) the name and address of a parent or legal guardian. If one or both parents are living, a parent's name must be supplied. If the student is an orphan and a legal guardian has been appointed, the name of the legal guardian must be supplied.
15. Issuing a check to the University drawn on insufficient funds, misuse of a credit card in a transaction with the University, or failure to pay debts or obligations to the University.
16. Attempted or actual theft, possession, destruction, damage, or misuse of University property or property belonging to another person.
17. Making false statements, whether oral or written, to University officials or law enforcement officers or otherwise providing information or identification known to be false.
18. Any forgery, alteration, or misuse of University documents, forms, records, or identification cards.
19. Misuse or unauthorized use of a fire extinguisher or other safety equipment on University property.
20. Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on University property.
21. Publishing or distributing libelous, slanderous, obscene, or pornographic literature or materials.
22. Violating any published University policy related to University-owned living units or breaching a University living unit contract.
23. Wrongfully inflicting physical or mental duress, harm, or abuse upon another person, including but not limited to verbal abuse, threats and intimidation, stalking, sexual violence, arson, and murder.
 - a. Utah State University will not tolerate sexual assault/violence in any form, including incidents which arise in acquaintance and date situations. Where there is reasonable cause that a sexual assault/violence has occurred, the University will pursue strong disciplinary action, including the possibility of suspension or expulsion from the University.
 - b. Stalking occurs when (1) a student intentionally or knowingly engages in a course of conduct directed at a specific person that would cause a *reasonable person* to fear bodily injury or to suffer emotional distress; (2) the student has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury or will suffer emotional distress; and (3) the student's conduct induces fear in the specific person of bodily injury or causes emotional distress. The course of conduct must have occurred on two or more occasions, and consist of either (a) maintaining a visual or physical proximity to the specific person or (b) conveying verbal or written threats, or threats implied by conduct, or a combination thereof, directed at or toward the specific person.
24. Sexual harassment. Sexual harassment is defined under the Utah State University Policy Number 339, *Utah State University Policy Manual*, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's academic success.
- b. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals.
- c. such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment. Sexual harassment may include, but is not limited to: (1) continued or repeated verbal abuse of a sexual nature; (2) repeated offensive sexual flirtations, advances, propositions; (3) graphic verbal commentaries about an individual's body; (4) sexually degrading words used to describe an individual; and (5) sexual assault/violence.

25. Inappropriate use of computer, data network, and information technology facilities and services. Violations include, but are not limited to:

- a. Unauthorized access to data, transmissions, facilities, or services owned or created by, or intended for, another person or entity.
- b. Unauthorized use of another person's username, password, or network identity.
- c. Use of computers/computing facilities which interferes with or disrupts the work of another student, faculty member, or University official.
- d. Use of computers/computing facilities to store, access, or send obscene or pornographic materials.
- e. Use of computers/computing facilities which interferes with or disrupts normal operation of the University computer, data network, and information technology facilities and services.
- f. Use of authorized access to shared services or resources with the intention or result of denying authorized access to other persons.
- g. Introduction of disruptive computer codes.

26. Abuse of the disciplinary process, including but not limited to:

- a. Failure to comply with the directions of the Provost, the Vice President for Student Services, a hearing body, or hearing officer.
- b. Falsification, distortion, or misrepresentation of information before a hearing body or hearing officer.
- c. Disruption or interference with the orderly conduct of a disciplinary/grievance proceeding.
- d. Institution of a disciplinary/grievance proceeding knowingly without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary/grievance process.
- f. Attempting to influence the impartiality of a member of a hearing body or a hearing officer prior to, or during the course of, the discipline/grievance process.
- g. Harassment (verbal or physical) or intimidation of a member of a hearing body or a hearing officer prior to, during, or after a disciplinary/grievance proceeding.
- h. Failure to comply with the penalty imposed, or other action taken, under the Student Code.
- i. Influencing or attempting to influence another person to commit an abuse of the disciplinary/grievance process.

j. Tampering with, influencing, or attempting to influence any witness or potential witness in a disciplinary/grievance proceeding.

27. Hazing is prohibited in any form. Hazing consists of any action taken or situations created, whether on or off campus, which:

1. endangers the mental or physical health or safety of another; or
2. produces mental or physical discomfort, embarrassment, harassment, or ridicule of another; or
3. involves any brutality of a physical nature such as, but not limited to, paddling, whipping, beating, branding, calisthenics, creating excessive fatigue, bruising, electric shocking, causing physical and psychological shocks, placing of a harmful substance on the body, or exposure to the elements; or
4. involves consumption of any food, alcoholic beverage, liquor, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
5. involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation, or subjects the individual to the wearing of apparel which is conspicuous or not normally in good taste, engaging in public stunts and buffoonery, engaging in morally degrading or humiliating games; or
6. involves defacing or destroying public or private property; or
7. involves cruelty to any animal; and
 1. is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
 2. if the actor knew that the victim is a member of or candidate for membership with a team or organization to which the actor belongs or did belong within the preceding two years.

It is not a defense to hazing that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

C. Classroom Civility.

1. Utah State University supports the principle of freedom of expression for both faculty and students. The University respects the rights of faculty to teach and students to learn. Maintenance of these rights requires classroom conditions that do not impede the learning process. Disruptive classroom behavior will not be tolerated. An individual engaging in such behavior may be subject to disciplinary action.

a. Faculty members of Utah State University have the responsibility and authority to determine, maintain, and enforce an atmosphere in their classrooms that is conducive to teaching and learning, in accordance with University policy and practice.

i. "Faculty member" shall include all persons authorized by Utah State University or any of its units to conduct instruction of students enrolled in the University's courses or programs.

ii. "Classroom" shall include any gathering of faculty member(s) and students for the purposes of teaching and learning authorized by Utah State University or any of its units.

iii. "Disruptive classroom behavior" involves physical actions, verbal utterance, or other activities which interfere with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.

2. Disciplinary Procedures for Disruptive Classroom Behavior.

a. Discipline not involving immediate removal from the classroom.

i. The faculty member responsible for the class or activity where the alleged disruptive behavior occurred will inform the student that the student's behavior has been inappropriate. The faculty member will describe to the student the necessary changes in the student's behavior. By the second classroom meeting following the incident, the faculty member will give to the student a written, dated summary of the discussion, and the faculty member will retain a file copy of this summary. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified.

ii. If the student believes the faculty member's expectations are unreasonable, the student may confer with the faculty member's department head, or the dean of the college if the instructor is the department head, about the matter. The department head, or dean, may choose to support the guidelines developed by the faculty member, or may work with the faculty member to develop a modified set of expectations. If there are changes in the faculty member's original set of expectations, a signed and dated copy will be provided by the department head, or dean, to both the student and the faculty member.

iii. Should the student's behavior continue to be unacceptable, the faculty member will inform the department head, or dean, of the circumstances and will share with the department head, or dean, the written summary of the discussion with the student. The department head, or dean, may initiate additional discussion with the faculty member and/or the student. If the department head, or dean, concurs with the faculty member's view that the problem has not been resolved, the situation shall be referred to the Vice President for Student Services. A memorandum briefly describing the student's behavior, as well as a copy of the written summary of the faculty member's discussion with the student and any other related material, shall be forwarded to the Vice President for Student Services for the purposes of disciplinary action, in accordance with Article VI below. A copy of all material sent to the Vice President for Student Services shall be provided to the faculty member's dean and to the dean of the college for the student's declared major, if different.

b. Discipline involving immediate removal from the classroom.

i. A faculty member has the right to demand and secure the immediate removal of any student from the classroom whenever it is the faculty member's belief that such student has compromised the faculty member's right to teach or the students' right to learn. The faculty member will inform the student whether the removal is for the current classroom meeting only or the removal also includes subsequent classroom meetings. If necessary, the faculty member may call upon the University Police for assistance.

ii. When the removal is for the current classroom meeting, the faculty member responsible for the class or activity will inform the student that the student's behavior has been inappropriate and describe to the student the necessary changes in the student's behavior. By the second classroom meeting following the one-time removal, the faculty member will give to the

student a written, dated summary of the discussion, and the faculty member will retain a file copy of this summary. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified. Paragraphs 2.a.ii. and 2.a.iii. above shall apply.

iii. A student may not be permanently removed from a class in which the student is enrolled without a formal review. When the faculty member has removed the student from the current classroom meeting and from subsequent classroom meetings, the faculty member will inform the student that to be considered for reinstatement into the class the student must meet with the head of the department offering the course, or the dean of the college if the instructor is the department head. The student is entitled to a conference with the department head, or the dean, before the second classroom meeting after the temporary removal. Before the third classroom meeting after the temporary removal, the department head, or dean, may either:

a) approve an agreement of expectations between the student and the faculty member and reinstate the student to the class, or

b) extend the temporary removal of the student from the class and refer the matter to the Vice President for Student Services for disciplinary action. Permanent removal of a student from the class, or reinstatement to the class, shall be effected according to the procedures for discipline of students specified in Article VI below.

iv. When a student is permanently removed from a class, the University's standard refund policy shall apply.

v. Non-students and students not enrolled in a class may be removed permanently by the faculty member without a formal review because they have no right to attend the class without the faculty member's permission. The faculty member's decision is final in these cases.

3. Termination of a Disrupted Classroom Meeting.

If a disruptive person refuses to remove him/herself from the classroom when requested to do so by the faculty member or the faculty member feels that there is a threat of imminent physical danger, the faculty member has the right to declare the class session terminated and leave the classroom. Any classroom disruption that prompts the faculty member to terminate a classroom meeting must be reported in writing to the department head, or the dean of the college if the department head is the instructor, before the next regularly scheduled class meeting. The department head, or dean, shall investigate the circumstances of the situation, including in such investigation testimony from, if possible, at least three randomly selected students enrolled in the class who were not involved in the disruption. The department head, or dean, may initiate appropriate action under paragraph 2 above to resolve the situation.

ARTICLE VI. DISCIPLINE

The purposes for disciplinary action are: (1) to maintain the University's integrity as an educational institution; (2) to protect the rights of individuals; and (3) to help individuals solve their problems. The procedures in this article are structured to deal uniformly and fairly with students. The disciplinary procedures are not subject to the same procedural due process as is established in criminal and civil courts.

Disciplinary actions may be commenced against a student whether or not he or she is registered for or is attending the current semester of classes. Most students will be currently enrolled, but a person cannot drop out of school to avoid, or attempt to frustrate, disciplinary action. Disciplinary actions regarding violations may be taken by the University at any time.

When the disciplinary action is commenced against a student who is taking courses through University Extension, the procedures shall be substantially parallel to sections 3, 4, 5, and 6 below, as determined by the Vice President for Student Services on a case-by-case basis.

SECTION VI-1. Penalties

A. Academic Dishonesty — The Honor System.

An instructor has full autonomy to evaluate a student's academic performance in a course. If a student violates the Honor System (Section V-3.B., above), the instructor may sanction the student in accordance with the procedure in Section VI-5.A.1., as part of the course evaluation. Such sanctions may include: (1) verbally warning the student; (2) giving the student a written reprimand; (3) requiring the student to rewrite a paper/assignment or to retake a test/examination; (4) adjusting the student's grade – for either an assignment/test or the course; or (5) giving the student a failing grade for the course. A sanction by the instructor is not a disciplinary penalty. If the instructor believes that, in addition to any sanction, the student should be disciplined and a penalty imposed, the instructor shall refer the student for disciplinary proceedings. (See: Section VI-5.A.2.)

The penalties which the University may impose on a student for an Honor System violation are:

⌞ Probation—continued participation in an academic program predicated upon the student satisfying certain requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found to be violating the Honor System during the probationary period. The student must request termination of the probation in writing.

⌞ Suspension—temporary dismissal from an academic program or from the University for a specified time, after which the student is eligible to continue the program or return to the University. Conditions for continuance or readmission may be specified.

⌞ Expulsion—permanent dismissal either from an academic program or from the University.

⌞ Assigning a designation with a course grade indicating an Honor System violation involving academic dishonesty. Conditions for removal may be specified, but the designation remains on the student's transcript for a minimum of one year; provided however, that once the student's degree is posted to the transcript, the designation may not be removed thereafter.

⌞ Denial or revocation of degrees.

⌞ Performance of community service.

B. Misconduct – The penalties which the University may impose on a student for a Misconduct violation are:

⌞ Warning or reprimand—written or verbal.

⌞ Probation—continued attendance at the University predicated upon the student satisfying certain requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found to be violating any University Standards during the probationary period. The student must request termination of the probation in writing.

⌞ Suspension—temporary dismissal from the University for a specified time, after which the student is eligible to return. Conditions for readmission may be specified.

⌞ Expulsion—permanent dismissal from the University.

⌞ Withholding of transcripts for refusal to return University property or to pay University debts. (See: Section V-3.B.16. and 17.)

- Ⓟ Temporary and/or permanent removal from a class. (See: Section V-3.D.)
 - Ⓟ Payment of restitution to the University or, when University intervention is deemed appropriate, to another individual for damages or losses.
 - Ⓟ Performance of community service.
 - Ⓟ Referral to psychological counseling or to the Student Wellness Center for assessment, evaluation, education, and treatment, when necessary.
 - Ⓟ Other disciplinary actions which are appropriate to the violation(s).
- C. If the University determines that a student has committed a violation of the alcohol or controlled substance standards (Section V-3.B.1 through 4) and the student is under age 21, the University may disclose, in writing, to the student's parent(s) or guardian notice of said violation.
- D. Any offense that is motivated by bias may result in stronger penalties. An offense motivated by bias is any offense wherein the accused student intentionally selects the alleged victim because of the alleged victim's race, creed, disability, color, religion, national origin, gender, age, marital status, sexual orientation, public assistance status, or inclusion in any group or class protected by state or federal law.
- E. More than one of the penalties may be imposed for any single violation. Reference to "penalty" includes multiple penalties.
- F. Imposition of the penalty of suspension or expulsion from the University must be approved by the President of the University. The President's approval shall be given either at the conclusion of the 10-day appeal period if no appeal is filed, or as part of the President's final decision if an appeal is filed. (See: Section VI-7.)
- G. When a student is suspended or expelled from the University, tuition and fees that have been paid for the semester during which the suspension or expulsion occurs are refundable in accordance with the standard refund policy as stated in the semester Schedule of Classes.
- H. A hold on a student's admission, registration, or financial aid is not an independent penalty, but may be utilized by the University for various purposes, including either to 1) direct a student's attention to, and subsequent participation in, a pending disciplinary/grievance proceeding or 2) to obtain the student's compliance with a penalty which has been imposed or other action which has been taken under the Student Code.

SECTION VI-2. Reporting Violations of University Standards

Students have a responsibility to promote academic integrity at the University by not participating in or facilitating others' participation in any act of academic dishonesty and by reporting all violations or suspected violations of the Honor System to their instructors. All Misconduct violations (or suspected Misconduct violations) shall be reported to the Vice President for Student Services by faculty, staff, and students who have knowledge or information regarding the same.

SECTION VI-3. Organization, Function, and Authority of Hearing Boards

Notwithstanding that this section is under the article entitled "Discipline," this section also applies to grievances under Article VII.

A. A hearing board shall hear all incidents involving alleged violations of University Standards presented to it by the Vice President for Student Services and all grievances not relating to discrimination or to harassment.

B. The hearing board pool shall consist of fourteen members: seven students, four faculty members, and three professional staff employees. The student pool members shall be appointed for a one year term by the President of ASUSU and be confirmed by a majority vote of the ASUSU Executive Council. The faculty pool members shall be appointed by the Provost for a two year term (terms shall be staggered in pairs). The professional staff employee pool members shall be appointed by the Vice President for Student Services for a three year term (terms shall be staggered). All new appointments to the pool shall be made on or before April 30th of each year. If during any year the number of hearings either scheduled or conducted places a burden on the hearing pool, then additional pool members may be appointed as needed.

C. By May 15th of each year, the pool shall elect one of its student members to serve as the hearing board pool chair.

D. All pool members will be trained regarding hearing procedures; no pool member shall serve on a hearing board unless his or her training is completed.

E. When a matter is referred for a hearing, the hearing board pool chair shall: (1) designate four students (which may include him or herself) and two faculty members, from the pool to act as the Honor Board to hear an Honor System matter or to act as the Grievance Board to hear an academic grievance and (2) designate four students (which may include him or herself), one faculty member, and one professional staff employee from the pool to act as the Judicial Board to hear a matter not involving an Honor System violation or as the Grievance Board to hear a nonacademic grievance. Hearing Boards shall be formed so as to give all pool members equal opportunity to serve, but a strict rotation is not required.

An Honor Board or Judicial Board shall elect one of the student members to serve as a voting chair. A Grievance Board hearing an academic grievance shall select one of the two faculty members to serve as a voting chair; on other Grievance Boards, the faculty member shall serve as the voting chair.

F. The names of the members of a designated hearing board shall be immediately communicated to the accused student, the individual complainant, the grievant, or the respondent in writing so that the right accorded under Section VI-4.A.2. may be timely exercised.

G. All actions by a hearing board shall be decided by a majority vote. Should the Board reach a split vote, it must deliberate until a majority is reached.

H. A hearing board shall not consider evidence which has not been presented at the hearing.

I. A hearing board's determination shall be made on the basis of whether it is more likely than not (i.e. a preponderance of evidence) that the accused student has committed the alleged violation.

J. A hearing board may lessen or increase any penalty recommended by the Vice President for Student Services.

SECTION VI-4. Procedural Rights of Students Regarding Hearings

Notwithstanding that this section is under the article entitled "Discipline," this section also applies to grievances under Article VII. In this section the term "student" means (1) the accused student and an individual complainant, if any, in a disciplinary proceeding and (2) the grievant and the respondent in a grievance proceeding.

A. If a hearing is to be conducted before a hearing board, the student shall be informed of the following procedural rights in advance of the hearing (any or all of which may be exercised):

1. Written notice of the time, date, and location of the hearing before the hearing board, a copy of the Board's decision, and any other written correspondence related to the disciplinary action.

- a. A hearing shall not be scheduled less than 10 days after the notice of hearing is mailed.

b. For purposes of notification, the student's address, as reported to the Office of Student Records, Room 246 Taggart Student Center, shall be the address used for all notification purposes. Any notices sent via regular U.S. Mail to this address will be considered delivered to the student for all purposes under this Student Code. It is the responsibility of the student to immediately inform the Office of Student Records of any address change.

c. Notices sent to the address on record with the Office of Student Records through the U.S. Mail will be considered delivered on the date mailed.

d. Should telephone contact with the student be deemed necessary, the student's telephone number as reported to the Office of Student Records shall be the telephone number used. To assure receipt of any such telephone communications, it is the responsibility of the student to immediately inform the Office of Student Records of any change in his or her telephone number.

2. To challenge with due cause, a member of a hearing board. The challenge shall be reviewed and acted upon by the Vice President for Student Services, in collaboration with the chair of the hearing board pool chair. Familiarity with the alleged violation or persons involved in the hearing, or other bias may be sufficient reason to honor the challenge and direct the appointment of a replacement on the hearing board.

3. To have an advisor of the student's own choice present at the hearing. An advisor may be a parent, legal guardian, a faculty member, an ASUSU student advocate, an attorney, or other person. The advisor shall merely counsel the student and is not permitted to speak or participate directly in the hearing. All communications related to a proceeding shall be made directly with the student, and not with an advisor, unless the student is incapacitated. It is the student's responsibility to keep an advisor informed regarding such communications.

4. If the student is hearing impaired, an interpreter will be provided, where necessary, and the student may present his or her case through an interpreter or other communication device. If the student does not have adequate communication skills in the English language, a translator will be provided, where necessary, and the student complainant may present his or her case through a translator.

5. To request, for due cause, a change in the date and time of the hearing. The student may request a new hearing if he or she was kept from attending the hearing by circumstances beyond his or her control.

6. To testify in his or her own behalf.

7. To present witnesses and to bring in evidence supporting or his or her claims or position in the matter. The student shall submit a list of witnesses to the Vice President for Student Services three days before the date scheduled for the hearing. The University shall also provide the student with a list of other witnesses one day in advance of the hearing.

8. To hear and to question the witnesses and to examine the evidence against the student.

B. In addition, the accused student or respondent shall have the right to remain silent; the burden of establishing the alleged violation (e.g. an Honor System violation which warrants the imposition of a penalty) or grievous conduct is on, the University, the individual complainant, if any, the instructor who asserted the violation, or the grievant who initiated the grievance proceeding.

SECTION VI-5. Discipline Regarding Honor System Violations

This section applies to proceedings to determine if a violation of the Honor System warrants the imposition of a disciplinary penalty in addition to the sanction by the instructor, and if so, to determine an appropriate penalty. This section does **not apply** to probation, suspension, or expulsion from a

department, program, college, or the University based on academic performance (e.g. minimum grade point requirements).

A. 1. Whenever a student is suspected of an Honor System violation (See: Section V-3.B.), the accused student shall be notified by the instructor of the violation and its consequences within seven days of discovery of the violation by the instructor. The instructor may sanction the student as indicated in Section VI-1.A. The incident shall be reported to the instructor's department head, the deans in the college where the course is taught and in the college of the student's declared major, and to the Vice President for Student Services. If the student is a graduate student, the incident shall also be reported to the Dean of the School of Graduate Studies.

2. If an instructor believes that a disciplinary penalty should also be imposed, the instructor shall refer the matter to the Vice President for Student Services, within thirty days of discovery by the instructor of the violation, by a written or electronic communication which identifies the student and the date of the academic dishonesty and includes a brief explanation of the nature of the Honor System violation and the actions taken by the instructor.

B. The Vice President for Student Services shall conduct a preliminary investigation, which shall include In-person conferences with the student who committed the violation. The student shall be informed of the request to impose a disciplinary penalty and receive reasonable notice of the time, date, and place of the conferences. The Vice President for Student Services will discuss with the student the implications of the violation for the student

C. If the accused student fails or refuses to meet with the Vice President for Student Services, the matter shall be submitted to an Honor Board, in which event, the student shall be given written notice of the time, date, and place of the Honor Board hearing and the process shall be the same as paragraph I. below.

D. At the conclusion of the preliminary investigation, the Vice President for Student Services may determine that no further action is necessary. The Vice President for Student Services shall then consult with the instructor and the instructor's department head. If they concur with the determination, the case shall be closed. If they do not concur with the determination, the Vice President for Student Services shall continue to process the matter under paragraphs G. through I. below.

E. If during the conference with the Vice President for Student Services, the student agrees with the Vice President that a disciplinary penalty should be imposed, they shall discuss an appropriate penalty. Matters involving Honor System violations shall be referred to an Honor Board. However, if the accused student accepts the disciplinary penalty proposed by the Vice President for Student Services, the Vice President may agree to resolve the matter without a hearing if the instructor and the instructor's department head approve the proposed resolution. If approved, the agreement shall be set forth in a written document signed by the student. The student shall thereby waive the right to a hearing, including any appeal. The Provost, the appropriate dean, the department head, and the instructor shall be notified in writing of the agreement.

If the student is an undergraduate student, or a graduate student and the incident arose in a situation which parallels undergraduate instruction (such as routine classroom situations including periodic evaluation through assignments, quizzes, and tests), the appropriate dean is the dean of the college in which the course is taught. If the student is a graduate student and the incident arose in a situation which relates to the student's supervisory committee, program of study, or thesis or dissertation, the appropriate dean is the Dean of the School of Graduate Studies.

F. If during the conference with the Vice President for Student Services, the student does not accept the imposition of a disciplinary penalty, the Vice President shall refer the matter for a hearing before an Honor Board and immediately notify the hearing board pool chair.

G. Once a hearing date is set, the Vice President for Student Services shall mail the student written notice of the time, date, and place of the hearing to the address supplied by the student to the Office of Student Records—see: Section VI-4.A.1.

H. At any time during the hearing (or appeal) process, the parties may reach an agreement concerning the violation and an appropriate disciplinary penalty, thereby rendering further proceedings unnecessary; provided, however, that any agreement in an Honor System matter must be approved by the instructor and the instructor's department head. A written statement shall be prepared stating the agreed violation and disciplinary penalty; it shall be signed by the student and filed with the Vice President for Student Services. The Provost, the appropriate dean (paragraph F.3. above), the department head, and the instructor shall be notified in writing.

I. If an Honor Board is convened, the following procedures will apply.

1. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Honor Board members; (2) a University attorney, who shall act as advisor to the Board when needed; (3) the instructor, the appropriate dean, and/or Provost; (4) the student; (5) the student's advisor (see: Section VI-4.A.3.); (6) any witnesses; (7) the Vice President for Student Services; and (8) where appropriate, the Director of Financial Aid when the student is receiving financial aid based in any degree on the student's athletic ability.
2. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
3. Should the student not attend the hearing, the hearing may be conducted in his or her absence and such absence shall not invalidate the proceedings or decision of the Board if the student has been sent notice of the hearing to the address supplied by the student to the Office of Student Records.
4. The Vice President for Student Services shall make a statement, which shall include a summation of the preliminary investigation and a recommended disciplinary penalty, if any.
5. The instructor shall be invited to make a statement.
6. The student shall be invited to make a statement.
7. The Vice President for Student services may present the case to impose a disciplinary penalty, or defer the presentation of the case to the instructor to present the case. An instructor shall assist the Vice President for Student Services, as needed, or is responsible for presenting the case if the Vice President elects not to take that primary role. The Vice President for Student Services and the instructor shall both have the opportunity to question witnesses and present other evidence, regardless of who is presenting the case to impose a disciplinary penalty.
8. The student is responsible for presenting his or her own case and shall have the opportunity to question witnesses and present other evidence.
9. The Honor Board members may ask questions of anyone in attendance.
10. At the conclusion of the hearing, the Honor Board shall deliberate in private to decide whether a disciplinary penalty should be imposed against the student. A University attorney may be present during the Board's deliberation. To ensure that there is some consistency among penalties meted out over time, the Vice President for Student Services must be invited into the deliberation session for the sole purpose of explaining penalties assessed in other cases.
11. The decision of the Honor Board shall be reported in writing to the Vice President for Student Services within two days from the date of the hearing.
12. The Vice President for Student Services shall deliver or mail a copy of the decision to the student; the student shall be advised of the right to appeal provided in Section VI-7 (below).

As appropriate, the Vice President for Student Services shall also notify the instructor, the appropriate dean, the complainant, and any victim in writing of the Board's decision.

13. The Honor Board's decision is final unless a timely appeal is filed.

SECTION VI-6. Discipline Regarding Misconduct Violations

This sections applies to proceedings to determine if a Misconduct violation has occurred and, if so, to determine the appropriate disciplinary penalty.

A. Whenever the Vice President for Student Services receives a report that a student has committed a Misconduct violation (Section VI-3.B.&C., University Standards – “Misconduct”) or receives information that a student has been convicted of a crime, a preliminary investigation shall be conducted. Where the student has not been charged with a crime, the Vice President for Student Services may at any point ask that law enforcement officers assist in investigating the matter and that appropriate legal authorities determine whether prosecution under federal, state, or local law is warranted.

B. The preliminary investigation conducted by the Vice President for Student Services shall include in person conferences with the student who is alleged to have committed the violation. The accused student shall be informed of the alleged violation and receive reasonable notice of the time, date, and place of the conferences. The Vice President for Student Services, will discuss with the student the implications of the alleged violation for both the student and the University.

C. If the accused student fails or refuses to meet with the Vice President for Student Services, a penalty may be imposed against the accused student, or the Vice President may elect to submit the matter to a Judicial Board, in which event, the accused student shall be given written notice (see: Section VI-4.1.) of the time, date, and place of the Judicial Board hearing and the process shall be the same as paragraph I. below.

D. At the conclusion of the preliminary investigation, the Vice President for Student Services may determine that no further action is necessary and may accordingly close the case.

E. If during the conference with the Vice President for Student Services, the accused student admits the violation and agrees with the Vice President on the facts and circumstances, they shall discuss an appropriate disciplinary penalty.

1. If the Vice President for Student Services deems that a penalty is warranted, the accused student shall be so informed. If the accused student concurs with the penalty as recommended, the accused student shall so indicate in writing and thereby waive the right to a hearing, including an appeal.

2. The Vice President for Student Services may elect to not propose a penalty to the accused student and may thereby defer the matter to a Judicial Board for determination of an appropriate penalty and immediately notify the hearing board pool chair.

F. If during the conference with the Vice President for Student Services, (1) the accused student denies the violation, but the Vice President considers that there is sufficient evidence against the accused student, or (2) if the accused student does not agree with the proposed penalty, the Vice President may call the student before a Judicial Board and immediately notify the hearing board pool chair.

G. Once a hearing date is set, the Vice President for Student Services shall mail the accused student written notice of the time, date, and place of the hearing to the address supplied by the student to the Office of Student Records—see: Section VI-4.A.1.

H. At any time during the hearing (or appeal) process, the parties may reach an agreement concerning the violation and an appropriate disciplinary penalty, thereby rendering further proceedings unnecessary. A written statement shall be prepared stating the agreed violation and penalty; it shall be signed by the student and filed with the Vice President for Student Services.

I. If a Judicial Board is requested the following procedures will apply. The procedures will be

appropriately modified where the accused student has admitted the violation and the purpose of the hearing is to determine the penalty.

1. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Judicial Board members; (2) the Vice President for Student Services; (3) a University attorney, who shall act as advisor to the Board when needed; (4) University law enforcement officers; (5) the accused student; (6) the accused student's advisor (see: Section VI- 4.A.3.); (7) the individual complainant (8) the complainant's advisor (see: Section VI-4.A.3.); and (9) any witnesses; and (10) where appropriate, the Director of Financial Aid when the accused student is receiving financial aid based in any degree on the student's athletic ability.
2. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
3. The chair of the Board shall read the alleged violation to the accused student and ask for an admission or denial thereto. If the student has admitted the violation during the conference with the Vice President for Student Services, the hearing shall be conducted to determine the appropriate penalty – the student may not withdraw his or her admission once the Judicial Board has convened. If the violation is denied during the conference with the Vice President for Student Services, the hearing shall be conducted to determine whether the violation occurred and, if so, the penalty.
4. Should the accused student not attend the hearing, the hearing may be conducted in his or her absence and such absence shall not invalidate the proceedings or decision of the Board if the student has been sent notice of the hearing to the address supplied by the student to the Office of Student Records.
5. The Vice President for Student Services shall make a statement, which shall include a summation of the preliminary investigation and a recommended penalty, if any.
6. An individual complainant shall be invited to make a statement.
7. The accused student shall be invited to make a statement.
8. The Vice President for Student services may present the case against the accused student, or defer to the individual complainant, if any, to present the case. An individual complainant shall assist the Vice President for Student Services, as needed, or is responsible for presenting his or her own case if the Vice President elects not to take that primary role. The Vice President for Student Services, or the individual complainant if the case is deferred to him or her, shall have the opportunity to question witnesses and present other evidence
9. The accused student is responsible for presenting his or her own case and shall have the opportunity to question witnesses and present other evidence.
10. The Judicial Board members may ask questions of anyone in attendance.
11. At the conclusion of the hearing, the Judicial Board shall deliberate in private to decide whether a violation occurred and the appropriate penalty, if any. A University attorney may be present during the Board's deliberation. To ensure that there is some consistency among penalties meted out over time, the Vice President for Student Services must be invited into the deliberation session for the sole purpose of explaining penalties assessed in other cases.
12. The decision of the Board shall be reported in writing to the Vice President for Student Services within two days from the date of the hearing.
13. The Vice President for Student Services shall deliver or mail a copy of the decision to the accused student, any victim, and the complainant; the accused student shall be advised of the right to appeal provided in Section VI-7 (below).

14. The Judicial Board's decision is final unless appealed; the accused student shall be advised of the right to appeal provided in Section 7 (below).

SECTION VI-7. Appeal of Hearing Board Decisions

A. On or before April 30th of each year, the President of the University shall appoint one student, one faculty member, and one professional staff employee to serve as the Appeals Board for the upcoming academic year. The Appeals Board members may not concurrently serve as hearing board pool members, but if possible, the appointees will have previously served as a hearing board member. The faculty member shall serve as chair. All Appeals Board members will be trained regarding hearing procedures; no member shall serve on an appeal unless his or her training is completed.

B. The decision of an Honor Board or a Judicial Board may be appealed by the student who violated the Honor System or was found to have committed a Misconduct violation. The Appeal must be made in writing to the Vice President for Student Services within 10 days from the date a copy of the hearing board's report is mailed or delivered to the student. Any other party may appeal the decision within the 10 day period on the sole basis of new evidence (F.4., below).

C. If no appeal is filed within the time provided, the decision shall become final. (The President of the University must approve the imposition of the penalties of suspension and expulsion from the University—see: Section VI-1.E.)

D. If an appeal is made, the Vice President for Student Services shall refer the matter, with all supporting documentation, to the chair of the Appeals Board. The Vice President for Student Services shall inform the parties of the names of the members of the Appeals Board.

E. The parties involved shall have the opportunity to challenge the Appeals Board for bias in the case. The challenge shall be reviewed and acted upon by the Provost, in collaboration with the chair of the Appeals Board. Familiarity with the alleged violation or persons involved in the hearing, or other bias may be sufficient reason to honor the challenge and direct the appointment of a replacement on the Appeals Board by the President of the University.

Guidelines for the Appeals Board are as follows:

F. An appeal shall be limited to a review of the initial hearing and supporting documents for one or more of the following purposes:

1. To determine whether the original hearing was conducted fairly in light of the alleged violation and evidence presented, and in conformity with prescribed procedures giving all parties a reasonable opportunity to prepare and present evidence.
2. To determine whether the decision reached regarding the student was based on substantial evidence; that is, whether the facts in the case were sufficient to establish that it was more likely than not that a violation occurred or that the imposition of a disciplinary penalty for an Honor System violation was warranted. Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
3. To determine whether the penalty imposed was appropriate for the violation which the student was found to have committed.
4. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

G. If new evidence and/or facts could be the basis for altering either the decision or the penalty, the matter shall be remanded to the original Honor Board or Judicial Board for reopening of the hearing to allow reconsideration of the original determination and/or penalty; the Board shall report its conclusion to the Appeals Board for further review in the appeal process.

H. If new evidence and/or facts are not presented, the Appeals Board may confirm or modify the decision of the hearing board and/or may uphold or reduce the penalty imposed by the hearing board. The Appeals Board may also remand the case to the original hearing board to reconsider whether the

penalty should be increased; the hearing board shall report its determination to the Appeals Board for further review in the appeal process.

I. Upon conclusion of an appeal in an Honor System case, the Appeals Board shall forward to the Provost written findings, along with a recommendation as to the disposition of the matter. If the recommendation alters the decision of the Honor Board, a copy of the Board's decision shall be attached to the recommendation. The Provost shall review the recommendation and forward it to the President of the University, together with his or her own separate recommendation of endorsement or disagreement.

J. Upon conclusion of an appeal in a case involving a Misconduct violation, the Appeals Board shall forward to the University President written findings, along with a recommendation as to the disposition of the matter. A copy shall be forwarded to the Vice President for Student Services. If the recommendation alters the decision of the Judicial Board, a copy of the Board's decision shall be attached to the recommendation.

K. The University President may accept or modify the recommendation of the Appeals Board. The President's decision is final. A copy of the final decision will be made available to the appropriate dean, Provost, and the Vice President for Student Services. The Vice President for Student Services shall notify the instructor, the student, or individual complainant, if any, of the President's decision.

SECTION VI-8. Recording and Disclosure of the Disciplinary Penalty

A. A penalty of disciplinary probation, suspension, expulsion, a designation with a course grade indicating an Honor System violation, or denial or revocation of degree shall be entered upon the student's transcript after the completion of the above processes.

B. Upon the specific written release of the student, the Vice President for Student Services shall make available a copy of the final Honor Board or Judicial Board report which has resulted in a disciplinary action of probation, suspension, expulsion, a designation with a course grade indicating an Honor System violation, or denial or revocation of degree to a prospective/present employer, parent (if the student is over the legal age), and other persons or entities. If a report is not available because a hearing was not conducted, a summary statement regarding the disposition of the violation shall be provided. Such a report or summary statement will be disclosed, without the prior consent of the student, to another educational institution that has requested the record and at which the student seeks or intends to enroll; but the University will make a reasonable attempt to notify the student (or his or her parent if under the legal age) of the disclosure and, upon request, provide the student with a copy of the record that was disclosed. No other information shall be provided to a third party without the express written release of the student.

C. A student's record may be cleared of a disciplinary probation, suspension, or designation with a course grade indicating an Honor System violation (if the student's degree has not been posted to his or her transcript) by the Vice President for Student Services following the end of the designated penalty period, if there has been no further problem with the student. A written request for expunging the record is required and shall be initiated by the student with a letter to the Vice President for Student Services. A copy of the request shall be forwarded to the Office of Student Records. The Vice President may convene an Honor Board to review the request, if deemed appropriate or necessary. If the request is granted, the Vice President for Student Services shall notify the Office of Student Records.

D. A student's record may not be cleared of an expulsion or revocation of a degree. A designation with a course grade indicating an Honor System violation involving academic dishonesty may not be removed from the student's transcript after the student's degree has been posted to the transcript.

SECTION VI-8. Temporary Disciplinary Action

A. In the event the Vice President for Student Services has reasonable cause to believe that a student poses (1) a danger to the safety of other students, other persons, or University property or (2) an ongoing threat of disrupting the academic process, the Vice President for Student Services may temporarily suspend the student. Where appropriate, the student may be denied in writing access to

the campus (including residence halls) and/or all other University activities or privileges for which the student might otherwise be eligible.

B. Upon the decision to impose temporary disciplinary action, the Vice President for Student Services or the University President shall notify the student by the most expeditious means available. Upon notification of the temporary disciplinary action, the procedures under Sections VI-4 and VI-6 shall be followed.

ARTICLE VII. GRIEVANCES

Students who feel they have been unfairly treated [in matters other than (i) discipline (Article VI above) or (ii) admission, residency, employment, traffic, and parking—which are addressed by procedures separate and independent from the Student Code] may file a grievance through the channels described below.

An instructor has full autonomy to evaluate a student's academic performance in a course. Accordingly, a decision by a Grievance Board is limited. A Grievance Board has neither the expertise nor the authority to substitute its judgment for that of the instructor's concerning the evaluation of a student's academic performance. The University administration would override an instructor's evaluation only in an extremely limited circumstance—where the occurrence or incident relating to an academic grievance would result in the instructor being disciplined and sanctioned under Section 400 of the Utah State University Policy Manual.

Where an occurrence or incident relating to a grievance could be processed either as a disciplinary action or grievance, it shall be processed as a discipline matter under Article VI; however, if the grievance also relates to discrimination or harassment, it shall be processed under this Article (Section VII-4) to utilize the expertise of the Affirmative Action/Equal Opportunity (AA/EO) Office in these areas. [: a student shall not be subject to disciplinary action for exercising his or her First Amendment right of free speech, except as such right has been limited by civil rights laws.]

When a grievance proceeding is initiated by a student who is taking courses through University Extension, the procedures shall be substantially parallel to Sections 1, 2, 3, and 4 below, as determined by the Vice President for Student Services on a case-by-case basis.

SECTION VII-1. Channels for Grievances

A. For all academic grievances, the channel is: (1) the instructor, or graduate supervisory committee if the grievance pertains to committee action; (2) the academic department head; (3) the dean of the college—for graduate students: the Dean of the School of Graduate Studies, who will consult and coordinate with the academic dean; (4) Grievance Board; (5) the Hearing Officer; (6) the Provost; and (7) the President of the University. However, paragraph C., below, shall apply if the student asserts that items specified in Section 4.A., below, have affected the evaluation of the student's performance.

B. For all nonacademic grievances, the channel is: (1) the staff member or other person involved; (2) the department head, or unit director; (3) the appropriate dean, or the administrator to whom the unit director reports; (4) the Grievance Board; (5) the Hearing Officer; (6) the Vice President for Student Services (where a decision of a Grievance Board may require enforcement by a vice president other than the Vice President for Student Services, the Vice President for Student Services shall consult and coordinate with the other vice president); and (7) the President of the University.

C. For all grievances relating to discrimination or to harassment, the channel is: (1) at the option of the grievant, the instructor, the graduate supervisory committee, the staff member, or other person involved; (2) at the option of the grievant, the department head or unit director; (3) the AA/EO Director in concert with the appropriate administrator mentioned in A.(3) or B.(3) above; (4) the Grievance Board ; and (5) the President of the University.

SECTION VII-2. Procedures for Grievances Not Relating to Discrimination or Harassment

A. Students utilizing the grievance procedure (the "grievant") shall begin the procedure no later than 120 days following the date of the act which is the basis for the grievance. Failure of the person against whom the grievance is made (the "respondent") to respond within the specified time, if any, at any level in the procedure will allow the grievant to proceed to the next step.

B. At any time during the hearing/appeal process, the parties may resolve the matter by mutual agreement, thereby rendering further formal proceedings unnecessary. A written statement shall be prepared and filed with the appropriate dean/Vice President for Student Services.

C. The matter shall be handled as follows:

1. The aggrieved student must first confer with the instructor, graduate supervisory committee, the staff member, or other person involved in the grievance in an attempt to resolve the problem.

2. Unresolved grievances shall be filed in writing (a grievance complaint) with the department head or unit director who shall, within 30 days from the date the grievance is filed, conduct an inquiry and attempt to resolve the matter impartially and as quickly as possible.

3. If the grievance is not resolved at step 2, the grievant may forward a copy of the grievance complaint, together with all correspondence or related documents, to the dean, or other administrator. The dean or administrator shall conduct an informal inquiry within 30 days from the date the grievance complaint is received and shall attempt to resolve the grievance informally. If the dispute is not resolved informally, a hearing shall be conducted.

4. The dean or administrator shall refer the matter to the Vice President for Student Services for a hearing before a Grievance Board. The Vice President for Student Services shall immediately notify the hearing board pool chair.

5. When a matter is referred for a hearing, the hearing board pool chair shall (1) designate four students (which may include him or herself) and two faculty members from the pool to act as the Grievance Board to hear an academic grievance and (2) designate four students (which may include him or herself), one faculty member, and one professional staff employee from the pool to act as the Grievance Board to hear a nonacademic grievance. Grievance Boards shall be formed so as to give all pool members equal opportunity to serve, but a strict rotation is not required. The Grievance Board shall elect a faculty member to serve as a voting chair. All actions by the Grievance Board shall be by majority vote. Should the Grievance Board reach a split vote, the Board must deliberate until a majority is reached.

6. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Grievance Board members; (2) a University attorney, who shall act as advisor to the Grievance Board when needed; (3) the dean/administrator; (4) University law enforcement officers; (5) the parties involved—the grievant and the respondent; (6) the parties' advisors, if any; and (7) any witnesses. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.

7. The parties involved have the procedural rights set forth in Section VI-4., which include but are not limited to:

a. challenge any member of the Grievance Board for bias in the case.

b. be accompanied by an advisor of their own choice (i.e., parent, legal guardian, attorney, faculty member, ASUSU student advocate, or other person). The advisor shall merely counsel the respective party and shall not be permitted to speak or participate directly in the hearing; provided that, if a party is incapacitated, an advisor (who is not an attorney) may directly assist.

- c. If a party is hearing impaired, an interpreter will be provided, where necessary, and the party may present his or her case through an interpreter or other communication device. If a party does not have adequate communication skills in the English language, a translator will be provided, where necessary, and the party may present his or her case through a translator.
 - d. be notified in advance of the time, date, and location of the hearing. [Should any of the parties fail to attend, the hearing will be conducted without them.]
 - e. make a statement, question witnesses, and examine the evidence against him or her.
8. The Grievance Board members may ask questions of anyone in attendance.
9. At the conclusion of the hearing, the Grievance Board shall deliberate in private, but may invite a University attorney into the deliberation session.
10. Within two days after the completion of the hearing, the Grievance Board chair shall submit to the dean/administrator a written decision, including findings of fact and conclusions which serve as the basis for the decision. Copies of the written document shall be provided to all parties involved in the dispute.
11. The decision may be appealed within the time provided in the next section.

SECTION VII-3. Appeals

- A. On or before April 30th of each year, the President of the University shall appoint three faculty members to serve as Hearing Officers for the upcoming academic year. The Hearing Officers may not concurrently serve as hearing board pool members, but if possible, the appointees will have previously served as a hearing board pool members.
- B. The decision of the Grievance Board may be appealed by either party in writing to the Provost within 10 days from the date a copy is mailed or delivered to the grievant. If an appeal is made, the Provost shall appoint one of the three Hearing Officers, whose faculty appointment is from outside the college or unit involved in the case, to review the matter and to either confirm or modify the decision of the Grievance Board.
- C. The grievant, instructor, staff member, or other person involved shall have the opportunity to challenge the Hearing Officer for bias in the case.
- D. All correspondence, statements, and related documents used at the hearing or at any previous step shall be forwarded to the Hearing Officer, along with the original written grievance complaint. The grievant and other persons involved shall be readily available to the Hearing Officer. The Hearing Officer shall have the authority to control the nature and extent of the appeal and may take whatever steps are deemed necessary to ensure an orderly and impartial appellate review.
- E. The Hearing Officer shall complete his or her review within 30 days and shall forward to the Provost written findings, along with a recommendation as to the disposition of the grievance. The Provost shall forward a copy to the Vice President for Student Services. The Provost and Vice President for Student Services shall review the recommendation. The Provost shall then forward the written findings and recommendation of the Hearing Officer, together with any separate recommendation of endorsement or disagreement deemed appropriate by the Provost and/or Vice President for Student Services, to the President of the University. The President may accept or modify the recommendation of the Hearing Officer. The President's decision is final.
- F. A copy of the final decision shall be made available to the grievant, the appropriate dean or administrator, the Provost, the Vice President for Student Services, and to any other vice president, officer, or department at the University which is affected by the decision.

SECTION VII-4. Procedures For Grievances Relating to Discrimination or Harassment

A. Utah State University is committed to equity in education for its students and that they not be discriminated against/harassed because of race, color, national origin, religion, sex, age, disability, or veteran status. In addition, discrimination on the basis of sexual orientation for employees in all aspects of employment and for students in academic programs and activities is prohibited.

B. Students utilizing the grievance procedure (the "grievant") shall begin the procedure no later than 120 days from the date of the last occurrence of the discrimination or harassment. Failure of the person against whom the grievance is made (the "respondent") to respond within the specified time, if any, at any level in the procedure will allow the grievant to proceed to the next step.

C. Information related to discrimination or harassment grievances will be considered confidential. All investigation/inquiries and hearings surrounding such grievances shall, to the maximum extent possible, protect the privacy of and minimize suspicion toward the respondent, as well as the grievant. Retaliation is prohibited against any individual who has made a complaint, testified, assisted, or participated in any way in an investigation, proceeding, or hearing in regard to such a grievance.

D. At any time during the hearing/appeal process, the parties may resolve the matter by mutual agreement thereby rendering further proceedings unnecessary. A written statement setting forth the agreement shall be prepared and filed with the AA/EO Director and the Vice President for Student Services.

E. The matter shall be handled as follows:

1. The grievant is encouraged, but is not required, to first confer with the instructor, graduate supervisory committee, the staff member, or other person involved in the grievance in an attempt to resolve the problem.
2. If the grievance is not resolved in step 1, the grievant is encouraged, but not required, to confer with the department head or unit director who shall, within 30 days, conduct an inquiry and attempt to resolve the matter impartially and as quickly as possible.
3. If the grievant does not elect to confer with the individuals listed in steps 1 and 2, or if the student utilizes steps 1 and 2 but the grievance is not resolved, the student may discuss his or her grievance with the AA/EO Director (Old Main 161). The role of the AA/EO Director is not to act as an advocate for the grievant, but to collect, review, and objectively analyze facts pertinent to the grievance.
4. If the information given by the grievant is sufficient to establish that a potential violation of discrimination laws has occurred, the AA/EO Director will explain the options which are available to the grievant to address the alleged violation. If the grievant wishes to proceed, the student shall fill out, sign, and date a written complaint outlining the facts and circumstances surrounding the grievance.
5. An inquiry/investigation shall be conducted by the AA/EO Director within 35 days from the date the written complaint is filed with the AA/EO Office. The purpose of the inquiry/investigation is to gather facts, substantiate or refute the complaint, and mediate a resolution, if possible. The inquiry/investigation may include, at the sole discretion of the AA/EO Director, some or all of the following: (1) collection of documents pertinent to the complaint; (2) interview of persons having knowledge of the incident(s); (3) summarization of the findings and conclusions.
6. If either the grievant or the respondent is not satisfied with the outcome of the investigation/inquiry, he or she may appeal by filing with the AA/EO Director a written request for a hearing within 10 days of the completion of the inquiry/investigation. The request shall outline the specific issues, facts, or circumstances being appealed.
7. If the respondent is a student, and that student could be subject to disciplinary action, the hearing shall be conducted by a Grievance Board pursuant to procedures outlined in Sections VI-3, VI-4, and VI- 6.I. [: a student shall not be subject to disciplinary action for exercising his

or her First Amendment right of free speech, except as such right has been limited by civil rights laws.] The two faculty members on the Grievance Board shall be selected by the President of the University from the AA/EO Advisory Council and shall be trained as provided for other hearing board members.

8. If resolution of the grievance does not involve the potential of disciplinary action against a student, the hearing shall be conducted by a Grievance Board consisting of six members of the AA/EO Advisory Council, selected by the President of the University. The Grievance Board members shall be trained as provided for hearing board members generally. The hearing shall be conducted in general accord with procedures outlined in Sections VI-3, VI-4, and VI- 6.I.

9. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Grievance Board; (2) a University attorney, who shall act as advisor to the Grievance Board when needed; (3) the department head or unit director; (4) the AA/EO Director; (5) the parties involved; (6) the parties' advisors, if any; and (7) any witnesses. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.

10. The parties involved have the procedural rights set forth in Section VI-4., which include but are not limited to:

a. challenge any member of the Grievance Board for bias in the case.

b. be accompanied by an advisor of their own choice (i.e., parent, legal guardian, attorney, faculty member, ASUSU student advocate, or other person). The advisor shall merely counsel the respective party and shall not be permitted to speak or participate directly in the hearing; provided that, if a party is incapacitated, an advisor (who is not an attorney) may directly assist.

c. If a party is hearing impaired, an interpreter will be provided, where necessary, and the party may present his or her case through an interpreter or other communication device. If a party does not have adequate communication skills in the English language, a translator will be provided, where necessary, and the party may present his or her case through a translator.

d. be notified in advance of the time, date, and location of the hearing. [Should any of the parties fail to attend, the hearing will be conducted without them.]

e. make a statement, question witnesses, and examine the evidence against him or her.

11. The AA/EO Director shall make a statement which shall include a summation of the investigation/ inquiry.

12. The Grievance Board members may ask questions of anyone in attendance.

13. At the conclusion of the hearing, the Grievance Board shall deliberate in private, but may invite a University attorney and/or the AA/EO Director into the deliberation session.

14. The Grievance Board shall prepare a written report of its findings, conclusions, and recommendation and forward it to the President of the University within 45 days from the date the written request for a hearing was filed.

15. The President of the University shall review the report and may accept or modify the recommendation. The decision of the President is final.

16. A copy of the final decision shall be given to the AA/EO Director and shall be made available to the grievant and to any other person which is directly affected by the decision.

ARTICLE VIII. MISCELLANEOUS

SECTION VIII-1. Parking Regulations

Parking regulations are initiated and enforced by the Parking Policy Committee. The Parking and Transportation Services Office should be contacted for specific information about such regulations.

SECTION VIII-2. Student Employment

A. Recognizing the financial assistance need of students, the University encourages the employment of students and their spouses in all University work which can be effectively accomplished by them.

B. The Student Employment Office, located in the Financial Aid Office, is a center for information about student applications for work and provides assistance to all departments seeking to employ students. All offices and individuals of the University are encouraged to employ students and to register student jobs with the Student Employment Office so that qualified applicants may be given an opportunity for consideration. Students looking for part-time work are encouraged to check with the office on a regular basis for information about available openings. The final decision on hiring of a student applicant is the responsibility of the department or unit.

C. Policies regarding student employment, including any regulations which maximize student employment opportunities, are formulated and monitored by the Student Employment Office. That office should be contacted for specific information about such policies.

SECTION VIII-3. Curricular Uses of University Facilities

A. Uses of University facilities (with the exception of the Taggart Student Center) shall be scheduled with the Scheduling Coordinator in the Enrollment Services Office, or coordinated with a specific office as referred by the Scheduling Coordinator, prior to the beginning of the semester of the intended use.

B. Non-University persons or organizations, including civic and church groups, may schedule campus facilities provided their activities do not interfere with University programs. Rental fees shall be charged for use of facilities by non-University persons or groups.

C. An official calendar for uses of the Taggart Student Center shall be maintained by the Scheduling Secretary and shall be available at a central location in the Taggart Student Center. During April of each year, ASUSU officers meet with the Taggart Student Center Scheduling Secretary to discuss dates for the coming year. The allocation of dates and facilities is made pursuant to the Taggart Student Center policy. All other University organizations may thereafter request preferred dates for the coming year.

D. All events to be held in the Nelson Recreation Center shall be coordinated by the Director of Campus Recreation. All events to be held in the Spectrum shall be coordinated through Physical Plant. All events to be held in the Fine Arts Center shall be coordinated with the Director of the Fine Arts Center.