



Connecticut State University System

Developing a State of Minds

BR#2000-17



RESOLUTION

concerning

CONNECTICUT STATE UNIVERSITY SYSTEM POLICY

on

GUIDELINES FOR STUDENTS RIGHTS AND RESPONSIBILITIES AND JUDICIAL PROCEDURES

April 6, 2000

WHEREAS, The Board of Trustees for the Connecticut State University System has adopted Guidelines for Student Rights and Responsibilities and Judicial Procedures which include a uniform list of student offenses for application on all four institutions of the Connecticut State University System, and

WHEREAS, After a comprehensive review of this policy by the members of the Judicial Committee and the Council of Student Affairs, it is appropriate to make certain revisions to the wording of these guidelines, therefore be it

RESOLVED, That Board Resolution <sup>99\*</sup>~~98~~-28 be rescinded, and be it further resolved

RESOLVED, That the Board of Trustees for the Connecticut State University System hereby adopts the attached addendum, "Guidelines for Student Rights and Responsibilities and Judicial Procedures" as Board Policy.

A Certified True Copy:

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William J. Cibes, Jr.  
Chancellor

\* typo

## CONNECTICUT STATE UNIVERSITY

### Guidelines for Student Rights and Responsibilities and Judicial Procedures

The following guidelines are provided to present a clear statement of student rights and responsibilities to create fair and appropriate judicial procedures for the protection of said rights and the implementation of said responsibilities.

The Connecticut State University will adhere to the following guidelines which are consistent with the requirements of due process. Students must note that as citizens they are subject to all Federal and State laws in addition to all university regulations governing student conduct and responsibility.

At the conclusion of the investigation, to the extent permitted by law, complainants and victims will be provided with information relative to the disposition of the complaint.

### PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well-being of society. In line with this purpose, the university has the duty to protect the freedoms of inquiry and expression and furthermore has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

The Connecticut State University System has certain self-defined institutional values. Principal among these values is respect for the dignity, rights, and individuality of each member of the university community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education at this University.

All members of the university community must at all times govern their social and academic interactions with tolerance and mutual respect so that the men and women who pass through the university's doors are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the university's commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on the university campus. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation, disability, gender, age, or ethnic background are antithetical to the university's fundamental principles and values. It is the university's responsibility to secure the students' right to learn by establishing an environment of civility.

1. Application and Distribution of the Guidelines for Student Rights and Responsibilities and Judicial Procedures:

A. Application of the Guidelines for Student Rights and Responsibilities and Judicial Procedures:

These Guidelines shall apply to the four Connecticut State Universities: Central, Eastern, Southern and Western Connecticut State University.

B. Distribution of Guidelines for Student Rights and Responsibilities and Judicial Procedures.

The Guidelines will be distributed to and made available to students, staff, and faculty in the Student Handbooks, both Online and in printed publications. The Office of Student Affairs will distribute and make available to students, faculty and staff any revisions to the document.

2. Punishable Offenses and Sanctions:

The basic list of punishable offenses and the range of sanctions for each offense are stated in the Appendix and shall be listed in the Student Rights and Responsibilities and Judicial Procedures document of each campus.

3. Academic Misconduct:

If an instance of academic misconduct is reported by a member of the university community other than the relevant instructor, the Vice President or Dean of Student Affairs or his/her designee will inform the Academic Vice President or the designee. The Academic Vice President or the designee will inform the relevant instructor. If disciplinary action seems warranted, the case will be presented to the appropriate judicial hearing officer or board or panel by the Vice President of Student Affairs. The hearing officer or board or Panel will inform both the Academic Vice President and the Student Affairs Vice President or their designees of the findings. The Academic Vice President in collaboration with the Vice President or Dean of Student Affairs or any of their designees will inform the Dean of the School in which the incident was originally reported that the case has been reviewed and what action, if any, was taken.

4. Who May File Charges:

Any member of the university Community may file charges. Such charges must be made in writing within ninety calendar days of the alleged violation and filed with the Student Affairs office at each campus, except that in cases of alleged misuse of university documents or making false statements as defined in the Appendix hereto, such charges may be made at any time.

5. Pre-Hearing Investigation:

The Vice President of Student Affairs or a designee will determine whether probable cause exists to believe there has been violation of university rules.

The person assigned to determine probable cause may also present the case for the university at the hearing, but he/she shall not serve as hearing officer or as an advisor or resource person for the hearing officer or as a member of a hearing panel or board.

6. Rights of Accused:

A. In cases which could result in expulsion or suspension from the university and/or residence hall separation, the procedures will be as follows:

1) Notice:

The accused shall be provided with a minimum of seven calendar days written notice of the hearing and of the charges unless he/she waives, in writing, the right to a notice of such duration.

Notice may be provided to the accused, by personal service, by registered mail and/or by certified mail return receipt requested., whichever is appropriate and results in a signed receipt by the accused.

The accused must be given notice of each section of the statement of Student Rights and Responsibilities alleged to have been violated and with respect to each such section a statement of the acts or omissions which are asserted to amount to a violation of such section including the time when and the place where such acts or omissions occurred.

Should the accused refuse to accept personal service, a written statement of service by the server shall constitute notice. Should the accused refuse to sign for registered or certified mail, the postal document indicating such refusal shall constitute notice.

2) Hearing:

An accused has the right to be heard by a hearing officer, board or panel duly appointed by the Vice President of Student Affairs or his/her designee of the University in which the student is registered.

Any decision to extend the time for the hearing may be made by the hearing officer, board, or panel, or by the designee of the Vice President of Student Affairs. A refusal by the Vice President of Student Affairs' designee, hearing officer, board, panel or the refusal to grant a postponement shall be reviewed upon request by the hearing officer, board, or panel.

3) Record of Hearing:

When expulsion or suspension from the university or residence hall separation is a possibility, a tape recording of the hearing shall be made, and the accused may acquire a copy of the tape at his/her expense. The university shall keep these tapes for the period of time prescribed by law, or until any litigation is finally concluded, whichever comes last.

4) Student Has the Opportunity To Present Evidence And Question:

Witnesses: The accused student shall have the full opportunity to present evidence in his/her behalf and to question any witnesses who testify at the disciplinary hearing.

5) Evidence and Personal Data Concerning the Accused in the University

Files Made Available to the Student Upon Request Prior to the Hearing:

The university campus is required to make available to the accused prior to the hearing the evidence to be introduced at the hearing upon written request. Any personal data concerning the accused in the campus' disciplinary or other files is subject to the provisions of applicable federal and state law, including but not limited to *Section 4-194 of the Connecticut General Statutes*.

6) Accused Shall Receive a Fair Hearing:

The accused has the right to receive a fair hearing before a duly constituted impartial hearing officer, board, or panel. Any disputes surrounding the impartiality of the hearing officer will be referred to the Vice President of Student Affairs or the designee who will hear the matter and make a determination.

7) Accused May Present a Defense and Witnesses:

The accused shall have the right to present a defense and witnesses in his/her own behalf.

8) Right to Question Opposing Witnesses:

Both the accuser and the accused have the right to question witnesses called by the other side.

9) Accused Can Choose Whether or Not to Testify in His/Her Own Defense:

The accused who is present at the hearing shall be advised by the hearing officer, board or panel that he/she is not required to make any response. Refusal to testify or to answer questions shall not be evidence of guilt.

10) Non-Appearance of Accused at Disciplinary Hearing:

If an accused does not appear at a disciplinary hearing, the presiding officer shall enter a plea of not guilty on behalf of the accused and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. Failure to appear shall not be evidence of guilt.

11) Accused May Have An Open Hearing:

The hearing is to be open, except that it, or any appropriate part thereof, may be closed to protect rights of privacy pursuant to any applicable federal or state law.

The hearing officer, board or panel shall not close a hearing because of fear of disruption. In the latter situation University staff may be called upon to control or remove disrupters.

An accused, if 18 years of age or older, can waive his or her right to privacy by requesting an open hearing. The accused, however, cannot thereby waive the right of others to privacy, e. g., a student witness, or a member of a judicial board whose impartiality is being questioned. If a student requests a closed hearing, he/she has waived his/her right to an open hearing, but the hearing officer has to make a decision on the request based on the criterion set forth in *Section 1-210(b)(2) of the General Statutes*.

12) Accused Has the Right to Have an Advisor or Legal Counsel Present at the Hearing:

The accused has the right to consult with an advisor of his/her choice in the preparation of his/her defense. He/she also has the right to have an advisor sit with him/her at the hearing and communicate privately with him/her, but the advisor will not be permitted to speak or advocate unless the accused is disabled to the point of being unable to present his/her defense or unless the case against the student is presented by an attorney. The advisor, in all instances in this paragraph, may be legal counsel.

With respect to hearings in which the offense alleged is a sex offense, both the accused and the accuser are entitled to the same opportunities to have an advisor present during a disciplinary hearing.

13) Presentation of Evidence:

Only evidence introduced at the hearing itself may be taken into account by the hearing officer, board or panel.

14) Evidence of Prior Convictions or Disciplinary Actions:

Evidence of prior criminal convictions relevant to the case or university disciplinary actions may be introduced to a hearing officer, board or panel only after determination of guilt for consideration in connection with determining the sanction.

If prior disciplinary action is to be disclosed, then the hearing must be closed. Any part of the written decision that refers to such shall not be public unless the accused student is over eighteen and waives the right to privacy in that respect.

15) Written Notice of Decision:

The accused shall receive written notice of the decision of the hearing officer, board or panel which shall include the decision and sanctions, if any. The written decision shall be made public only in accordance with Section 1-210 of the General Statutes and the Federal Family Educational Rights and Privacy Act of 1974 as amended (hereinafter referred to as the Buckley Amendment).

The results of any decision, including the finding of guilt or innocence, as well as the sanction, may be disclosed to the extent permitted by state and federal laws, including but not limited to the Buckley Amendment and the Student Right to Know and Campus Security Act of 1990.

16) Appeal Procedures:

The decision of the hearing officer, board or panel may be appealed by the accused to the University President or the President's designee.

17) Right of Appeal:

The student has the right to appeal the outcome of the original hearing on the grounds that (1) due process as set forth in these guidelines was not provided and substantial prejudice resulted to the student, (2) the evidence presented was not substantial enough to justify the decision, and/or (3) the sanction(s) imposed was/were not in keeping with the gravity of the offense.

The appeal shall be confined to the record except that in cases of alleged irregularities in due process not shown in the record evidence may be taken by the Vice President of Student Affairs or designee, other than the original hearing officer or member of the hearing board, or hearing panel. No one involved in the initial hearing may be involved in this level of hearing.

The presentation of newly discovered evidence is not grounds for appeal. If there is new evidence, the accused may request the original hearing officer, board, or panel to grant a rehearing.

18) Time For Filing An Appeal:

If the student wishes to appeal the decision of the hearing officer, board, or panel such an appeal must be made in writing to the Vice President of Student Affairs or designee on any of the aforementioned grounds within three university calendar days of receipt of the written notice of sanctions. University calendar days are weekdays when the university is open.

For good cause shown the Vice President of Student Affairs may extend the three university calendar day limitation on filing appeals.

19) Status of Student Pending Appeal:

The sanctions imposed go into effect immediately. However, if the person wishes to appeal, or have time to consider making an appeal, the hearing officer, or the presiding officer of the hearing board or panel will hear and decide the argument on withholding the imposition of sanction until the time for filing and appeal has expired or until an appeal decision has been rendered.

B. In cases which do not involve offenses which could result in expulsion or suspension from the university and/or residence hall separation, the procedures will be as follows:

1. Notice:

The accused shall receive written notice of hearing and charges within a minimum of three university calendar days. University calendar days are weekdays when the university is open.

The accused must be given notice of each section of the statement of Student Rights and Responsibilities alleged to have been violated and with respect to each such section a statement of the acts or omissions which are asserted to amount to a violation of such section including the time when and the place where such acts or omissions occurred.



2. Hearing:

The accused has the right to a hearing at the University in which he/she is registered before a hearing officer except when the university has provided in its judicial procedures that for specified offenses the hearing shall be before a hearing board or panel. Composition of such hearing board or panel shall be according to rules established at each university and published to the university community.

A decision to extend the time for the hearing may be made by the hearing board, panel or officer.

3. Record:

No tape recordings will be made of the hearing.

4. Rights of Accused:

All rights of accused listed in 6. A. 4 through 6. A. 15. shall be observed.

C. Interim Suspension and/or Residence Hall Separation:

1. Continuing Danger Situations:

An interim suspension and/or residence hall separation for ten university calendar days or less is permissible in cases when in the opinion of the suspending authority a student's continued presence constitutes a continuing danger to persons or property or an on-going threat to the academic process.

2. Informal Hearing:

Oral or written notice of the charges must be given the student. If he/she denies the charges, the evidence has to be narrated to the accused, and its source has to be disclosed (i.e., names of witnesses) so the accused has an opportunity to rebut the evidence and present his or her side of the story. This hearing is on the question of the interim suspension only.

3. Suspending Authority:

The Vice President or Dean of Student Affairs or the Vice President or Dean of Student Affairs' designee shall have authority to impose interim suspension or residence hall separation.

**APPENDIX  
CONNECTICUT STATE UNIVERSITY PUNISHABLE OFFENSES AND RANGE OF  
SANCTIONS**

**PROSCRIBED CONDUCT**

A. A person who is a student on any Connecticut State University campus who is found guilty of any of the following acts committed on any Connecticut State University campus or on property controlled by the university or university affiliates or in connection with off-campus university activities shall be subject to the maximum penalty of expulsion or any other penalty authorized herein.

1. Academic Misconduct -including all forms of cheating and plagiarism. Academic misconduct includes but is not limited to providing or receiving assistance in a manner not authorized by the instructor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; and presenting, as one 's own, the ideas or words of another person or persons for academic evaluation without proper acknowledgment.

In no case may the judicial officer, board or panel act upon or change the grade for the course.

2. Actual or threatened physical assault or intentional or reckless injury to persons or damage to property.
3. Offensive or disorderly conduct which causes interference, annoyance, or alarm, or recklessly creates a risk thereof. This offense does not apply to constitutionally protected expression.
4. Interfering with the freedom of any person to express his/her views, including invited speakers.
5. Interference with entry into or exit from buildings or areas or with free movement of any person.
6. Behavior or activities which endanger the safety of oneself or others.
7. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other university activities.
8. Violation of any of the restrictions, conditions or terms of a sanction resulting from prior disciplinary action.
9. Failure to provide identification upon demand by or to comply with other directions of university staff members or the staff of contractual affiliates of the university acting in the performance of their duties.

10. Misuse of university documents -forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card, course registration material, schedule card, other university identification or any other document or record.
11. Possession, sale, use, transfer, purchase or delivery of drugs or drug paraphernalia except as expressly permitted by law.
12. Making false statements regardless of the manner of expression in the application for admission, petitions, requests, or other official university documents or records; forgery on "add" or "drop" cards and other university records or documents.
13. Forcible entry into a building or other premises.
14. Unauthorized presence in a building or other premises.
15. Possession, sale, transfer, purchase, delivery or use of firearms, ammunition for firearms, fireworks, dangerous weapons, or of chemicals when not authorized.
16. Starting fires, and/or causing explosions, and/or false reporting of a fire, bomb, incendiary device, or other explosive or any false reporting of an emergency.
17. Theft, damage, destruction, tampering with or defacement of personal, university, or university affiliates' property.
18. Lewd or obscene conduct or obscene expression. That which is obscene shall be as defined under Connecticut General Statute Section 53a-193.
19. Gambling in any form as defined by the Connecticut General Statutes.
20. Unauthorized use of university property or property of members of the university community or university affiliates.
21. Violation of residence hall parietal rules and regulations.
22. Tampering with fire and safety equipment.
23. Failure to meet financial obligations owed to the university.
24. Violation of published university policy, rules, and regulations concerning topics other than those contained herein, including but not limited; to alcohol, Student Center, student activities, pets on campus, selling and solicitation, smoking.

25. Unauthorized use of university computers and /or peripheral systems, and networks; unauthorized access to university computer programs or files, unauthorized alteration or duplication of university computer programs or file; any deliberate action to disrupt the operation of university computer systems and networks for committing crimes, violating civil laws, or violating university rules.
  26. Sexual Harassment: Any unsolicited, unwelcome, and unwanted sexual advance, or other conduct of a sexual nature in which these actions have the effect of interfering with an individual 's performance or creating an intimidating hostile, or offensive environment.
  27. Sexual Assault: Any unwanted physical contact of a sexual nature.
  28. Conduct harmful to others: Any conduct which is harmful to any person's health, safety, or personal well being, including physical abuse, verbal abuse, threats, intimidation, harassment, sexual misconduct, coercion or any other conduct which threatens or endangers the health or safety of any person.
  29. Conduct which violates federal, state, and/or municipal laws and/or ordinances.
- B. A student who is found guilty of violation of the university Residence Hall Rules and Regulations not covered in Section A is subject to the maximum penalties of: disciplinary probation, residence hall probation, residence hall warning.
- C. A person who is found guilty of unauthorized use of the name or insignia of the university, occurring while a student, shall be subject to the maximum penalty of expulsion or of any other penalty authorized herein.

#### **DISCIPLINARY PENALTIES**

Disciplinary penalties which may be imposed by the university include any of the following or any combination thereof: Expulsion, Suspension, Disciplinary Probation, Disciplinary Warning, Residence Hall Separation, Residence Hall Probation, and Residence Hall Warning. In cases in which penalties are imposed for offenses involving damage to, destruction of, or misappropriation of property, agreement by the student to make restitution may constitute grounds for mitigation of the penalty.

#### **DEFINITION OF DISCIPLINARY PENALTIES**

The following penalties may be imposed and will be entered into student 's disciplinary records. Notation of disciplinary penalties are on file only in the Office of Student Affairs and are not released without the written consent of the student except to appropriate university enforcement personnel, university police, staff, and administrators or as required by law.

1. Expulsion: Expulsion is permanent disciplinary separation from all universities within the Connecticut State University System involving denial of all student privileges. Expulsion shall be effective on the date of notice of expulsion, or later if so stated in the notice.

Students separated from all universities of the CSU System by expulsion may under the terms of the expulsion be excluded from all university premises or all university related premises when in the judgment of the expelling authority the students' presence would adversely affect the ability of others to pursue their educational goals.

2. Suspension: Suspension is temporary disciplinary separation from all universities within the system involving denial of all student privileges. Suspension shall be effective on the date of the notice of the suspension or later if so stated in the notice; and shall prescribe the date and conditions upon which the student may petition for readmission.

Students separated from all universities within the CSU system by suspension may under the terms of the suspension be excluded from all university premises or all university related premises when in the judgment of the suspending authority the students' continued presence would adversely affect the ability of others to pursue their educational goals. Notwithstanding the foregoing, the suspending university authority of the suspended students' home university or his/her designee may authorize a suspended student who has been excluded from all university premises or all university related premises to enter such premises of the home university campus for designated purposes.

3. Disciplinary Probation: Disciplinary Probation is a status which may involve restrictions, conditions or terms imposed for a definite period of time. Restrictions which may be imposed by the hearing officer, board, or panel include ineligibility to participate in university activities or events. Periodic contact with a designated member of the university community or non-college professional may be required. If the terms and conditions of the probation are complied with, eligibility to participate in restricted activities or events is automatically restored upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes proscribed conduct which is separate from and in addition to the act for which the probation was imposed. A student accused of violation of probation will be given due notice and a full hearing in accordance with the Student Rights and Responsibilities and Judicial Procedures document.
4. Disciplinary Warning: Disciplinary Warning involves written notice to the student indicating that specific behavior or activity is in violation of the code and that repetition of such behavior would likely result in more serious disciplinary action.

5. Residence Hall Separation: Residence Hall Separation involves removal from the university residence hall community for conduct which clearly demonstrates unwillingness or inability to function appropriately in the residence hall living situation. Such separation may include a restriction of access to all or designated residence halls.
6. Residence Hall Probation: Residence Hall Probation is a status which may be imposed for behavior which indicates unwillingness or inability to accommodate the regular expectations of residence hall living. This status may include restrictions, conditions or terms on residence hall activities and privileges for a definite period. Periodic contact with a member of the residence hall staff or other professional may be required so that conduct may be reviewed. If the terms and conditions of the probation are complied with, eligibility to participate in restricted activities or events is automatically restored upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes proscribed conduct which is separate from and in addition to the act for which the probation was imposed. A student accused of violation of probation will be given due notice and a full hearing in accordance with the Student Rights and Responsibilities and Judicial Procedures document.
7. Residence Hall Warning: Residence Hall Warning involves written notice to that student indicating that specific behavior or activity is unacceptable to the expectations of residence hall living. The student is officially warned in writing that further unacceptable behavior would likely result in more serious disciplinary action.

**ITEM**

Guidelines for Student Rights and Responsibilities and Judicial Procedures

**BACKGROUND**

A comprehensive review of this policy by the members of the Judicial Committee, the Student Advisory Board, the Attorney General's office, and the Council of Student Affairs is conducted annually to bring the guidelines into compliance with current law and procedures.

**ANALYSIS**

The changes in the Guidelines for Student Rights and Responsibilities and Judicial Procedures are recommended to ensure compliance and to provide further clarification in procedures, authorities and/or timelines. The recommended changes include:

- The Appeals Procedures will now have a clearly indicated line of authority identified as responsible for this procedure.
- The mode, manner and timing of notices have been clarified.
- The responsible authorities for granting postponement and imposing suspension have been further clarified.
- The Notice to accused students regarding the date, time and place of their hearings has been revised to require signature of receipt of the Notice.
- The revision in the Notice of Hearing includes clarification of what the outcome is in the event that the Notice is not claimed by the accused.
- The document was reviewed for consistency of terms used.

**CHANCELLOR'S RECOMMENDATION**

Approve the recommended changes and revisions to the Guidelines for Student Rights and Judicial Procedures.