Policy 6-400: Student Rights and Responsibilities

Revision 10. Effective date: August 15, 2023

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I. Purpose and Scope

A. Purpose.

The mission of the University of Utah is to foster student success by preparing students from diverse backgrounds for lives of impact as leaders and citizens. The University supports the intellectual, personal, social, and ethical development of members of the University community. These goals can be best achieved in an open and supportive environment that encourages reasoned discourse, honesty, and respect for the rights of all individuals. Students at the University of Utah are encouraged to exercise personal responsibility and self-discipline and engage in the rigors of discovery and scholarship.

Students at the University of Utah are members of an academic community committed to basic and broadly shared ethical principles and concepts of mutual respect. Integrity, self-authorship, justice, respect, and responsibility represent the basis for the rights and responsibilities that follow. Participation in the University of Utah community obligates each member to follow behavior standards.

The purposes of our University Student behavior standards are to help guide our Students' understanding of University expectations and processes. These outlined policies and processes are designed to educate, develop, and hold students accountable to those standards. The University believes in Students' rights to due process and a fair and transparent resolution. These standards have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution. This policy establishes processes to resolve issues related to student behavior, including an informal resolution process, a formal resolution process, and for very serious allegations that could result in suspension or dismissal from the University or the revocation of a degree or certificate, a Hearing process. Certain behaviors by Students may fall within this policy and other policies. When this is the case, an appropriate University administrator shall determine which policy is the appropriate policy under which to proceed.

B. Scope.

This policy applies to all University of Utah Students. This policy establishes the broad requirements related to student behavior and Student Behavior Standards Violations. Procedure P6-400A establishes detailed requirements implementing the process for addressing Violations of the Behavior Standards. This policy addresses only Violations of the Behavior Standards. Student academic misconduct and professional and ethical misconduct, which were formerly addressed in this policy, are addressed in Policy 6-410. Appeals of academic actions, which were formerly addressed in this policy are addressed in Policy 6-100 Section III.J. Student Records, which were formerly addressed in this policy are addressed in Policy 6-411.

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

A. “Appeal Panel” means a panel of the Student Behavior Committee established in Section III.N that makes the decision on a Respondent’s appeal of a Sanction.

B. “Arbitrary and Capricious” means without a principled basis or in a manner that substantially deviates from applicable policies.

C. “Business Day” means every day that the University is open for business, which excludes weekends and University-recognized holidays, as determined by the Office of the Registrar.

D. “Disciplinary Record” means all records relating to the imposition of a Sanction.

E. “Faculty” or “Faculty Member” means an individual who is a member of the University Faculty as defined in Policy 6-300.

F. “Hearing” means the formal Hearing described in Section III.L that is required for the University to impose a Sanction of suspension or dismissal from the University or revocation of a degree or certificate on a Respondent.

G. “Informal Resolution Agreement” means actions or conditions a Respondent agrees to meet as part of the informal resolution of a Behavior Standards Violation.

H. “Notice” or “Notification” means the date of delivery of information. Correspondence to a Umail address is considered Notification for purposes of this policy.

I. “Preponderance of Evidence Standard” means the legal evidentiary standard of proof used to determine if the behavior alleged in a Report occurred and is a Behavior Standards Violation. Preponderance of the evidence means that more likely than not, or more than 50 percent in favor, the Violation of the Behavior Standards occurred.

J. "Report” means a report that a Student has Violated the Behavior Standards.

K. “Respondent” means a Student who is alleged or reported to have violated a behavior standard.

L. “Sanction” means actions or conditions imposed on or required of a Respondent as a result of the Respondent being found responsible for a Behavior Standards Violations through the formal resolution process or a Hearing.

M. “Staff” or “Staff Member” means the same as that term is defined in Policy 5-001.

N. “Student” means an individual who is admitted to or registered at the University at any level. “Student” includes an individual who is no longer enrolled at the University but is being investigated for an alleged Behavior Standards Violation that occurred when the individual was admitted or registered.

O. “Student Accountability Officer” means the individual designated by the dean of students to investigate, and except for allegations that require a Hearing, decide the outcome and if applicable a Sanction following a Report.

P. “University Premises” means the University campus and any other property, building, or facility that is owned, operated, or controlled by the University.

Q. “Violation of Student Behavior Standards” or “Behavior Standards Violation” means an act described in Section III.D.

III. Policy

A. Student Bill of Rights

Students have rights as members of the University community in addition to those constitutional and statutory rights and privileges inherent from the State of Utah and the United States of America. Nothing in this policy or related regulations shall be construed so as to limit or abridge Students' constitutional rights. Students have the additional rights and privileges described below, and they will

not be subject to discipline by the University for the exercise of these rights and privileges.

1. Learning Environment. Students have a right to support and assistance from the University in maintaining a climate conducive to thinking and learning. University teaching should reflect consideration for the dignity of students and their rights as persons. Students are entitled to academic freedom and autonomy in their intellectual pursuits and development. Students have a right to be treated with courtesy and respect.
2. Rights in the Classroom. Students have a right to reasonable Notice of the general content of the course, what will be required of them, and the criteria upon which their performance will be evaluated. Students have a right to have their performance evaluated promptly, conscientiously, without prejudice or favoritism, and consistently with the criteria stated at the beginning of the course. Requirements related to evaluation are described in Policy 6-100.
3. University Governance. Students have a right to participate in the formulation and application of University regulations affecting academic and student affairs through clearly defined means, including membership on appropriate committees and administrative bodies. Students have a right to provide feedback to be used in conjunction with other sources of information to evaluate curricular offerings and evaluate the teaching performance of Faculty Members and other instructional personnel, as governed by University regulations.
4. Due Process. Students have a right to due process in any proceeding involving the possibility of substantial Sanctions. This includes a right to the opportunity be heard, a right to decision and review by an impartial decision-maker or committee, and a right to adequate Notice.

5. Freedom from Discrimination and Sexual Harassment. Students have a right to be free from discrimination and sexual harassment that violates University regulations or is illegal under federal or state laws. Policy 1-012 is the University non-discrimination policy.

6. Freedom of Expression. Students have a right to examine and communicate ideas by any lawful means. The University may not impose a Sanction described in this policy or any other University regulation because the Student exercised constitutionally protected freedom of association, assembly, expression, or the press. Policy 1-007 is the University speech policy.

7. Privacy and Confidentiality. Students have a right to privacy and confidentiality subject to applicable laws and University regulations. A Faculty Member, other course instructor, Staff Member, or the University administration may not reveal information that a Student shares in confidence, such as information about the Student's views, beliefs, or political associations, except as required to protect the health and safety of the student or other members of the University community or to people entitled to the information by law or University regulations. Students have a right to be free from unreasonable search and seizure.

8. Student Records. Students have a right to protection against unauthorized disclosures of information contained in their educational records. Students have a right to examine, correct, or amend information contained in their educational records. For detailed information regarding confidentiality of educational records and Student access to records, Students should refer to Policy 6-411.

9. Student Government and Student Organizations. Students have a right to participate in elections for the Associated Students of the University of Utah

(ASUU). Students have a right to form student organizations for any lawful purpose as described in Policy 6-401.

B. Student Responsibilities

A University Student has the following responsibilities:

1. not denying the rights described in Section III.A to other members of the University community;
2. upholding and following the behavior standards and all policies and rules applicable to behavior in academic and other University related environments;
3. obeying all applicable University regulations and all local, state, and federal laws;
4. respecting the learning environment;
5. planning a program of study appropriate to the Student's educational goals;
6. using University property and facilities in support of the Student's education while being mindful of the rights of others to use University property and facilities;
7. monitoring the Student's Umail account and reading emails in a timely fashion. Umail is the University's official means of communication, and the University reserves the right to send official communications to Students by email with the full expectation that Students will receive email and read these emails promptly;
8. upholding and maintaining academic conduct standards and professional and ethical standards as described in Policy 6-410; and
9. being responsible for the Student's behavior and respecting the rights and dignity of others both within and outside of the University community.

C. University Jurisdiction over Student Behavior

1. The University may address a Student's Behavior Standards Violation through the process described in this policy if the Behavior Standards Violation:

   a. occurs on University Premises, at a University activity, on premises over which the University has supervisory responsibility, or on public property adjacent to University Premises;

   b. is directed at a member of the University community regardless of where the behavior occurs; or

   c. is a criminal act that undermines the security of the University community, undermines the integrity of the educational process, or poses a serious threat to others regardless of where the behavior occurs and against whom the behavior is directed, as determined by the dean of students.

D. Student Behavior Standards

Students who engage in any of the following behaviors after applying to the University, after being admitted to the University, or while registered at the University may be subject to the processes described in this policy, including Sanctions or Informal Resolution Agreements. In addition, the University may consider whether an applicant for admission to the University has engaged in these behaviors in making admissions decisions regarding the applicant and may rescind an individual's admission if the individual has engaged in these behaviors after applying to the University. A Behavior Standards Violation motivated by bias or prejudice is listed as a separate violation to reflect the greater seriousness of the behavior and to ensure that Behavior Standard Violations that are motivated by a Student's bias or prejudice against another individual's or group's identity receive enhanced Sanctions.

1. Acts of dishonesty, including but not limited to the following:

a. providing false or misleading information to a University employee;

b. forgery, alteration, or misuse of any University document or record, including an identification card;

c. stealing or attempting to steal University property or misusing University property; or

d. engaging in multiple acts or a single egregious act of academic misconduct described in Policy 6-410.

2. Committing acts of discrimination or sexual misconduct as defined in Rule 1-012.

3. Damaging or vandalizing University property or resources, or the property of others.

4. Disruption or obstruction of teaching, research, patient care, administration, disciplinary proceedings, or other University activities.

5. Failing to comply with the directives of a University employee who is acting within the course and scope of the employee's University duties.

6. Engaging in hazing. Hazing is an act:

   a. in which a group or individual knowingly, intentionally, recklessly, negligently engages in behavior that has the tendency to humiliate, degrade, ridicule, harass, or embarrass another person or endangers the mental, emotional, or physical health safety or wellbeing of another person regardless of the other person's willingness to participate; and

   b. that is committed as the result of a person's initiation into, admission into, affiliation with, holding office in, or continued membership in any organization, team, or group.

7. Knowingly violating the terms of a Sanction imposed for any prior violation of any University regulation or of a temporary administrative suspension.
8. Making excessive or unwarranted demands to University employees for services or assistance that substantially interfere with carrying out University activities after the University has issued a final decision(s) about an issue or request.
9. Possessing, using, or storing a dangerous weapon other than a firearm, including an incendiary device, explosive, or chemical.
10. Possessing, using, or storing a firearm in violation of state or federal law.
11. Repeatedly violating Commuter Services policies and procedures.
12. Retaliating against any person who has reported a Behavior Standards Violation or academic misconduct or professional or ethical misconduct described in Policy 6-410 to a University official, or against any person who has participated in the process of investigation and resolution of a report of a Behavior Standards Violation.
13. Selling or distributing information representing the work product of a Faculty Member or other course instructor to a commercial entity without the express written permission of the Faculty Member or other course instructor.
14. Threatening, endangering, or damaging the health or safety of any member of the University community or any other person. These acts include, but are not limited to, physical assault, true threats, intimidation, and coercion, whether the Student engages in the act in person or electronically, such as through e-mail, text message, or social media.
15. Using University equipment or resources to carry out unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing.

16. Using, possessing, or distributing alcoholic beverages, except as permitted by law and University regulations.
17. Using, possessing, or distributing alcoholic beverages during an off-campus University activity, including but not limited to a field trip or a study abroad, if a University official responsible for the activity informs participants that such use, possession, or distribution of alcoholic beverages is prohibited during the off-campus activity.
18. Using tobacco, including smoking or using e-cigarettes in violation of Rule R3-300A: Tobacco Free Campus.
19. Using, possessing, or distributing any narcotic, other controlled substance, or drug paraphernalia, except as permitted by state or federal law or University regulation.
20. Using University property, equipment, facilities, or resources in an unauthorized manner, including unauthorized entry into a nonpublic area of any University room, building, or premises.
21. Violating a federal, state, or local civil or criminal law.
22. Violating a published University policy or rule.
23. Violating community standards established by Housing and Residential Education.
24. Bias or prejudice motivated Behavior Standards Violations. Any Behavior Standards violation described in Sections III.D.1 through 23 that is determined to be motivated by a Student's bias or prejudice against a victim or group because the victim or group belongs to a class protected under Policy 1-012 University Non-Discrimination Policy, may receive an enhanced Sanction. For example, an act of vandalism that might normally result in a short-term suspension, if motivated by bias or prejudice, may result in a longer-term suspension or even dismissal.

E. Amnesty for Seeking Medical Attention or Reporting Violent Acts

1. If an individual acts in good faith to report a violent act against the individual or another person, including domestic violence, stalking, hazing, or sexual misconduct, the individual will not be subject to disciplinary action for alcohol and/or drug use or another minor Behavior Standards Violation occurring at or near the time of the incident being reported.

2. A Student who seeks emergency medical attention for the Student or someone else related to use of drugs or alcohol will not be subject to disciplinary action for alcohol and/or drug use or another minor Behavior Standards Violation occurring at or near the time of the incident being reported.

3. Amnesty described in this section generally does not apply to a Student who comes into contact with law enforcement, Housing and Residential Education staff, or other University employees if the contact is initiated by the law enforcement, Housing and Residential Education, or other University employee.

4. If a Student engages in egregious or repeated Behavior Standards Violations, the University may address the Behavior Standards Violations regardless of the manner in which an incident was reported.

F. Violations of Behavior Standards in General

1. The University may resolve Behavior Standards Violations through:

   a. the informal resolution process or formal resolution process described in Section III.J ; or

   b. the Hearing process described in Section III.K.

2. The University determines the process through which to resolve a Report based on the severity of alleged Behavior Standards Violation, the

willingness of the parties to engage in informal resolution, and if informal resolution is attempted, the success of the informal resolution.

a. For an allegation of a Behavior Standards Violation that could result in a Sanction of suspension or dismissal from the University or a revocation of a degree or certificate, the University shall hold a Hearing.

3. Parties involved in a formal resolution process may resolve the issue through the informal resolution process described in Section III.J at any point in the process if agreed to by mutual consent of all parties, including the Respondent, the Office of the Dean of Students, and, if applicable, the victim.

4. If the Respondent does not respond to the Student Accountability Officer or fails to appear at a scheduled meeting or Hearing without good cause and Notice to the Student Accountability Officer:

   a. the University may proceed with the appropriate resolution process and may impose a Sanction; and

   b. the Respondent forfeits the right to appeal the Sanction.

5. A Respondent will be afforded due process. The University shall use the Preponderance of Evidence Standard to determine whether a Respondent engaged in a Behavior Standards Violation.

6. Each party, including the individual who submitted the Report, the Respondent, and the University has a right to have an advisor of their choice, including legal counsel, assist the party during all parts of the process for addressing Behavior Standards Violations.

7. Any University official with duties and responsibilities described in this policy and related regulations may delegate any duties described to a designee. Any references to an individual's position title, such as the dean of students, are considered references to that individual or that individual's designee.

8. All participants in a resolution process described in this policy shall take reasonable steps to protect the rights of and, to the extent appropriate and allowed by law, the confidentiality of all parties involved in any proceedings.

9. The dean of students may place a hold on a Student's records or ability to register pending the resolution of proceedings under this policy.

10. The dean of students may extend the timelines for addressing allegations of Behavior Standards Violations described in this policy and Procedure P6-400A in the interest of fairness to the Respondent or the victim.

11. The vice president for student affairs may impose a temporary administrative suspension from the University and/or any University activity of on a Respondent before the resolution of the related proceedings for the purpose for separating the Respondent from the University while resolving the behavior if the vice president for student affairs determines that the temporary administrative suspension is necessary to protect the health or well-being of a member of the University community or a member of the public or to prevent serious disruption of the program or activity or the academic process more generally.

    a. The vice president for student affairs shall provide the Respondent with an opportunity to meet to present the Respondent's views and object to the temporary administrative suspension. This meeting shall take place prior to the temporary administrative suspension taking effect or as soon as possible, and the alleged Behavior Standards Violations shall be resolved as expeditiously as possible.

    b. Unless agreed to by the vice president for student affairs and the Respondent, a Respondent who is subject to a temporary administrative suspension may not attend classes, including online classes, and is not allowed on University premises, except to seek appropriate medical care.

G. Other Related Proceedings

1. If the filing of a Report or an appeal described in this policy raises issues of academic misconduct or professional and ethical misconduct described in Policy 6-410, the dean of students shall immediately notify the involved Faculty Member or other course instructor and dean of the Respondent's college or cognizant senior vice president, and these individuals shall determine the appropriate procedure(s) for addressing the Report or the appeal.

    a. An act that is a Behavior Standards Violation and is also academic misconduct or professional or ethical misconduct may be addressed through both the process described in this policy and the process described in Policy 6-410 and receive a more severe Sanction.

2. The University shall investigate and resolve allegations of Behavior Standards Violations that are discrimination or sexual misconduct as described in Policy 1-012 and related regulations. If a Report includes discrimination or sexual misconduct and other acts that violate the behavior standards, the University shall investigate the allegations concurrently and address the allegations in accordance with Policy 1-012.

3. The dean of students may postpone proceedings described in this policy if:

    a. the alleged Violation of the Behavior Standards is also the subject of ongoing criminal or civil enforcement proceedings brought by federal, state, or local authorities; and

    b. postponing the proceedings serves the best interests of the University or better facilitates the administration of justice by federal, state, or local authorities.

H. Reporting Violations of Behavior Standards and Initial Review

1. Any person directly aggrieved by a Student's behavior described in Section III.D, a Student, or a University employee, may submit a Report that a Student violated the behavior standards to the dean of students or, if the alleged violation occurred in University housing, to the director of housing and residential education.
    a. The director of housing and residential education shall notify the dean of students of any Reports received.
    b. An individual shall submit a Report within a timely manner of becoming aware of the alleged behavior.
    c. A person who knowingly or intentionally files a false Report may be subject to disciplinary action.
2. The dean of students shall dismiss a Report that does not describe an alleged Behavior Standards Violation.
3. The dean of students may assign to the director of housing and residential education responsibility for addressing a Report in which the alleged Behavior Standards Violations occurred in University housing.
    a. The director of the housing and residential education shall follow the requirements established in this policy and related regulations when addressing a Behavior Standards Violation.

I. Notification to Respondent and Student Accountability Officer Review of Case

1. The dean of students, or the director of the office of housing and residential education if the case has been assigned to the director of housing and residential education, shall assign a Student Accountability Officer for a Report.
2. The Student Accountability Officer shall review the Report, provide Notice to the Respondent of the Report, and include in the Notice that the Respondent

has a right to an advisor, who may be an attorney, throughout the resolution process.

3. If the alleged Behavior Standards Violation could result in a Sanction of suspension or dismissal from the University or a revocation of a degree or certificate, the Student Accountability Officer shall follow the Hearing process described in Section III.K. Otherwise, the Student Accountability Officer shall follow the process to resolve the alleged Behavior Standards Violation without a Hearing as described in Section III.J.

J. Resolution without a Hearing – Informal Resolution and Formal Resolution.

1. For an alleged Behavior Standards Violation that the dean of students may resolve without a hearing:

a. The Student Accountability Officer shall review the evidence in the case, which may include interviewing witnesses or the victim.

b. The Student Accountability Officer shall provide the Respondent with the opportunity to meet to discuss the Report.

i. A Respondent may have their advisor, including an attorney, participate in and advocate on their behalf during the meeting to discuss the allegations.

ii. At the request of the Student Accountability Officer, a representative of the University's Office of General Counsel may be present at the meeting to provide guidance on laws, University regulations, or procedural matters.

c. Based on the evidence reviewed before and presented during the meeting with the Respondent, the Student Accountability Officer shall:

i. use the Preponderance of Evidence Standard to determine whether the Respondent acted in Violation of the Behavior Standards; and

ii. determine whether the Report can be resolved informally.

2. Informal resolution and formal resolution may result in similar consequences for a Respondent, such as a written reprimand, a requirement to complete educational classes, the loss of certain University privileges, or a requirement to engage in community service. When arrived at through informal resolution, these consequences are part of an Informal Resolution Agreement and are not included on a Student's Disciplinary Record. When arrived at through the formal resolution process, these consequences are Sanctions and are included on the Student's Disciplinary Record.
3. The University may resolve a Behavior Standards Violation informally if recommended by the Student Accountability Officer and agreed to by the Respondent and any victim directly impacted by the behavior.
    a. A Respondent may not try to coerce, convince, or encourage a reporting party to participate in informal resolution.
    b. An informal resolution process may include alternative dispute resolution, facilitated dialogue, or other measures aimed at education and restoring the community.
    c. As part of the informal resolution process, the parties may enter into an Informal Resolution Agreement
    d. If, at any point, the Respondent fails to engage in informal resolution, the parties are unable to reach an Informal Resolution Agreement, or the Respondent fails to comply with the terms and conditions of the Informal Resolution Agreement, the Student Accountability Officer may resolve the issue formally.
4. A Respondent may not appeal an Informal Resolution Agreement.
5. If the Student Accountability Officer determines that informal resolution is not appropriate, including because a party does not agree to informal resolution

or the Respondent fails to respond to the request to meet, the Student Accountability Officer shall proceed with formal resolution and may impose a Sanction.

K. Hearings for Allegations that may Result in Sanctions of Suspension or Dismissal from the University or Revocation of a Degree or Certificate

1. The dean of students may only impose a Sanction of suspension or dismissal from the University, or revocation of a degree or certificate for the most egregious Behavior Standards Violations and only after following the process described in this section.

2. The Student Accountability Officer shall review the evidence in the case, which may include interviewing witness and shall convene a hearing.

    a. The Student Accountability Officer may not interview the Respondent before notifying the Respondent of the allegations.

    b. The Student Accountability Officer may not serve as the decision-maker in a Hearing. Instead, the dean of students shall assign another impartial employee as the decision-maker.

    c. The Hearing shall include opening and closing statements from the parties, the introduction of evidence, an opportunity for witnesses to address the decision-maker, and an opportunity for each party to conduct cross examination.

3. Following the Hearing, the decision-maker shall use the Preponderance of Evidence Standard to determine whether the Respondent Violated the Behavior Standards and, if so, impose a Sanction.

4. The University may impose a Sanction without a Hearing if:

    a. the respondent requests to waive the Hearing; and

b. the respondent takes responsibility for the Behavior Standards Violations and accepts the Sanction.

L. Notification for Formal Resolution or a Hearing and Imposition of Sanction

1. Following a meeting that results in formal resolution or a Hearing, the dean of students or the director of housing and residential education shall provide written Notification to the Respondent of the determination and Sanction.

a. If the alleged violation includes a crime of violence, the dean of students or the director of housing and residential education shall also notify the victim of the Sanction.

b. Unless the Respondent appeals this decision as described in Section III.N, the determination is final.

c. A Sanction takes effect upon acceptance by the Respondent, expiration of the timeframe in which a Respondent may submit a timely appeal, or another date determined by the dean of students or director of housing and residential education.

M. Sanctions of Suspension or Dismissal from the University

1. A suspension shall be imposed for between one semester and five years.

a. During the period of suspension, the Respondent is denied all privileges afforded to a Student and may not enroll in courses.

b. As part of a suspension, a suspended Student is prohibited from being present on University Premises except to seek appropriate medical care unless otherwise specified in the terms of the Suspension.

c. To re-enroll in the University, a Student who receives a suspension of one year or longer must reapply for admission to the University, meet admission requirements, and must have fulfilled any other requirements of the suspension.

d. The transcript of a Student who is subject to a Sanction of suspension includes a note of the suspension until the Student is reinstated or fulfills the conditions of the suspension, as described in Policy 6-411.

2. Dismissal from the University is final.

a. A Student dismissed from the University for Violating the Behavior Standards may not petition for reinstatement or apply for admission to the University.

b. As part of a dismissal, the University may prohibit the Student from being present on University premises except to seek appropriate medical care.

c. The transcript of a Student who is subject to a Sanction of dismissal includes a permanent note of the dismissal as described in Policy 6-411.

N. Appeals of Sanctions to Student Behavior Committee

1. The Student Behavior Committee is established to decide appeals of Sanctions for Behavior Standards Violations.

a. The Student Behavior Committee consists of a pool of members representing Faculty, Students, and Staff as described in Procedure 6-400A.

b. A panel of five members of the Student Behavior Committee shall hear each appeal.

2. A Respondent may submit a timely appeal of a Sanction to the dean of students on one or more of the following bases:

a. the Respondent has evidence that was not reasonably available at the time the decision-maker imposed the sanction;

b. the Sanction resulted from a process that had procedural defects that resulted in the denial of fairness or due process; or

c. the Sanction is Arbitrary and Capricious.

3. The dean of students shall convene an Appeal Panel for any appeal that is timely and on an allowable basis.

4. The Appeal Panel shall consider an appeal and either:

   a. deny the appeal and uphold the Sanction; or

   b. grant the appeal and revoke or modify the Sanction.

5. An Appeal Panel may consider an appeal at a meeting of just Appeal Panel members, in a meeting with the Respondent, or in a meeting with all Parties, at the discretion of the Appeal Panel.

6. For a Sanction other than suspension or dismissal from the University or a revocation of a degree or certificate, the Appeal Panel's decision is final and may not be appealed.

7. For a Sanction of suspension or dismissal from the University or a revocation of a degree or certificate, the Respondent may appeal the Student Behavior Committee's decision to the vice president for student affairs as described in Section III.O.

8. A Sanction upheld or imposed by the Appeal Panel takes effect upon acceptance by the Respondent, after the expiration of the time period in which the Respondent may file a timely appeal to the vice president for student affairs, or on another date determined by the Appeal Panel.

O. Appeal to Vice President for Student Affairs

1. A Respondent may submit a timely appeal of an Appeal Panel decision related to a Sanction of suspension or dismissal from the University or revocation of a degree or certificate to the vice president for student affairs on one or more of the following bases:

a. the Respondent has evidence that was not reasonably available at the time of the Appeal Panel;

b. the decision resulted from a process that had procedural defects that resulted in the denial of fairness or due process; or

c. the decision is Arbitrary and Capricious.

2. The vice president for student affairs shall consider the appeal and:

a. deny the appeal and uphold the Sanction;

b. grant the appeal and revoke or modify the Sanction; or

c. recommend that the Student Behavior Committee reconsider the Sanction and original appeal.

3. The vice president for student affairs' decision is final, and any Sanction imposed is effective immediately upon Notification to the Respondent of the determination or another date determined by the vice president for student affairs.

P. Student Disciplinary Records and Transcripts

1. Records of proceedings described in this policy shall be confidential to the extent required by law. Records of Behavior Standards Violations shall be kept in the Office of the Dean of Students, and a copy may be retained in other academic departments as appropriate.

2. A University employee shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and Utah Code Title 63G, Chapter 2, Government Records and Management Act when providing information to a person or entity concerning a Student's Behavior Standards Violation.

3. The University may only include a note of a Disciplinary Record on a Student's transcript as permitted by Policy 6-411.

4. The dean of students may, within their sole discretion, expunge a Student's Disciplinary Record if the Student:
    a. petitions to have the Disciplinary Record expunged; and
    b. the record concerns a Sanction other than a suspension or dismissal from the University or revocation of a degree or certificate.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules. [*reserved*]

B. Procedures, Guidelines, and Forms.

1. Procedure P6-400A: Procedures for Addressing Violations of Student Behavior Standards
2. Guideline G6-400A: Hazing Guideline

C. Other Related Resources. [*reserved*]

V. References

A. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g and 34 CFR Part 99

B. Utah Code Section 32B-4-423

C. Utah Code Section 53B-28-302

D. Utah Code Title 63 G, Chapter 2, Government Records Access and Management Act

E. Policy 1-007: University Speech Policy

F. Policy 1-012: University Non-Discrimination Policy

G. Policy 6-300: The University Faculty – Categories and Ranks

H. Policy 6-404: Undergraduate Admission

I. Policy 6-410: Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct

J. Policy 6-100: Instruction and Evaluation

K. Rule R3-300A: Tobacco Free Campus

VI. Contacts

The designated contact officials for this Regulation are:

A. Policy Owner(s) (primary contact person for questions and advice): Dean of Students

B. Policy Officer(s): Vice President for Student Affairs

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

A. Current version. Revision 10.

1. Approved by -- Academic Senate April 11, 2023, and Board of Trustees June 13, 2023 with effective date of August 15, 2023.

2. Legislative History

3. Editorial Revisions

B. Previous versions.

1. Revision 9. Effective Date. April 12, 2022.
    a. Legislative History for Revision 9.
2. Revision 8. Effective Date. July 8, 2009
3. Revision 7. Effective Date. July 1, 2009
4. Revision 6. Effective Date. February 3, 2006
5. Revision 5. Effective Date. May 10, 2004
6. Revision 4. Effective Date. February 10, 2003
7. Revision 3. Effective Date July 14, 1997.

C. Renumbering

1. Renumbered from Policy and Procedures Manual 8-10 and University Regulations Chapter X.