

12-11-1986

Report of the Executive Committee on the Student Judicial System

University of Rhode Island Faculty Senate

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THE UNIVERSITY OF RHODE ISLAND
Kingston, Rhode IslandFACULTY SENATE
BILLAdopted by the Faculty Senate

TO: President Edward D. Eddy

FROM: Chairperson of the Faculty Senate

1. The attached BILL, titled Report of the Executive Committee on the Student Judicial System
-

is forwarded for your consideration.

2. The original and two copies for your use are included.
3. This BILL was adopted by vote of the Faculty Senate on December 11, 1986.
(date)
4. After considering this bill, will you please indicate your approval or disapproval. Return the original or forward it to the Board of Governors, completing the appropriate endorsement below.
5. In accordance with Section 10, paragraph 4 of the Senate's By-Laws, this bill will become effective January 1, 1987, three weeks after Senate approval, unless: (1) specific dates for implementation are written into the bill; (2) you return it disapproved; (3) you forward it to the Board of Governors for their approval; or (4) the University Faculty petitions for a referendum. If the bill is forwarded to the Board of Governors, it will not become effective until approved by the Board.

December 12, 1986
(date)

Richard Katula
Richard Katula
Chairperson of the Faculty Senate

ENDORSEMENT

TO: Chairperson of the Faculty Senate

FROM: President of the University

Returned.

- a. Approved ✓ *with letter attached.*
- b. Approved subject to final approval by Board of Governors ____.
- c. Disapproved ____.

1/31/87
(date)

Edward D. Eddy
President

THE UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island

FACULTY SENATE

REPORT OF THE EXECUTIVE COMMITTEE

Amended by the Faculty Senate and approved on December 11, 1986

During the 1985-86 academic year and through the summer and beginning of the fall 1986 semester, the Faculty Senate Executive Committee devoted considerable time to reviewing concerns raised by the Ad Hoc Committee of the American Civil Liberties Union regarding the Student Judicial System at URI. The Executive Committee and Professor West, Chairperson of the Constitution, By-Laws and University Manual Committee, met with Professors Carroll and Findlay and with Vice President Rainville and Dr. Dougan. Opinions were also sought from faculty members who serve or have served on the Student Judicial Board. After considerable discussion and after consultation with the Constitution, By-Laws and University Manual Committee, the Executive Committee has agreed to the following regarding the Student Judicial System and recommends approval by the Faculty Senate.

I. Changes in the University Manual

The Executive Committee believes that some changes in the Student Judicial System can, and should, be made immediately. We therefore recommend approval of the following changes in sections 9.21.10, 9.23.10 and 9.23.15 of the University Manual:

9.21.10 Procedures for Cases of Violations of Community Standards of Behavior and University Policies. In cases in which the investigating administrator from the Office of Student Life decides that there is evidence of a violation which warrants referral to the judicial system, the student shall be notified in writing of the investigating administrator's decision and the student's options and will be provided with a copy of the complete statement of judicial board procedures and a two year summary of previous cases, classified by violation, that have come before the Board. The student may admit guilt and choose administrative action (9.22.10) or plead either innocent or guilty and request a hearing before the University Board on Student Conduct (5.19.10). The accused student must choose one of the options within 72 hours of receipt of the written charge(s).

9.23.10 Procedures for Hearings Before the University Board on Student Conduct. A hearing shall be held before the appropriate judicial board within 20 school (class) days from the date the student chooses the Board Hearing. Hearings will be closed with the provision that they may be open at the request of the accused. The Board may close the

hearing to protect the privacy rights of individuals or to preserve order at the hearing. Notice in writing of the charges against the student and of the basic facts in the report of the incident in which s/he is allegedly involved shall be delivered to the student either in person or by certified mail at least 72 hours in advance of the hearing. A staff member from the Office of Student Life shall be available prior to the hearing at the request of the student for advisement regarding the alleged violation and procedural matters.

9.23.15 All boards shall have an advisor appointed by the Office of Student Life who will be present during all stages of the judicial process including hearings and deliberations except during the closed board session determining guilt or innocence. Responsibilities of the Student Life advisor shall include: (1) advising the board regarding the requirements and provisions of substantive and procedural due process, (2) serving as a resource person in those cases where an accused student has a past history of involvement in the judicial system, (3) providing continuity in board operations and procedures, (4) facilitating the implementation of judicial procedures at all levels of the judicial system, (5) acting as a liaison between boards and the University community, and (6) assisting the board in fulfilling its educational responsibility. The individual who serves as advisor to the board shall not be the person who conducted the original investigation as described in 9.21.10 and 9.23.10.

II. Changes in the By-Laws of the Faculty Senate:

"Article II, Powers" of the Faculty Senate Constitution states in paragraph 1 that the Faculty Senate "shall, with the concurrence of the President, formulate policy concerning teaching and research, study, exercise, discipline and government..." Further, paragraph 2 states that "The Senate, with the concurrence of the President, shall formulate such policies regarding student activities as it may deem appropriate to advance the educational purposes of the University and to promote satisfactory discipline and behavior."

Recent controversies concerning the operation of the judicial system indicate that the Faculty Senate should be more active in fulfilling its responsibilities in overseeing the matter of student discipline. Over the past few years the Constitution, By-Laws and University Manual Committee has reviewed recommendations from the Office of Student Life for incorporation into the University Manual. However, we believe that it is appropriate at this time to establish a committee with more direct responsibility for this important function. The Executive Committee, therefore, recommends approval of the establishment of a standing committee on Student Rights and Responsibilities as follows in By-Laws sections 4.35, 4.36 and 4.37, the membership to be as out-

lined in section 4.13* of the By-Laws with the addition of the Director of Student Life as an ex officio member:

4.35 The Student Rights and Responsibilities Committee.

This committee shall periodically review policies related to student discipline, the procedures and operation of the judicial system and the composition of judicial boards. The committee will consider proposals for changes in the judicial system recommended by the Office of Student Life or other members of the University Community and shall recommend modifications as they deem appropriate to the Faculty Senate. The committee is precluded from involvement in any aspect of individual judicial cases or in the daily operation of the Office of Student Life.

4.36 This committee shall also review recommendations for changes in the student handbook regarding discipline brought to them by the Office of Student Life or the Social Regulations Committee. If, in the committee's judgment, the proposed change is substantive or requires a change in the University Manual, they shall forward their recommendations to the Faculty Senate for action. If, on the other hand, the proposed change is deemed to be minor or editorial in nature, the committee may approve or disapprove the change and inform the Office of Student Life of their decision.

4.37 The Director of Student Life shall serve as an ex officio member of this committee.

*NOTE: Section 4.13 of the Faculty Senate By-Laws states that, with a few specific exceptions, standing committees of the Faculty Senate are comprised of "six faculty members, one of whom shall serve as chairperson, and three students, two undergraduates and one graduate. The faculty members shall serve for terms of two years, and shall be appointed on a staggered basis, three one year and three the following year. Similarly, the committee chairs shall be staggered so that approximately one-half are named each year. The student members shall serve for one year and shall be eligible for appointment to a second term. They shall be appointed respectively by the Student Senate and by the Graduate Student Association."