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Annual Report of the Student Rights and Responsibilities Committee for 1989-90: Proposed Amendments to UNIVERSITY MANUAL

University of Rhode Island Faculty Senate

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THE UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island

FACULTY SENATE
BILL

Adopted by the Faculty Senate

TO: President Edward D. Eddy

FROM: Chairperson of the Faculty Senate

1. The attached BILL, titled Annual Report of the Student Rights and Responsibilities Committee for 1989-90: Proposed Amendments to UNIVERSITY MANUAL

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 May 3, 1990 (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 May 24, 1990, 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.

May 4, 1990
(date)

C. B. Peters
C. B. Peters
Chairperson of the Faculty Senate

ENDORSEMENT

TO: Chairperson of the Faculty Senate

FROM: President of the University

Returned.

- a. Approved .
- b. Approved subject to final approval by Board of Governors _____.
- c. Disapproved _____.

5/8/90
(date)

Edward D. Eddy
President

THE UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island

FACULTY SENATE

STUDENT RIGHTS AND RESPONSIBILITIES COMMITTEE

ANNUAL REPORT
1989-90

PROPOSED AMENDMENTS TO THE UNIVERSITY MANUAL

April 1990

As amended by the Faculty Senate on May 3, 1990

The Student Rights and Responsibilities Committee recommends that the Faculty Senate approve the following amendments to the UNIVERSITY MANUAL:

1. Amend section 5.21.11 by adding the following sentence:

When duly appointed members or alternates cannot be convened quickly, former members of the Appeal Board may be called upon to serve providing proper Board composition is maintained.

Rationale: Students are required to submit their appeal within 1 week of judicial decisions and are entitled to timely resolution of the Appeal Process. Though small, this Board can be very difficult to convene, particularly at the end of semesters when most needed. This change would permit the Office of Student Life to use experienced and trained former Board members to achieve a full Board within a more reasonable time period.

2. Amend section 9.20.10 by adding the following two sentences after the last sentence:

If a student withdraws or is academically dismissed while charges are pending, disciplinary procedures may continue at the discretion of the Director of Student Life. If a student completing degree requirements is accused of a suspendable or dismissable offense, his/her diploma may be held pending resolution of judicial action.

Rationale: When serious charges are pending, a student may withdraw rather than face judicial action, wait one or two semesters, and apply for readmission. If witnesses and complainants are no longer available, the student may never be held accountable. This addition to 9.20.10 would permit the Office of Student Life to proceed using all due notification and rights afforded the individual when enrolled.

3. Amend sections 9.22.11 and 9.23.17 by adding the following sentences before the last sentence of each section:

Records of an unresolved behavioral situation (as when a student withdraws prior to charging or disposition) shall be reviewed annually starting with the 5 year anniversary. The Director of Student Life shall decide whether or not to destroy this record or keep it for another year. Records of permanent dismissal shall be retained permanently.

Rationale: Serious unresolved allegations such as assault or harassment, or behaviors allegedly caused by mental disorders may need longer documentation to alert the University to safety considerations should the individual reapply after 5 years.

4. Amend section 9.23.18 to read as follows:

9.23.18 A student shall have the right to one rescheduled hearing if the scheduled time causes undue hardship. The request should be made to the advisor of the Board at least 48 hours prior to the hearing and the student may be asked for documentation. A student is required to appear for a scheduled hearing and failure to do so would normally cause the case to be heard in the student's absence. However, an unforeseen and unavoidable circumstance may be reason for a continuance. Unless physically incapacitated, it is the student's obligation to call the advisor to the Board to request a continuance. The student may be asked to reveal the nature of the conflict, and provide documentation at a later date. The advisor to the Board shall determine if the unforeseen and unavoidable circumstance warrant a continuance. In the rare case where a student can show that s/he was unable to contact the Board advisor or to leave appropriate messages, and the case was heard in his/her absence as a result, s/he may appeal for a re-hearing before the University Appeal Board.

Rationale: Current language allows for a finding of contempt when a student twice fails to attend scheduled hearings. In practice, however, this provision has not been invoked for at least 13 years and it is difficult to interpret. Also, it is not possible, under current language, for the advisor to determine if the student is absent "through no fault of his/her own" at the time of the hearing itself when the accused student does not appear. Given the limited number of hearing dates a semester, and the substantial time commitment for the volunteers on the Board, it becomes unduly burdensome to automatically provide one rescheduled hearing if a student fails to appear.

This revision takes into account a legitimate request to reschedule and it takes into account a last minute emergency. It makes it clear when the Board can hold a hearing in the accused student's absence. It also references final recourse for the accused student who does not attend the hearing (appeal).

5. Amend section 9.27.10 by adding c) under part 1) as follows:

... or c) an event sponsored by a recognized student organization, fraternity or sorority, ...

Rationale: In defining jurisdiction of the University judicial system, this section includes official field trips and by reference to 8.51.12, other events approved for class excuses by Provost, Vice President, Dean or Director of Athletics. However, it neglects to specifically include other student activities. If a student group legitimately uses the University's name (by virtue of its recognized status), it should be subject to community standards and responsibilities off-campus as well as on-campus.

Members of the Committee:

Norman Campbell, PAD, Chairperson
Clair Cheer, CHM
Sandra Ketrow, SPE
Patricia Molloy, NUR
Karen Schroeder, HCF
Lanny Soderberg, EDC
Frances Cohen, ex officio
Kathy Kleczek, student
Rick Lauder, student