

5-8-1997

Constitution, By-Laws and University Manual Committee Report #1996-97-2

University of Rhode Island Faculty Senate

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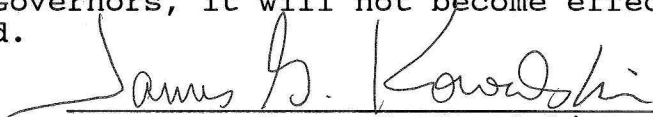
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UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island
FACULTY SENATE
BILL
Adopted by the Faculty Senate

TO: President Robert L. Carothers
FROM: Chairperson of the Faculty Senate

1. The attached BILL, titled Constitution, By-Laws and University Manual Committee Report #1996-97-2, 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 8, 1997.
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 29, 1997, 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 9, 1997
(date)


James G. Kowalski
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 _____.

5/22/97
(date)


President

UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island

FACULTY SENATE
CONSTITUTION, BY-LAWS AND UNIVERSITY MANUAL COMMITTEE
REPORT #96-97-2
APRIL 1997

As Amended by the Faculty Senate on May 8, 1997

SECTION I: INFORMATIONAL MATTERS

At their meetings of February 28, 1997 and April 18, 1997, the Constitution, By-Laws and University Manual Committee considered the following two matters: a) internal governance documents, especially the relationship between the Graduate Student Manual and the UNIVERSITY MANUAL, and b) the student judicial policy sections of the UNIVERSITY MANUAL in the absence of an active Student Rights and Responsibilities Committee this semester.

A. Internal Governance Documents.

The CBUM Committee has agreed, with the endorsement of the Executive Committee of the Faculty Senate, to establish a subcommittee on Internal Governance Documents. The CBUM Committee intends to establish the subcommittee early in the fall semester. Following is the outline of the subcommittee's membership and charge:

CBUM Subcommittee on Internal Governance Documents

Membership:

Representative(s) from each of the following:

- Graduate Council (1)
- FS Student Rights and Responsibilities Committee (1)
- FS CBUM Committee (3)
- Student Senate (1)
- Graduate Student Association (1)

The Dean or an Associate Dean of the Graduate School
The Director of Student Life
The Coordinator of the Faculty Senate

Charge:

This committee shall:

1. Review the feasibility of retaining the Graduate Faculty as a corporate entity (a group that meets, votes, has authority over the actions by the Graduate Council, etc.)
2. Review the lines of authority with regard to amending governance documents such as:
 - a) the UNIVERSITY MANUAL (the legislative and administrative parts as well as the Policy section),
 - b) the Graduate Student Manual,
 - c) Handbooks issued by the Office for Student Life.
3. Propose a method by which the various documents can be coordinated and made accessible.
4. Make recommendations to the CBUM Committee by the end of the fall semester 1997.

B. Student Judicial System.

The Faculty Senate Executive Committee forwarded to the Constitution, By-Laws and University Manual Committee a request from the Office of Student Life that sections of the UNIVERSITY MANUAL on the student judicial system be amended to simplify and clarify judicial procedures. The review of judicial procedures and possible amendments to the UNIVERSITY MANUAL is part of the charge to the Student Rights and Responsibilities Committee. However, for a number of reasons, the SR&R Committee was not able to meet this year and the CBUM Committee was asked to assume the responsibility. The CBUM Committee reviewed the request of the Office of Student Life and discussed the proposed modifications with Ms. Cohen, Director of Student Life, on April 18, 1997. Section II of this report contains the recommendations. Each recommendation is followed by an explanation.

SECTION II: MATTERS WHICH REQUIRE CONFIRMATION

Proposed Changes to the UNIVERSITY MANUAL with regard to the **Student Judicial System**. Proposed amendments to Chapter 9.

The CBUM Committee recommends approval of the following amendments to the UNIVERSITY MANUAL:

- A. That section 9.21.10 be amended to read as follows (changes are in **boldface**):

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 **charges and options available**. Within 72 hours of receipt of the written charges, the accused student may admit responsibility and choose administrative action (9.22.10) or admit or deny responsibility and request a hearing. The hearing shall be before the University Board of Student Conduct, unless one or more of the following circumstances, (a)-(c), obtain, in which case an administrative hearing shall be held: (a) The charged student fails to respond to the charge letter within the 72-hour period; (b) a non-academic case does not carry a recommendation of suspension or dismissal, and a large number of cases pending makes it difficult to schedule a University Board of Student Conduct hearing; (c) the charged student requests an administrative hearing. The hearing officer conducting the administrative hearing shall be a person other than the one who served as investigating officer. The administrative hearing shall follow the applicable procedures set forth for hearings before the University Board on Student Conduct.

RATIONALE: This change will allow quicker adjudication when there is a backlog of cases and will give students more choices.

- B. That section 9.23.10 be amended to read as follows (changes are in **boldface**):

9.23.10 Procedures for Hearings Before the University Board on Student Conduct. **Every effort will be made to hold a hearing before the appropriate student conduct board or hearing officer within 20 class days from the date the student completes the choice of action form.. Hearings will be closed.** 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.

RATIONALE: It is not always possible to hold hearings within 20 days and the change makes the deadline less absolute. Further, the change eliminates reference to requesting an open hearing. No such requests have been honored for more than a decade since privacy rights or sensitivity to victims is virtually always a reason to keep the hearing closed.

- C. That section 9.23.11 be amended to read as follows (changes are in **boldface**):

9.23.11 Each board member shall be informed of the student's name and charges at the time of the hearing. Any board member may disqualify himself/herself and either party to the case may be permitted to disqualify a prospective member if s/he can satisfy the remaining members of the board that there is "good cause" for disqualification. **If alternates for disqualified board members are available, these alternates shall take the place of the disqualified members. If it is not possible to replace a sufficient number of disqualified members to maintain a quorum, the hearing may proceed without a quorum, provided the accused student agrees.**

RATIONALE: This change allows Boards to proceed even if last minute disqualification results in less than a quorum.

- D. That sections 9.23.12 and 9.23.13 be amended to read as follows (changes are in **boldface**):

9.23.12 The student shall have the right to request the assistance of an advisor of his/her choice from the University community. The advisor may not serve as a witness or be a party to the case. **The purpose of the advisor is to assist the student, not to present a defense nor to speak in place of the student. The advisor may ask questions and make points.**

Neither party shall be permitted to employ professional legal counsel or other persons from outside the University community to present the case before the board or advise the student during the hearing (in rare instances, passive assistance of legal counsel may be allowed by the Student Life staff; see that Office for details). The student must be present at the hearing (except as provided in 9.23.18). S/he and/or her/his advisor may present evidence and introduce witnesses in the student's behalf. No oaths shall be requested or allowed and the technical rules of evidence applicable to civil and criminal cases shall not apply. The Board shall rule on the admissibility of evidence. Unduly repetitious or irrelevant evidence may be excluded.

9.23.13 The accused **student shall** have the right to ~~cross-examine~~ all witnesses and to view and question all evidence presented to the judicial board during the hearing...

(Note: The CBUM Committee recommends that the Student Handbook also state that the advisor is of the student's choice.)

RATIONALE: The educational purpose of the hearing and disciplinary process is lost when an advisor acts as a defense attorney and the charged student's participation is minimal. The only change in 9.23.13 is the removal of a reference to the advisor.

- E. That section 9.26.10 be amended to read as follows (changes are in **boldface**):

9.26.10 Pending final action on violation of University regulations, the status of a student shall not be altered or his/her right to be present on the campus and to attend classes suspended, except for reasons of imminent danger to his/her physical or emotional safety or well-being or for reasons of imminent danger to the safety or well-being of the University community. **The decision to separate a student from the campus under these conditions shall be made only with the approval of the President. The Chairperson of the Faculty Senate, the President of the Student Senate, and the President of the Graduate Student Association shall be notified in writing by the Office of Student Life about the general situation giving rise to the suspension; the identity of the suspended student shall, however, not be revealed to these officials. If a student is separated from campus under this authority, the procedures outlined in 9.21.10 shall be implemented only if the suspended student requests in writing that it be done. If a hearing is requested, every effort shall be made to schedule it within 15 class days after the separation. A student separated from campus by this authority must remain separated until a hearing is held. If more than one semester elapses from the time of the suspension to the time the student requests a hearing, the hearing shall be an administrative one.**

RATIONALE: The practice of requiring consultation with Faculty Senate and Student Senate is a holdover from the sixties when it was feared that unilateral action on the part of university presidents would violate student rights. This change is at the suggestion of the chair of the Faculty Senate. Furthermore, emergency suspensions oftentimes involve felony arrests and are extremely serious. Students often do not want a hearing and several times have left the University voluntarily as they are worried about legal problems. Therefore, a hearing should it be held only if a student requests one.

Members of the Committee:

Gordon Dash, FIN
Michael Honhart, HIS
Margaret Keefe, LIB
William Mensel, ENG
Walter Mueller, PLS
Fritz Wenisch, PHL
Sheila Black Grubman