

5-13-1999

## Report of the Student Rights and Responsibilities Committee for 1998-99: Changes to the UNIVERSITY MANUAL

University of Rhode Island Faculty Senate

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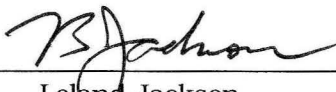
UNIVERSITY OF RHODE ISLAND  
FACULTY SENATE

Serial Number #98-99--24

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

1. The attached BILL, titled Report of the Student Rights and Responsibilities Committee for 1998-99: Changes to the 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 13, 1999.
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 June 3, 1999 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 14, 1999  
(date)

  
Leland Jackson  
Chairperson of the Faculty Senate

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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

5/24/99  
(date)

  
President



UNIVERSITY OF RHODE ISLAND  
Kingston, Rhode Island  
FACULTY SENATE

STUDENT RIGHTS AND RESPONSIBILITIES COMMITTEE  
REPORT TO THE FACULTY SENATE  
April 1999

**Committee Members:** Joan Peckham, Chair; John Boulmetis; Fran Cohen, Maling Ebrahimpour, Larry Rothstein, Jason B. Flanders, Kelly Watts, Gail Gibbs

**Background Information:** Beginning in the spring of 1997, five judicial affairs staff members from two departments worked on a thorough review of the University's judicial system as described in the Student Handbook. This is the first time in more than a decade that the entire handbook section has been revised. Our system was compared with national benchmarks and changes come from model codes such as Stoner's (*The Journal of College and University Law*, V17, Fall 1990, Number 2), from recent case law, from the suggestions of the University attorney and from years of experience.

The Student Rights and Responsibilities Committee then reviewed those changes. What follows is a description of the changes recommended by the Committee. We are requesting Faculty Senate approval of the changes so that the Office of Student Life may be authorized to update the Student Handbook that will be reprinted this summer.

We are further requesting that over the summer, the Constitution, Bylaws, and University Manual Committee of the Faculty Senate revise the wording of the relevant Manual sections to reflect the changes approved. These revisions will be provided to the Faculty Senate in September.

**Recommendations:**

That the Faculty Senate approve the following changes in the Judicial System recommended by the Student Rights and Responsibilities Committee and direct the Constitution, By-Laws and University Manual Committee to revise the relevant sections of the UNIVERSITY MANUAL in consultation with the Student Rights and Responsibilities Committee and the Office of Student Life. These changes to be included in the Fall 1999 edition of the UNIVERSITY MANUAL and presented as informational to the Faculty Senate at its September meeting.

**Changes recommended by Student Rights and Responsibilities Committee**

5.19.10-5.19.15 Composition and Functions of University Board on Student Conduct

1. "University Board on Student Conduct" is changed to Judicial Board. Composition and appointment remains the same.

2. A Hearing Panel is drawn from the Judicial Board. The size and composition of the Hearing Panel corresponds to the quorum in the old University Board on Student Conduct. Composition of Hearing Panel for academic cases remains the same. (5.19.10-5.19.12) Reason: We can never assemble more than a quorum to hear cases. Drawing a Hearing Panel from the Board allows us to rotate the caseload so no Board member is unduly burdened.

3. Representation of various student groups is not required but "every effort will be made" to achieve the representation noted. (5.19.14)

4. Details about selection of membership, probationary membership, term of membership, impeachment are removed from the Manual. The Manual will still state the current board selects new members. Reason: These procedures are unnecessarily cumbersome and have not been used in more than a decade.

5. By the agreement of the Board, the chair of the Hearing Panel can be rotated among student board members instead of being elected by the Board.

6. Description of impeachment procedures for Appeal Board is removed from Manual (5.21.13).

#### 9.18.10-9.30.10 Community Standards for Students, Judicial Action

1. Violations may be referred to Campus Life and Housing and Residential Life in addition to Student Life (9.20.10). Reason: Judicial staff in all three departments operates with consistent procedures with oversight from the Office of Student Life.

2. The student's response to written charges is due in 48 hours rather than 72 hours (9.21.10). Reason: This allows quicker resolution to cases and faster scheduling of Hearing Panels. (Of course, time extensions will be offered for good cause.)

3. Generally all Hearings are before a Hearing Panel. However, 9.23.12 is changed to broaden the occasion for administrative hearings. Administrative Hearings may be used if the Office of Student Life determines they are necessary (e.g., because of scheduling difficulties, backlog of cases, nature of case).

4. 9.22.10 and 9.22.12 are removed. Administrative Action is concluded when the student makes this choice and additional meetings are not necessary.

5. The advisor's participation in the hearing is restricted to consultations with the student (9.23.12). The advisor may ask for procedural clarifications outside of the hearing. Reason: The hearing is an impartial inquiry into student conduct and the facts of the case. The Hearing Panel must get to know the student and to understand the incident through the student's words. Having the advisor speak for the student hampers this process and adds to the adversarial nature of the hearing.

6. The Chair, in consultation with the Hearing Panel rules on the admissibility or manner of questioning as well as the admissibility of evidence (9.23.12 and 13). Reason: This allows the elimination of repetitious or irrelevant statements. It also allows the chair to stop intimidating questioning of a victim/witness by the charged student. In cases of intimidating questioning, the charged student is asked to direct questions to the Hearing Panel Chair who redirects them to the witness.
7. The elaborate description of how hearings are rescheduled is removed from the Manual (9.23.18). Rescheduling is routinely handled to everyone's satisfaction and does not require Manual procedures.
8. The Appeal Board may decide to rehear the whole case or only the portion of the case relevant to the appeal (9.24.10).
9. The sanction of Disciplinary Censure is eliminated as it is meaningless and not used (9.25.13).
10. The jurisdiction of the campus judicial system over off-campus conduct is broadened to allow the Office of Student Life to decide if the nature and circumstances of the infraction provide grounds for threat to the University community. Formerly, an accuser or victim had to demonstrate grounds for threat (9.27.10). Under the present Manual wording, we were not permitted to take action in recent cases of extremely dangerous off-campus behavior because a victim or complainant failed to come forward.