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## Faculty Senate Agenda, April 30, 2018

Utah State University

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## FACULTY SENATE AGENDA

April 30, 2018

3:00 – 5:00 p.m.

Merrill-Cazier Library, Room 154

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### Agenda

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- 3:00 Call to Order** ..... Kimberly Lott  
Approval of April 2, 2018 [Minutes](#)
- 3:05 University Business** ..... Noelle Cockett, President | Larry Smith, Interim Provost
- 3:20 Information**  
1. Empowering Teaching Excellence ([ETE](#)) ..... Neal Legler | Travis Thurston  
2. [Student Code](#) Revision ..... Krystin Deschamps  
3. [EPC Voting Clarification](#) ..... Becki Lawver  
4. [EPC April](#) Report ..... Edward Reeve  
5. Policy 403 and 407 Revision Schedule ..... Kimberly Lott
- 3:45 Reports**  
1. Academic Freedom and Tenure ([AFT](#)) Annual Report ..... Michael Lyons  
2. Committee on Committees ([CoC](#)) Annual Report ..... Rebecca Blais  
3. [Calendar Committee](#) Annual Report ..... Andi McCabe
- 4:00 Old Business**  
1. Koch Task Force Update ..... Kimberly Lott
- 4:05 New Business**  
1. Code Change ..... Becki Lawver  
2. Faculty Senate President & President-Elect Coverage for 2018-2019 ..... Kimberly Lott
- 4:15 Concluding Remarks, Passing of the Gavel** ..... Kimberly Lott
- 4:20 College Caucus to Elect FSEC members** – Two-year terms are standard. Senators must have served one year in the Senate to be eligible. Colleges needing an FSEC member are:  
  
Agriculture and Applied Sciences  
Education and Human Services  
Humanities and Social Sciences  
Natural Resources  
Science  
Libraries  
Extension  
Regional Campus  
USU Eastern
- 4:30 Adjourn**



## **FACULTY SENATE MINUTES**

April 2, 2018

3:00 – 5:00 pm

Merrill-Cazier Library, Room 154

### **Call to Order - Kimberly Lott**

Approval of [March 12, 2018 Minutes](#)

*Minutes approved as distributed.*

### **University Business - Dave Cowley, Vice President**

Rundown on legislative session and funding. State agencies were given a 2.5% increase. All employees will receive 1.5% and 1.0% will be provided to Deans and Vice Presidents to use as a flex pool as equity or merit increases. The Budget and Faculty Welfare Committee provided input on the budget. USU needs to fund 25% and the state will fund 75%. The Board of Regents set a tier 1 tuition increase that will generate enough so that each institution can pay their 25%. Tier 2 is set and approved at 2.4%. Tier 2 is done institution by institution. USU's student body leadership is included in the conversation and has to be supportive of what will be done with those funds. The promotion and tenure money is always funded by the tier 2 tuition. This year USU will be putting money into classrooms and this is usually a constant every year. The university is also putting a decent amount of money into compliance issues, Title IX and the SAAVi offices. The health and dental side our increases/decreases depend on what is happening in what is called the health pool. This year there will be a small increase in dental costs. Part of the compensation package being provided to employees will be \$10/month (\$120/year) increase to help offset premiums for healthcare benefits. USU received additional funding in student growth and capacity that will help with additional teaching assistants, etc. We were also given money for retention and completion. The state and Board of Regents are heavily measuring these issues. Workforce demand monies is also available along with incentives to graduate students in high demand jobs. None of those was funded at all last year. Did receive additional in performance based funding as this is based on the mission of the institution. All in all USU is excited about having some money to use. Vice Presidents and Deans will come in and meet with the President to go over their wish lists and items will be discussed and prioritized. The College of Natural Resources has on-going funding for land research as well as funding for renovation for BNR building. The BNR was the only higher education project that was funded this year. USTAR as we know it is going away but USU will get some money until the program sunsets in 10 years. At the end of 10 years, the work has to be wrapped up or USU needs to find some other way to fund it.

Differential tuition discussions will be covered by the president on the April 30 meeting.

### **Information**

#### **1. [Policy #335 Relocation - Marla Boyer](#)**

Change to policy. All relocation expenses (e.g. reimbursement, moving truck expenses, etc.) on behalf of moving expenses now becomes taxable and are not deductible, as per federal policy. This information should be disclosed to new faculty. It would be a disclosed during the hiring process.

### **EPC March Report - Edward Reeve**

Approval of revised language for: 1) final examinations for fall and spring semesters and 2) no test day's policy for fall and spring semesters. There was also approval of the student code revision.

154 courses approved

R401 approvals: 1) Offer a Minor in Film Studies

Add a section for "course objectives" in Curriculog

Approval of "syllabus tools" in Canvas

EPC approval for the Jon M. Huntsman School of Business to develop a Department of Marketing and Strategy was approved. EPC approved the request, noting concerns in the "process" used in the development of the new department, noting that the R401 Proposal process may need to be adjusted. Anything that has a faculty welfare issue will be sent to the BFW.

## **Reports**

### **1. Faculty Diversity, Development and Equity (FDDE) Annual Report - Meredith Thompson**

- [Race and Ethnicity](#)
- [Gender Including Non-Tenured](#)
- [Gender by College](#)

See reports. This is an input/output model. What are the next steps as to how and what we can do to bring about a culture change to utilize methodology and tools to retain faculty. This data came from institutions across the nation. The AAEO office can meet with hiring departments to help them in their searches and may help facilitate the opportunity for a diverse applicant pool.

*Motion to approve the FDDE Annual Report made by Vince Wickwar. Seconded by Becky Blais. Report approved.*

### **2. Professional Responsibilities and Procedures (PRPC) Annual Report - John Gilbert**

Responsible for revising section 400 of the code. This year worked on 405.6.2(2), 405.8.2 and 401.4.2.

*Motion to approve the PRPC Annual Report made by Becky Blais. Seconded by Ralph Meyer. Report approved.*

### **3. Honorary Degrees and Awards - Sydney Peterson**

Handout – Each year a committee composed of trustees, faculty and alumni meet to determine the honorary degrees and awards. Trustees make the final decision - by statute that is one item that is their responsibility.

## **Old Business**

### **1. 401.4.2 (7) State Cooperator (SC) Ranks (first reading) - John Gilbert**

Matches with the existing code for federal cooperator. This is a new section but the language is almost entirely the same.

*Motion to move to approve the code change, bypassing a second reading made by Patrick Belmont. Seconded by Becky Blais. Code will be sent to the Executive Committee for review and approval.*

## **New Business**

Update on the Koch Resolution task force. Faculty Senate President is still in the process of making phone calls and getting people involved on the committee. The goal is to have members in place by the April 16 FSEC meeting.

Provost candidate will be visiting the university again and an offer has been made.

**Adjourn 4:05 pm**

The Empowering Teaching Excellence (ETE) program elevates and promotes USU's culture of teaching excellence through cross-disciplinary events and programs that are open to all USU instructors. All initiatives are guided and approved by the ETE Faculty Committee.

## Venues for Sharing and Renewal

### ETE Conference

- Hosted annually during retreat week
- Faculty-proposed, faculty-led sessions with a strong teaching focus

### Foundations of USU Teaching

- An interactive primer on the USU teaching environment and key pedagogy concepts
- Introduces new faculty to experienced teachers; provides opportunity for consultation and networking

### ETE Seminar Series

- Interactive sessions featuring faculty presenters, panelists, and guest speakers
- Broadcast statewide and recorded

### E-Learning Workshop

- A three-day, intensive workshop featuring small-group activities, hands-on work sessions, and training in e-learning technology

### Journal on Empowering Teaching Excellence

- A peer-reviewed online publication for higher education professionals who engage in the design and practice of instruction

## ETE 10: Recognition of Improvement Efforts

Participants in the ETE 10 program earn digital badges for their participation in and documentation of teaching improvement activities. Badges can be earned in three tiers:

- **Engage:** For participation in an event and submission of a reflection
- **Implement:** For implementing and reporting on a new teaching strategy, course design, or teaching grant
- **Contribute:** For efforts that assist others in teaching improvement, such as presentations, journal articles, committee membership, and more

Badges count toward [Teaching Scholar](#) and [Master Teacher](#) certificates.

## Resources for Quality Feedback and Mentorship

### Learning Circles

- Voluntary, faculty-led groups of instructors who meet periodically and work together to grow and share knowledge around a topic of interest

### Instructional Coaching

- Professional and peer consultation opportunities for faculty who wish to follow a specific line of inquiry with regard to teaching

### Peer Evaluation Support and Resources

- Opportunities for faculty to request a peer review of their e-learning course design
- *In development:* Instruments and training resources informing the peer evaluation of teaching

## Innovation Support

### Instructional Design Resources

- The Center for Innovative Design and Instruction (CIDI) provides qualified instructional designers who can assist with teaching innovations and technology implementation.

### AIS Grant Opportunities

- All USU faculty are eligible to apply for a *Teaching with Technology Innovation Grant*, offered by Academic Instructional Services (AIS). Additional teaching-oriented grants are available for Regional Campus faculty. Grant recipients receive instructional design and development support and are eligible for an ETE 10 implement badge.

## Affiliated Events

The ETE program will promote or partner with any teaching-development initiatives around campus. The program seeks to be a one-stop venue for faculty to locate and participate in teaching-improvement activities.

## Faculty Driven

ETE programs and events are guided and approved by the ETE faculty committee, comprising representatives from each USU academic college, including faculty from the Logan, Regional, and Eastern campuses. Committee members serve two-year terms and meet three-to-four times per semester.

Find More at [EmpowerTeaching.usu.edu](https://EmpowerTeaching.usu.edu)



## General Comments

The Student Code was last updated in 2009. The proposed revision was prompted by several factors, including:

1. A desire to bring the Student Code into USU Policy.
2. The absence in the current Student Code of sufficient reference to issues including harassment, sexual assault, and dating violence.
3. A desire to simplify the Student Code, referencing, where possible, federal and state laws or other USU policies.

## Changes from the Current Student Code

The current Student Code consists of a Preface and 8 Articles. The proposed revision is in a format that is consistent with other USU Policies. In addition to the proposed revision, we have provided copies of the current Student Code that are annotated to indicate where portions of that code can be found in the proposed revision (e.g., 'Map from Current ARTICLE I.docx').

**Article II, Rights of Students:** This section was greatly truncated. Rather than listing many individual rights, most of which are guaranteed by state or federal law, the revision references state and federal law, and then lists three additional rights that are specific to USU.

**Article III, Procedures for Freedom of Expression:** This Article was removed, as the right to freedom of expression is guaranteed by federal law and thus does not need to be addressed in the Student Code.

**Article IV, Student Organizations:** Reference to fraternal organizations was removed from this section. The Student Code applies to members of those organizations in the same way that it does to other students.

**Article IV, Student Organizations, USUSA:** This was removed. Much of this material is appropriate for the bylaws of USUSA, rather than the Student Code.

**Article VI, University Regulations Regarding Academic Integrity:** the process for appeals was simplified by removing the use of Honor Boards, by laying out a clearer set of steps for a student to follow in appealing a sanction associated with an academic integrity violation, and by allowing for a warning in response to a first academic integrity violation, rather than requiring that the student be placed on probation.

## Additions to the Proposed Code

**Sexual Assault (706), Dating Violence and Domestic Violence (707), Stalking (708), and Consent (709)** were added as separate sections to the proposed code. These are issues that are not adequately addressed in the current Code, and which have been the focus of increased attention on university campuses.

**Revocation of a Degree (704.4)** was added to the section on **Academic Integrity (704)**.

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## **NUMBER 700 Definitions, Authority, Participation in the Student Community**

### **SUBJECT: Student Code**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

Utah State University is an institution of higher education that offers education and training opportunities to individuals throughout Utah. Students are individuals who are enrolled in courses, and who may be matriculated into a degree program or enrolled on a non-degree seeking basis. An inclusive definition of ‘student’ is provided below.

### **700.1 Definitions**

The following definitions apply throughout policies 700 – 703. Additional definitions are included in some policy sections where terms are relevant to a particular section.

**Appeal:** a review of a decision by an individual or committee that has the authority to change or reverse the decision.

**Classroom:** any location, physical or electronic, where there is a gathering of faculty member(s) and student(s) for the purposes of teaching and learning authorized by Utah State University or any of its units.

**Complainant:** a person who submits a charge alleging that a student has violated the Student Code.

**Days:** where time periods are specified for certain actions, ‘days’ refers to days on which the University is open for business

**Faculty:** any person hired by the USU to conduct classroom or teaching activities.

**Grievant:** a student utilizing the grievance procedure.

**Hearing Board:** a group authorized by the Vice President for Student Affairs to determine if a violation of the USU Student Code of Conduct has occurred, and to recommend appropriate sanctions.

**Instructor:** any person engaged in teaching students; not limited to individuals who hold the professorial rank of instructor.

**Meeting:** meetings may take place in a face-to-face format, or with one or more individuals participating using conferencing technology

**Policy:** the written regulations of USU as found in the Student Code and all other regulatory forms.

**Respondent:** a person against whom a grievance is made, or who is alleged to have violated the Student Code.

**Student Code:** Policies 700-710.

**Student Organization:** an organization or group which has been registered and has received recognition according to university policies and procedures.

**Student:** any person who is enrolled, whether full-time or part-time, or registered for other educational opportunities. A person who has completed an academic term and who reasonably can be expected to enroll the following term is also considered a student, as is a person who has accepted an offer of admission for an upcoming academic term.

**University Community:** students, faculty, university officials, and any person employed by USU.

**University Official:** administrators, or their designees, or anyone having professional (other than teaching) responsibilities within USU (e.g., Vice President for Student Affairs, Dean, Department Head).

**University:** Utah State University (USU).

**USU Premises:** all land, buildings, facilities and other properties in the possession of or owned, used or controlled by USU.

## **700.2 Legal Authority**

Utah State University derives from the State of Utah its legal authority to provide programs and services to its students. This authority is vested in the State Board of Regents, the Board of Trustees, and the President of the University.

## **700.3 Scope of Policy, Jurisdiction**

This policy applies to alleged misconduct, as defined by this Policy, that occurs during a USU program or activity, including any academic, extracurricular, research, or occupational training activity operated by USU, and one of the parties is a student. This policy may also apply to alleged misconduct that occurs off-campus (e.g., during class activities off campus), including online or in other virtual spaces (e.g., in online classes).

Notwithstanding, the parameters set forth above, the University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and to redress any hostile environment that occurs on campus even if it relates to off-campus activities. Such action may include pursuing disciplinary action for any violation of federal, state, or local law that affects the university's educational interests. University disciplinary proceedings may be commenced without regard to the pendency of civil litigation or criminal prosecution; University discipline may be carried out prior to, simultaneously with, or following civil or criminal proceedings conducted by off-campus persons or authorities.

## **700.4 Participation in the Student Community**

The University grants, to students, membership in a community which provides opportunities for education. Upon enrollment in an academic program, a student may receive the services and participate in the activities of the University. As a member of the academic community, each student is expected to participate freely in and to support academic processes. To maintain the quality of its programs and to protect the integrity of academic freedom for its community as a

whole, the University may discipline those who fail to meet and maintain its standards or who violate University policies and procedures.

Utah State University aspires to maintain academic freedom and to maximize individual responsibility. To that end, the University endorses the following principles of community, modelled after principles identified by the Carnegie Foundation for the Advancement of Teaching (Boyer, 1990).

Utah State University is a community in which:

- 700.4.1 members work together to strengthen teaching and learning on the campus;
- 700.4.2 the dignity of all individuals is affirmed and where equality of opportunity is vigorously pursued;
- 700.4.3 freedom of expression is protected and where civility is powerfully affirmed;
- 700.4.4 individuals accept their obligations to the group;
- 700.4.5 well-defined governance procedures guide behavior for the common good; and,
- 700.4.6 the well-being of each community member is sensitively supported and where service to others is encouraged. (Boyer, 1990).

This policy attempts to establish these ideals in practice. It was written by a joint student-faculty committee, and reviewed by members of the Associate Students of Utah State University, the Faculty Senate, the School of Graduate Studies, and the Vice President for Student Affairs.

## **NUMBER 701 Student Responsibilities and Rights**

### **SUBJECT: Student Responsibilities and Rights**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

### **701.1 Responsibilities**

As members of the university community, students share responsibility for its growth and continued well-being and for maintaining an environment which encourages free inquiry and expression. Students are expected to follow course and class guidelines as set forth in syllabi and as enunciated by their instructors, and to complete academic exercises with integrity.

All members of the university community are encouraged to interact with courtesy, civility, decency, and a concern for personal dignity. The University includes students in oversight of these responsibilities through their participation in hearings boards.

### **701.2 Rights**

In addition to the rights guaranteed by state and federal laws, students have the right to:

- 701.2.1 meaningful representation in the formulation of University policies which affect students. (e.g., 700 series)
- 701.2.2 reasonable notice of the general content of a course, what will be required of them, and the criteria upon which their performance will be evaluated.
- 701.2.3 have their performance evaluated promptly, conscientiously, without prejudice or favoritism, and consistently with the criteria state at the beginning of the course.
- 701.2.4 be treated by faculty in a manner that is consistent with the faculty code (e.g., 403.1).

### **701.3 Channels for Complaints and Appeals**

- 701.3.1 For academic issues, the appropriate order for appeals is (1) the instructor, or graduate supervisory committee if the grievance pertains to committee action, (2) the academic department head, (3) the dean of the college, or designee, or, for graduate students, the dean of the School of Graduate Studies, or designee, who will consult and coordinate with the college dean, and (4) the Academic Standards subcommittee of the Education Policy Committee. Throughout this appeal process, the student (grievant) may consult with and include in meetings the USUSA Student Advocate.
  - 701.3.1.1 If the department head, dean (or designee), or Academic Standards Subcommittee think that an appeal provides evidence of potential

misconduct by a faculty member, that evidence shall be communicated to the Provost for consideration under the Faculty Code.

- 701.3.2 Issues related to sexual misconduct, discrimination, or harassment are covered by federal law, and all reports of, or complaints regarding, sexual misconduct, discrimination, or harassment should be directed to the USU [Affirmative Action/Equal Opportunity \(AA/EO\) office](#). *See USU Policy 7XX.*
- 701.3.3 Appeals or complaints that are neither academic nor related to sexual misconduct, discrimination, or harassment should be addressed through the appropriate administrative channel (e.g., University Housing, Transportation Services, Provost). Questions about what might be the appropriate administrative channel may be addressed to the [Office of Student Conduct](#).



**NUMBER 702 Student Organizations****SUBJECT: Student Organizations****Effective Date: #####****Revision: 1.0****Date of Last Revision: 20180110****702.1 Registration of Student Organizations**

The University acknowledges that students may desire to organize and identify with academic, social, recreational, service, and other groups. Student organizations may serve a wide variety of interests, but they must not interfere with or interrupt the policies and/or mission of the University nor violate the law.

- 702.1.1 Registered student organizations are those that have been recognized and approved by USUSA.
- 702.1.2 No organization may have its registration denied or be suspended on the grounds of lawful beliefs, attitudes, or goals; in particular, on the basis of race, color, national origin, religion, gender, age, disability, veteran's status, or sexual orientation.
- 702.1.3 USU retains the right to sanction a student organization, apart from any action taken against student members of the organization.

**702.2 Responsibility to Follow Established Policies**

All student organizations must use University facilities and services in accordance with established policy. Student organizations must operate under the following conditions:

- 702.2.1 Officers and members of the organization are subject to all policies promulgated by USUSA and Policy 700.
- 702.2.2 Organizations are self-governing and are not subject to day-to-day direction by the University.
- 702.2.3 University involvement in organizations will occur only when issues dealing with interpretation and/or infractions of the Student Code are required.

**702.3 Suspension of Student Organization Registration**

A student organization may have its registration suspended by USUSA or the Vice President for Student Affairs if:

- 702.3.1 The organization submits falsified information.
- 702.3.2 The organization violates any written policy of USUSA or any other University regulation, including the Student Code.
- 702.3.3 A decision by USUSA or the Vice President for Student Affairs to deny or suspend the registration of a student organization may be the basis for a grievance through the procedure described in 710.

**NUMBER 703 Student Conduct**

**SUBJECT: Student Conduct**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

## **703 Student Conduct**

### **703.1 Compliance with Federal, State, and Local Laws**

- 703.1.1 Students are expected to obey federal, state, and local laws.
- 703.1.2 The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include pursuing disciplinary action for any violation of federal, state, or local law that affects the university's educational interests.

**NUMBER 704 Academic Integrity**

**SUBJECT: Academic Integrity**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

## **704 Academic Integrity**

Academic integrity promotes learning, honesty, rigor, and the responsible conduct of research. This policy is designed to establish the level of conduct expected and required of all students, and prohibits all forms of cheating, falsification, plagiarism, bribery, and other academic misconduct.

Students are required to act with academic integrity in courses and related classroom activities, in independent academic work such as research projects, internships and clinical placements, and in study abroad experiences.

Further, students are required to promote academic integrity at the University by not participating in, or facilitating others' participation in, any act of academic dishonesty, and by reporting all violations or suspected violations of the Academic Integrity Standard to their instructors.

### **704.1 Academic misconduct includes, but is not limited to:**

704.1.1 Cheating, which includes, but is not limited to:

- 704.1.1.1 using, attempting to use, or providing others with unauthorized assistance on any academic exercise or activity. This includes working in a group when the instructor of record has designated that the academic exercise or activity be done individually. This also includes the use of devices that are not authorized by the instructor of record
- 704.1.1.2 using sources beyond those authorized by the instructor of record for a course. This includes using materials prepared by another person or by an agency engaged in the sale or distribution of term papers or other academic materials
- 704.1.1.3 substituting for another student, or permitting another student to substitute for oneself, in taking an examination or preparing academic work
- 704.1.1.4 continuing to write after time has expired on a timed quiz, test, examination, or any other academic exercise or activity

704.1.2 Fabrication, which includes making up data or results

704.1.3 Falsification, which includes altering or fabricating any information or citation in an academic exercise or activity. Falsification may also include manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

The research record includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

- 704.1.4 Forgery, or knowingly submitting false documentation
- 704.1.5 Plagiarism, which is representing, by paraphrase or direct quotation, the published or unpublished work of another person as one's own in any academic exercise or activity without full and clear acknowledgment. Self-plagiarism is submitting substantially the same work for credit in more than one class, except with prior approval of the instructor.
- 704.1.6 Bribery, which is giving a gift to an instructor, advisor, or staff member that could reasonably be viewed as an attempt to influence a student's evaluation or the awarding of a scholarship, assistantship, fellowship, or other academic award.
- 704.1.7 Research Misconduct, which is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct may also include malicious destruction of data, research equipment, or research infrastructure. Research misconduct does not include honest error or differences of opinion. Any allegation of research misconduct will be responded to in accordance with the USU Scientific Misconduct Procedures.

## **704.2 Consequences of Violating the Academic Integrity Standard**

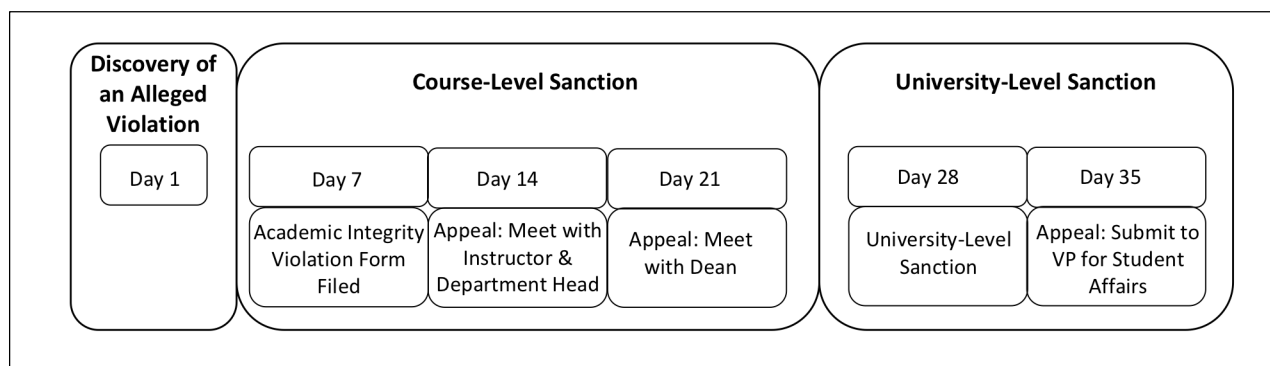
Consequences of violating the Academic Integrity Standard can include, but are not limited to:

- 704.2.1 Warning.
- 704.2.2 Course-Level Sanctions: In any given course, the instructor of record has full autonomy to evaluate a student's academic performance in that course. If a student violates the academic integrity policy, the instructor may impose a course-level sanction. Such sanctions may include, but are not limited to:
  - 704.2.2.1 requiring the student to rewrite a paper, redo an assignment, or to retake a test/examination;
  - 704.2.2.2 adjusting the student's grade (for either an assignment/test or the course);
  - 704.2.2.3 giving the student a failing grade for the course.
- 704.2.3 Academic Integrity Probation: A sanction in which a student is allowed to continue participating in an academic program, predicated upon the student satisfying requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found responsible for additional academic integrity violations during the probationary period.
- 704.2.4 Transcript Notation: A notation placed on the student's transcript that indicates that the student was found responsible for an academic integrity violation.

- 704.2.5 Suspension: A temporary dismissal from an academic program or from the University, after which the student is eligible to continue the program or return to the University. Conditions for continuance or readmission may be specified.
- 704.2.6 Expulsion: Permanent dismissal from an academic program or from the University.
- 704.2.7 Denial or revocation of a degree. Removal of the record that a student was awarded a degree.
- 704.2.7 University-Level Sanctions: A university-level sanction cannot be imposed unless a course-level sanction has been imposed. In instances where there are multiple violations by the same student, university-level sanctions will reflect the cumulative nature of the student's violations. Additional disciplinary action beyond a course-level sanction shall be determined by the Office of Student Conduct in consultation with any other university personnel deemed appropriate. In determining university-level consequences, the following two levels of violation are considered:
  - 704.2.7.1 Level 1: a first offense of cheating or plagiarism (as defined above) by an undergraduate student. The consequences that the University may impose on a student for a Level 1 violation are:
    - 704.2.7.1.1 Warning
    - 704.2.7.1.2 Academic Integrity Probation
    - 704.2.7.1.3 Other penalties deemed appropriate by the Office of Student Conduct (for example, a reflection paper or a meeting with the USU Writing Center).
  - 704.2.7.2 Level 2: An egregious or second offense in cheating or plagiarism by an undergraduate student, a first offense in cheating or plagiarism by a graduate student, or any falsification, bribery, or research fraud committed by any student. The sanctions that the University may impose on a student for a Level 2 academic integrity violations are:
    - a. Academic Integrity Probation
    - b. Transcript Notation
    - c. Suspension
    - d. Expulsion
    - e. Denial or revocation of degrees

### **704.3 Processes Related to Academic Integrity Violations**

The process related to an academic integrity violation is described below, and on the Academic Integrity Violation Form that must be submitted by the instructor.



704.3.1 Notification of Alleged Offense and Intended Consequences: If an instructor reasonably suspects that a student has committed an academic integrity violation, the instructor must submit, within 7 days of discovery of the violation, an Academic Integrity Violation Form (AIVF) to both report the violation and notify the student of the intended course-level consequence(s). Failure to submit an AIVF within seven days precludes the instructor from issuing a course-level sanction for the alleged violation.

704.3.1.1 The AIVF is submitted to the Office of Student Conduct. That office will notify the student, as well as the department head and associate dean of the college where the course is housed. If the student is a graduate student, the AIVF shall also be reported to the Dean of the School of Graduate Studies.

704.3.2 Response to Alleged Offense: The student has two options in response to the alleged offense:

704.3.2.1 The student may accept the instructor's determination of the violation and the sanction. If so, then the student and the instructor sign the resolution form, which should then be sent to the Office of Student Conduct.

704.3.2.2 The student may appeal the instructor's sanction. For this appeal, the student, instructor, and the instructor's department head must meet to discuss the alleged offense and intended consequences within seven days of notification. The result of this appeal will be to confirm, modify, or remove the sanction.

704.3.2.3 The student may make a final appeal of the sanction to the dean of the instructor's college. Such an appeal must be made within 7 days of the result of the initial appeal.

704.3.3 There are two acceptable reasons a student may appeal the instructor's course-based sanction:

704.3.3.1 There is factual disagreement between the student and instructor about whether or not a violation occurred. The student may challenge the evidence presented by the instructor that the student has committed a violation.

704.3.3.2 If new evidence or witness is found within seven days of the student and instructor meeting, the student may appeal.

- 704.3.4 An appeal meeting includes the student, instructor, and department head in which the course is housed. During the appeal meeting:
  - 704.3.4.1 The instructor shall be invited to make a statement describing the incident and the evidence that the student has committed a violation of the academic integrity policy.
  - 704.3.4.2 The student shall be invited to make a statement presenting evidence that the student did not commit a violation of the academic integrity policy. The student is responsible for presenting this case.
  - 704.3.4.3 The department head may ask questions of anyone in attendance.
  - 704.3.4.4 At the conclusion of the meeting, the department head and instructor will deliberate privately and inform the student, and the Office of Student Conduct, the outcome of their deliberation. There are no appeals of this decision.
- 704.3.5 Appeal of University-Level Sanction: The Office of Student Conduct reviews each case of academic misconduct and determines any university-level sanction. The decision of the Office of Student Conduct is communicated via email within seven days of an appeal of the instructor's course-level sanction (if one occurs).
- 704.3.6 Once the Office of Student Conduct has notified the student of the outcome of the university-level sanctioning process, the student has seven days to appeal the severity of the university-level sanction. This appeal must be submitted in writing to the Vice President for Student Affairs.
- 704.3.7 There are two acceptable reasons for a student to appeal the determination of university-level sanction:
  - 704.3.7.1 No AIVF was submitted; there was no course-level sanction. The student may appeal on grounds that minimum due process was not met.
  - 704.3.7.2 The university-level sanction is perceived to be overly harsh.
- 704.3.8 The VP for Student Affairs, or designee, will consider statements from:
  - 704.3.8.1 The Director of Student Conduct, who shall submit a document that:
    - 704.3.8.1.1 describes the incident,
    - 704.3.8.1.2 outlines the evidence that the student has committed a violation of the academic integrity policy, and,
    - 704.3.8.1.3 describes the appropriateness of the sanction.
  - 704.3.8.2 The student shall be invited to submit a document appealing the severity of the sanction.
  - 704.3.8.3 The Vice President for Student Affairs may, in writing, ask clarifying question questions of anyone directly involved in the process (e.g., student, instructor, department head, Director of Student Conduct).
  - 704.3.8.4 The VP for Student Affairs will deliberate privately and inform the student and the Director of Student Conduct of the decision to either support the

university-level sanction or change the university-level sanction. There are no appeals of this decision.

704.3.9 Withdrawal of an academic integrity allegation

- 704.3.9.1 At any point in the review process the instructor may withdraw the academic integrity allegation and the University will not maintain any record of the allegation.

704.3.10 Clearing Sanctions

- 704.3.10.1 Clearing a Course-Level Sanction: In any given course, the instructor of record has full autonomy to evaluate a student's academic performance in a course. Course-level sanctions may only be changed by the instructor of record. In cases where the instructor of record is not available, the department head of the academic unit in which the course is housed may be petitioned in writing, by the student, to clear the course level sanction.
- 704.3.10.2 A student's record may be cleared of a disciplinary probation, suspension, or transcript notation (if the degree has not been posted to the student's transcript) by the Director of Student Conduct following the end of the designated penalty period, if the student has not committed additional academic integrity violations.
- 704.3.10.3 A written request for expunging the record is required and shall be initiated by the student with a letter to the Director of Student Conduct. The Director of Student Conduct will review the request and the incident and make a determination in consultation with the instructor of record (if appropriate) and, in the case of a graduate student, the dean of the school of graduate studies. If the request is granted, the Director of Student Conduct shall notify the Office of Student Records and the change will be made.
- 704.3.10.4 A transcript notation indicating an academic integrity violation involving academic dishonesty may not be removed from the student's transcript after the student's degree has been posted to the transcript.
- 704.3.10.5 Clearing a University-Level Sanction: A student's record may not be cleared of an expulsion or revocation of a degree.
- 704.3.11 Recording and Disclosure of Sanctions and Disciplinary Action: Access to all records of academic integrity violations is controlled by the Director of Student Conduct through the Office of the Vice President of Student Affairs. Requests for information contained in a student's Academic Integrity file should be directed to the Office of the Vice President for Student Affairs.
- 704.3.12 Disclosure of University Disciplinary Action: A penalty of disciplinary probation, suspension, expulsion, a designation with a course grade indicating an Academic Integrity violation, or denial or revocation of degree shall be entered on the student's transcript after the completion of the above processes.
- 704.3.13 Upon the specific written release of the student, the Vice President for Student Affairs shall make available a copy of all official records related to the



disciplinary action of probation, suspension, expulsion, a designation with a course grade indicating an Academic Integrity violation, or denial or revocation of degree.

- 704.3.14 Such a report will be disclosed, without the prior consent of the student, to another educational institution that has requested the record and at which the student seeks or intends to enroll; the University will make a reasonable attempt to notify the student (or the student's parent if the student is under the legal age) of the disclosure and, upon request, provide the student with a copy of the record that was disclosed.
- 704.3.15 No other information related to a violation of academic integrity policies shall be provided to any third party without the express written release of the student.

#### **704.4 Revocation of a Degree**

- 704.4.1 Consideration of evidence of a violation of academic integrity that took place during a degree program may take place at any time after a degree is awarded.
- 704.4.2 If evidence of an academic integrity violation is discovered after a degree was awarded:
  - 704.4.2.1 For undergraduate degrees, the dean of the college and the head of the department in which the degree was awarded should review the evidence and provide a recommendation to the USU President.
  - 704.4.2.2 For graduate degrees, the Dean of the Graduate School should confer with the dean of the college and the head of the department in which the degree was awarded. After receiving their input, the Dean of the Graduate School should provide a recommendation regarding revocation of the graduate degree to the USU President.
- 704.4.3 If a recommendation is made to the President that a degree should be revoked, the individual who was awarded the degree should be notified, by registered mail, of the recommendation and given no fewer than 10 business days to respond, in writing, to the accusation of an academic integrity violation. After 10 business days, and after considering any response from the accused individual, the President will make a final decision regarding revocation of the degree.

## **NUMBER 705 Misconduct Other than Violations of Academic Integrity**

### **SUBJECT: Misconduct**

**Effective Date: #####**

**Revision: 1.0**

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## **705 Misconduct Other Than Violations of Academic Integrity**

Misconduct is behavior that interferes with University functions or threatens the safety or well-being of members of the University Community, or interferes with the educational and/or work environment of students, faculty, or staff. Students, faculty, and staff who have information about suspected misconduct violations should report that information to the Vice President for Student Affairs. Any student who engages in prohibited conduct shall be subject to discipline.

### **705.1 Examples of Misconduct**

Misconduct includes, but is not limited to:

#### **705.1.1 Possession, Use, or Sale of Banned Substances**

- 705.1.1.1** Possession, consumption, sale, distribution, manufacture, or storage of alcoholic beverages by any person under the legal drinking age, as defined by Utah law. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.)
- 705.1.1.2** Use of any funds under the management and control of the University to defray the cost of purchase or consumption of alcoholic beverages either on or off campus.
- 705.1.1.3** Possession, use, sale, manufacture, or distribution of any hallucinatory, narcotic, illegal, or controlled substance, as defined by federal or state laws, except as expressly permitted by such laws. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.)
- 705.1.1.4** Possession, purchase, sale, distribution, attempting to possess or purchase, or offering to sell or distribute any psychotoxic chemical solvent (as defined by state law), either on campus (or on property owned or controlled by the University, including athletic events) or at any off-campus University sponsored function or event. Also, use of any such psychotoxic chemical solvent for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
- 705.1.1.5** Smoking in (or within 25 feet of an entry to) any building owned or controlled by the University (including the football stadium).
- 705.1.1.6** Purchase or possession of a cigar, cigarette, electronic cigarette, or any other tobacco product by any person under the legal age for smoking, as defined by Utah law.

- 705.1.17 Offering for sale, giving, or furnishing (1) any tobacco product in any form to any person under 19 years of age, or (2) any "clove cigarette" (as defined by state law) to any person, or (3) selling, offering for sale, or free sampling any cigar, cigarette, electronic cigarette, or any other tobacco product or tobacco paraphernalia in any form either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University-sponsored function or event.
- 705.1.2 Disorderly conduct, which includes, but is not limited to:
  - 705.1.2.1 Obstructing or disrupting instruction, research, administration, meetings, processions, or other University activities, including its public service functions on or off campus, or authorized non- University activities on University premises. This includes aiding, abetting, or encouraging another person to engage in such activities.
  - 705.1.2.2 Failing to comply with directions of University officials or law enforcement officers acting in their official capacities or failing to identify oneself to these persons when requested to do so, resisting arrest, fleeing the scene of an accident, or improperly interfering with University police in the completion of their duties.
  - 705.1.2.3 Failing to comply with directions of University officials, including instructors, regarding safety practices and procedures, and the safe use of university equipment.
  - 705.1.2.4 Lewd and lascivious conduct, defined as any act that is sexual in nature, which would be considered indecent or shocking to a reasonable person. This might include, but is not limited to, the exposing of genitalia in public, also referred to as 'indecent exposure,' fondling oneself in public, participating in prostitution, urinating in public, and making sexually vulgar phone calls.
- 705.1.3 Unauthorized entry into or use of University facilities or equipment.
- 705.1.4 Possessing, using, or duplicating University keys for an unauthorized purpose.
- 705.1.5 Issuing a check to the University drawn on insufficient funds, misuse of a credit card in a transaction with the University, or failure to pay debts or obligations to the University.
- 705.1.6 Attempted or actual theft, possession, destruction, damage, or misuse of University property or property belonging to another person.
- 705.1.7 Making false statements, whether oral or written, to University officials or law enforcement officers or otherwise providing information or identification known to be false.
- 705.1.8 Any forgery, alteration, or misuse of University documents, forms, records, or identification cards.
- 705.1.9 Misuse or unauthorized use of a fire extinguisher or other safety equipment on University property.

- 705.1.10 Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on University property.
- 705.1.11 Publishing or distributing libelous, slanderous, obscene, or pornographic literature or materials.
- 705.1.12 Violating any published University policy related to University-owned living units or breaching a University living unit contract.
- 705.1.13 Wrongfully inflicting physical or significant, unreasonable mental duress, harm, or abuse upon another person, including but not limited to harassment, threats and intimidation, sexual violence, arson, and murder.
- 705.1.14 Threats of harm to others.
- 705.1.15 Inappropriate use of information technology facilities or services, which can include:
  - 705.1.15.1 Unauthorized access to data, transmissions, facilities, or services owned or created by, or intended for, another person or entity.
  - 705.1.15.2 Unauthorized use of another person's username, password, or network identity.
  - 705.1.15.3 Use of computers/computing facilities which interferes with or disrupts the work of another student, faculty member, or University official.
  - 705.1.15.4 Use of computers/computing facilities to store, access, or send obscene or pornographic materials.
  - 705.1.15.5 Use of computers/computing facilities which interferes with or disrupts normal operation of the University computer, data network, and information technology facilities and services.
  - 705.1.15.6 Use of authorized access to shared services or resources with the intention or result of denying authorized access to other persons.
  - 705.1.15.7 Introduction of disruptive computer code.
- 705.1.16 Hazing. Hazing, which is prohibited, may include activities for the purpose of initiation, admission into, affiliation with, or holding office in any organization. Hazing can include any action taken or situation created, whether on- or off-campus, which:
  - 705.1.16.1 endangers the mental or physical health or safety of another; or
  - 705.1.16.2 produces mental or physical discomfort, embarrassment, harassment, or ridicule of another; or
  - 705.1.16.3 involves any brutality of a physical nature such as, but not limited to, paddling, whipping, beating, branding, calisthenics, creating excessive fatigue, bruising, electric shocking, causing physical and psychological shocks, placing of a harmful substance on the body, or exposure to the elements; or

- 705.1.16.4 involves consumption of any food, alcoholic beverage, liquor, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
- 705.1.16.5 involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation, or subjects the individual to the wearing of apparel which is conspicuous or not normally in good taste, engaging in public stunts and buffoonery, engaging in morally degrading or humiliating games; or
- 705.1.16.6 involves defacing or destroying public or private property; or
- 705.1.16.7 involves cruelty to any animal.
- 705.1.16.8 It is not a defense to hazing that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.
- 705.1.17 Abuse of the disciplinary process, which includes but is not limited to:
  - 705.1.17.1 Failure to comply with the directions of the Provost, the Vice President for Student Affairs, a hearing body, or hearing officer.
  - 705.1.17.2 Falsification, distortion, or misrepresentation of information before a hearing body or hearing officer.
  - 705.1.17.3 Disruption or interference with the orderly conduct of a disciplinary/grievance proceeding.
  - 705.1.17.4 Institution of a disciplinary/grievance proceeding knowingly without cause.
  - 705.1.17.5 Attempting to discourage an individual's proper participation in, or use of, the disciplinary/grievance process.
  - 705.1.17.6 Attempting to influence the impartiality of a member of a hearing body or a hearing officer prior to, or during the course of, the discipline/grievance process.
  - 705.1.17.7 Harassment (verbal or physical) or intimidation of a member of a hearing body or a hearing officer prior to, during, or after a disciplinary/grievance proceeding.
  - 705.1.17.8 Failure to comply with the penalty imposed, or other action taken, under the Student Code.
  - 705.1.17.9 Influencing or attempting to influence another person to commit an abuse of the disciplinary/grievance process.
  - 705.1.17.10 Tampering with, influencing, or attempting to influence any witness or potential witness in a disciplinary/grievance proceeding.
- 705.1.18 Disruptive classroom behavior: Utah State University supports the principle of freedom of expression for both faculty and students. The University respects the rights of faculty to teach and students to learn. Maintenance of these rights requires classroom conditions that do not impede the learning process.

Disruptive classroom behavior, which can include physical actions, verbal utterances, or other activities that interfere with either the faculty member's ability to conduct the class or the ability of other students to learn, will not be tolerated. An individual engaging in such behavior may be subject to disciplinary action.

705.1.19 Sexual assault, violence, harassment and coercion (see 706)

705.1.20 Dating violence and domestic violence (see 707)

705.1.21 Stalking (see 708)

## **705.2 Discipline For Misconduct Violations**

The purposes for disciplinary action are: (1) to maintain the University's integrity as an educational institution, and (2) to protect the rights of individuals. The procedures in this article are structured to deal uniformly and fairly with students. The disciplinary procedures are not subject to the same procedural due process as is established in criminal and civil courts.

Disciplinary actions may be commenced against a student whether or not he or she is registered for or is attending the current semester of classes. Most students will be currently enrolled, but a person cannot drop out of school to avoid, or attempt to frustrate, disciplinary action.

Disciplinary actions regarding violations may be taken by the University at any time.

705.2.1 Penalties: The sanctions which the University may impose on a student for a Misconduct violation are:

705.2.1.1 Warning or reprimand-written or verbal.

705.2.1.2 Probation-continued attendance at the University predicated upon the student satisfying certain requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found to be violating any University Standards during the probationary period. The student must request termination of the probation in writing.

705.2.1.3 Suspension-temporary dismissal from the University for a specified time, after which the student is eligible to return. Conditions for readmission may be specified.

705.2.1.4 Expulsion-permanent dismissal from the University.

705.2.1.5 Withholding of transcripts for refusal to return University property or to pay University debts.

705.2.1.6 Temporary and/or permanent removal from a class.

705.2.1.7 Payment of restitution to the University or, when University intervention is deemed appropriate, to another individual for damages or losses.

705.2.1.8 Performance of community service.

705.2.1.9 Referral to psychological counseling or to the Student Wellness Center for assessment, evaluation, education, and treatment, when necessary.

705.2.1.10 Other disciplinary actions which are appropriate to the violation(s).

More than one sanction may be imposed for any single violation. Reference to "sanction" includes multiple sanctions that have been imposed.

705.2.2 Disclosure: If the University determines that a student has committed a violation of the alcohol or controlled substance standards and the student is under age 21, the University may disclose, in writing, to the student's parent(s) or guardian notice of said violation.

705.2.3 Approval by the President: Imposition of the sanction of expulsion from the University or retraction of a degree must be approved by the President of the University. The President's approval shall be given either at the conclusion of the 10- day appeal period if no appeal is filed, or as part of the President's final decision if an appeal is filed.

705.2.4 Refund of tuition and fees: When a student is suspended or expelled from the University, tuition and fees that have been paid for the semester during which the suspension or expulsion occurs are refundable in accordance with the standard refund policy as stated in the Catalog.

705.2.5 Hold on admission, registration, or financial aid: A hold on a student's admission, registration, or financial aid is not an independent sanction, but may be utilized by the University for various purposes, including either to 1) direct a student's attention to, and subsequent participation in, a pending disciplinary/grievance proceeding or 2) to obtain the student's compliance with a sanction which has been imposed or other action which has been taken under the Student Code.

**NUMBER 706** Sexual Assault, Violence, Harassment, and Coercion

**SUBJECT: Sexual Assault, Violence, Harassment, and Coercion**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

## **706 Sexual Assault, Violence, Harassment, and Coercion**

Utah State University will not tolerate sexual assault/violence in any form, including incidents which arise in acquaintance and date situations. When a student is found responsible for sexual assault/violence pursuant to USU Policy \_\_\_\_, the University will pursue strong disciplinary action, including the possibility of suspension or expulsion from the University.

### **706.1 Sexual Assault**

- 706.1.1 Sexual assault (intercourse) is any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's consent; and oral copulation (mouth to genital contact or genital to mouth contact) without a person's consent.
- 706.1.2 Sexual assault (contact) includes any intentional sexual touching, without a person's consent (intentional sexual touching may include contact, under or over the clothing, with the breasts, buttocks or groin touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and/or the emission of ejaculate on the clothing or body of another person without that person's consent.

### **706.3 Sexual Violence**

- 706.3.1 Sexual violence is a physical act perpetrated against a person's will or where a person is incapable of giving consent due to the victim's incapacitation due to the (voluntary or involuntary) use of drugs or alcohol ***or other factors which demonstrate a lack of consent or inability to give consent.*** An individual also may be unable to give consent due to an intellectual or other disability. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, and sexual coercion.

### **706.4 Sexual harassment**

- 706.4.1 Sexual harassment includes, but is not limited to, harassment of a sexual nature, repeated offensive sexual flirtations, advances or proposition, graphic verbal commentaries about an individual's body, use of sexually degrading words to describe an individual, unwelcome sexual advances, requests for sexual favors, sexual violence, sexual assault, dating violence, domestic violence, stalking and coercion or similar acts in violation of state or federal law.



- 706.4.1 Sexual harassment may exist in an educational environment when
  - 706.4.1.1 submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status ('quid pro quo'), or
  - 706.4.1.2 conduct is sufficiently severe, persistent or pervasive to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the institution ('hostile environment')
- 706.4.2 Sexual harassment may exist in a workplace environment when
  - 706.4.2.1 submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity ('quid pro quo'), or
  - 706.4.2.2 conduct is sufficiently severe, persistent or pervasive to create a work environment that a reasonable person would consider intimidating, hostile or abusive, and which may or may not interfere with the employee's job performance ('hostile environment')
- 706.4.3 Sexual harassment can:
  - 706.4.3.1 occur between individuals of the opposite or same sex
  - 706.4.3.2 occur between students, between peers and/or co-workers, or between individuals in an unequal power relationship (e.g., between a supervisor and a supervised employee, or between an instructor and a student)
  - 706.4.3.3 be aimed at coercing an individual to participate in an unwanted sexual relationship or have the effect of causing an individual to change behavior or work performance
  - 706.4.3.4 may arise from a single incident, if sufficiently severe, or may consist of repeated actions
  - 706.4.3.5 may rise to the level of a criminal offense (e.g., battery or sexual violence)

## **706.5 Coercion**

- 706.5.1 In the context of sexual misconduct, coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Sexual coercion includes, but is not limited to:
  - 706.5.1.1 The use of violence or threats of violence against a person or the person's family or property

- 706.5.1.2 Depriving or hindering a person in the use of any tool, implement or clothing,
- 706.5.1.3 Attempting to intimidate a person by threats or force,
- 706.5.1.4 When committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing.

**NUMBER 707 Dating Violence and Domestic Violence**

**SUBJECT: Dating Violence and Domestic Violence**

**Effective Date: #####**

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**707 Dating Violence and Domestic Violence**

**707.1 Dating Relationship**

- 707.1.1 Dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a causal relationship or an ordinary association between persons in a business or social context.

**707.2 Dating violence**

- 707.2.1 Dating Violence is an act committed by a person who is or has been in a dating relationship with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 707.2.2 Dating violence does not include acts covered under the definition of domestic violence.
- 707.2.3 Dating violence is considered a crime for the purpose of Clery Act reporting.

**707.3 Domestic violence**

- 707.3.1 Domestic Violence is an act that includes but is not limited to violence which occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child.
- 707.3.2 Domestic Violence includes, but is not limited to:
- 707.3.2.1 Battery.
  - 707.3.2.2 Assault, including sexual assault.

- 707.3.2.3 Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- 707.3.2.4 A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
  - 707.3.2.4.1 Stalking.
  - 707.3.2.4.2 Arson.
  - 707.3.2.4.3 Trespassing.
  - 707.3.2.4.4 Larceny.
  - 707.3.2.4.5 Destruction of private property.
  - 707.3.2.4.6 Carrying a concealed weapon without a permit.
  - 707.3.2.4.7 Injuring or killing an animal.
  - 707.3.2.4.8 False imprisonment.
- 707.3.2.5 Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry

**NUMBER 708 Stalking**

**SUBJECT: Stalking**

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**708 Stalking**

**708.1 Definitions**

- 708.1.1 Course of conduct means two or more acts, including, but not limited to, acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens or communicates to or about, another person, or interferes with another person's property.
- 708.1.2 Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**708.2 Stalking**

Stalking occurs when a person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member. Stalking can take place both in the physical and digital realms.

- 708.2.1 Stalking includes, but is not limited to, engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - 708.1.1.1 Fear for their safety or for the safety of others; or
  - 708.1.1.2 Suffer substantial emotional distress.

**NUMBER 709 Consent**

**SUBJECT: Consent**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

**709 Consent**

**709.1 Definition**

- 709.1.1 Consent is an affirmative, mutual, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

**709.2 Limitations on Consent**

- 709.2.1 The existence of a dating relationship or past sexual relations between participants does not constitute consent to any other sexual act.
- 709.2.2 The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.
- 709.2.3 Consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- 709.2.4 Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation can be due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; In the state of Utah, a 16 or 17 year-old cannot consent to sexual activity if the other person is ten (10) or more years older than the minor; or if any individual otherwise cannot consent.
- 709.2.5 Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm.

**709.3 Consent and Incapacitation**

- 709.3.1 Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity.
- 709.3.2 Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings.

- 709.3.3 Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.
- 709.3.4 A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.
- 709.3.5 Consent does not exist if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual contact.
- 709.3.6 A person who is incapacitated is not able to make informed decisions or be aware of their consequences and therefore is incapable of giving consent. ***Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring.*** In addition, individuals are incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. ***It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment.***
- 709.3.7 Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent. It is not an excuse that the party initiating sexual contact was intoxicated and therefore did not realize the incapacity of the other.
- 709.3.8 Inducing incapacitation for sexual purposes includes the use of drugs, alcohol or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual contact.

## **709.4 University evaluation of incapacitation**

- 709.4.1 In evaluating consent cases of alleged incapacitation, the University considers information around two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated?* and if not, (2) *Should a sober, reasonable person in the same situation have known that the other party was*

*incapacitated*? If the answer to either of these questions is YES, consent was absent and the conduct is likely a violation of policy.

- 709.4.2 Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.
- 709.4.3 One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs (see above) that show that a person may be incapacitated or approaching incapacitation. One should be cautious before engaging in sexual activity when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether consent has been sought or given. If one has doubt about either party's level of intoxication, the safe thing to do is to forego all sexual activity.

## **709.5 Violation of Law and Utah State University policies**

- 709.5.1 When a student is charged by federal, state, or local authorities with a violation of the law, the University will not request or agree to special consideration because the individual is a student. Action by the university may go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other incidents. The person filing the complaint may choose to file charges against the student both internally, through the university student conduct system, and externally, through the criminal justice or civil system.
- 709.5.2 The University may advise off-campus authorities of the existence of the Student Code and of the process for resolution of a potential violation of the Student Code on campus. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus. Individual students remain free to interact with governmental representatives as they deem appropriate. Decisions on the University student conduct case resolution, including sanctions imposed, shall not be subject to change because criminal charges arising out of the same allegations giving rise to the complaint of violation of University rules were dismissed, reduced or resolved in favor or against the student defendant in other judicial or administrative proceedings.



**NUMBER 710 Disruptive Classroom Behavior**

**SUBJECT: Disruptive Classroom Behavior**

**Effective Date: #####**

**Revision: 1.0**

**Date of Last Revision: 20180110**

**710 Disruptive Classroom Behavior**

**710.1 Discipline not involving immediate removal from the classroom.**

The faculty member responsible for the class or activity where the alleged disruptive behavior occurred will inform the student that the student's behavior has been inappropriate. The faculty member will describe to the student the necessary changes in the student's behavior. By the second classroom meeting following the incident, the faculty member will give to the student a written, dated summary of the discussion, and the faculty member will retain a file copy of this summary. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified.

If the student believes the faculty member's expectations are unreasonable, the student may confer with the faculty member's department head, or the dean of the college if the instructor is the department head, about the matter. The department head, or dean, may choose to support the guidelines developed by the faculty member, or may work with the faculty member to develop a modified set of expectations. If there are changes in the faculty member's original set of expectations, a signed and dated copy will be provided by the department head, or dean, to both the student and the faculty member.

Should the student's behavior continue to be unacceptable, the faculty member will inform the department head, or dean, of the circumstances and will share with the department head, or dean, the written summary of the discussion with the student. The department head, or dean, may initiate additional discussion with the faculty member and/or the student. If the department head, or dean, concurs with the faculty member's view that the problem has not been resolved, the situation shall be referred to the Vice President for Student Affairs. A memorandum briefly describing the student's behavior, as well as a copy of the written summary of the faculty member's discussion with the student and any other related material, shall be forwarded to the Vice President for Student Affairs for the purposes of disciplinary action. A copy of all material sent to the Vice President for Student Affairs shall be provided to the faculty member's dean and to the dean of the college for the student's declared major, if different.

**710.2 Discipline involving immediate removal from the classroom.**

A faculty member has the right to demand and secure the immediate removal of any student from the classroom whenever it is the faculty member's belief that such student has

compromised the faculty member's right to teach or the students' right to learn. The faculty member will inform the student whether the removal is for the current classroom meeting only or the removal also includes subsequent classroom meetings. If necessary, the faculty member may call upon the University Police for assistance.

When the removal is for the current classroom meeting, the faculty member responsible for the class or activity will inform the student that the student's behavior has been inappropriate and describe to the student the necessary changes in the student's behavior. By the second classroom meeting following the one-time removal, the faculty member will give to the student a written, dated summary of the discussion, and the faculty member will retain a file copy of this summary. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified.

### **710.3 Permanent removal from a classroom**

A student may not be permanently removed from a class in which the student is enrolled without a formal review. When the faculty member has removed the student from the current classroom meeting and from subsequent classroom meetings, the faculty member will inform the student that to be considered for reinstatement into the class the student must meet with the head of the department offering the course, or the dean of the college if the instructor is the department head. The student is entitled to a conference with the department head, or the dean, before the second classroom meeting after the temporary removal. Before the third classroom meeting after the temporary removal, the department head, or dean, may either:

- a) approve an agreement of expectations between the student and the faculty member and reinstate the student to the class, or
- b) extend the temporary removal of the student from the class and refer the matter to the Vice President for Student Affairs for disciplinary action. Permanent removal of a student from the class, or reinstatement to the class, shall be effected according to the procedures for discipline of students specified below.

When a student is permanently removed from a class, the University's standard refund policy shall apply.

Non-students and students not enrolled in a class may be removed permanently by the faculty member without a formal review because they have no right to attend the class without the faculty member's permission. The faculty member's decision is final in these cases.

### **710.4 Termination of a Disrupted Classroom Meeting.**

If a disruptive person refuses to remove him/herself from the classroom when requested to do so by the faculty member or the faculty member feels that there is a threat of imminent physical danger, the faculty member has the right to declare the class session terminated and leave the classroom. Any classroom disruption that prompts the faculty member to terminate

a classroom meeting must be reported in writing to the department head, or the dean of the college if the department head is the instructor, before the next regularly scheduled class meeting. The department head, or dean, shall investigate the circumstances of the situation, including in such investigation testimony from, if possible, at least three randomly selected students enrolled in the class who were not involved in the disruption. The department head, or dean, may initiate appropriate action under paragraph 2 above to resolve the situation.

**NUMBER 711 Misconduct Proceedings****SUBJECT: Misconduct Proceedings****Effective Date: #####****Revision: 1.0****Date of Last Revision: 20180110****711 Misconduct Proceedings**

This section applies to proceedings to determine if a Misconduct violation has occurred and, if so, to determine the appropriate disciplinary penalty.

**711.1 Procedures**

- 711.1.1 Whenever the Vice President for Student Affairs receives a report that a student has committed a Misconduct violation or receives information that a student has been convicted of a crime, a preliminary investigation shall be conducted. Where the student has not been charged with a crime, the Vice President for Student Affairs may at any point ask that law enforcement officers assist in investigating the matter and that appropriate legal authorities determine whether prosecution under federal, state, or local law is warranted.
- 711.1.2 The preliminary investigation conducted by the Vice President for Student Affairs shall include one or more conferences, either in person or via videoconferencing technology, with the student who is alleged to have committed the violation. The accused student shall be informed of the alleged violation and receive reasonable notice of the time, date, and place of the conferences. The Vice President for Student Affairs will discuss with the student the implications of the alleged violation for both the student and the University.
- 711.1.3 If the accused student fails or refuses to meet with the Vice President for Student Affairs, a penalty may be imposed against the accused student, or the Vice President may elect to submit the matter to a Hearing Board.
- 711.1.4 At the conclusion of the preliminary investigation, the Vice President for Student Affairs may determine that no further action is necessary and close the case.
- 711.1.5 If during the conference with the Vice President for Student Affairs, the accused student admits the violation and agrees with the Vice President on the facts and circumstances, they shall discuss an appropriate disciplinary penalty.
  - 711.1.5.1 If the Vice President for Student Affairs deems that a penalty is warranted, the accused student shall be so informed. If the accused student concurs with the penalty as recommended, the accused student shall so indicate in writing and thereby waive the right to a Hearing Board, including an appeal.

- 711.1.5.2 The Vice President for Student Affairs may defer the matter to a Hearing Board for determination of an appropriate penalty and immediately notify the Hearing Board pool chair.
- 711.1.6 If during the conference with the Vice President for Student Affairs, (1) the accused student denies the violation, but the Vice President considers that there is sufficient evidence against the accused student, or (2) if the accused student does not agree with the proposed penalty, the Vice President may call the student before a Hearing Board and immediately notify the hearing board pool chair.
- 711.1.7 At any time during the hearing (or appeal) process, the parties may reach an agreement concerning the violation and an appropriate disciplinary penalty, thereby rendering further proceedings unnecessary. A written statement shall be prepared stating the agreed violation and penalty; it shall be signed by the student and filed with the Vice President for Student Affairs.

## **711.2 Hearing Boards**

An allegation of misconduct may be taken to a Hearing Board at the request of a student or at the discretion of Vice President for Student Affairs.

- 711.2.1 Individuals who serve on a Hearing Board pool shall be drawn from a pool of individuals identified as potential Hearing Pool members. Student pool members shall be appointed for a one-year term by the President of USUSA and be confirmed by a majority vote of the USUSA Executive Council. Faculty pool members shall be appointed by the Provost for a two-year term (terms shall be staggered in pairs). Professional staff employee pool members shall be appointed by the Vice President for Student Affairs for a three-year term (terms shall be staggered). All new appointments to the pool shall be made on or before April 30th of each year. If during any year the number of hearings either scheduled or conducted places a burden on the hearing pool, then additional pool members may be appointed as needed. All pool members must receive training regarding hearing procedures before serving on a Hearing Board.
- 711.2.2 In cases that do not include alleged sexual misconduct, the Hearing Board shall consist of three students, two faculty members, and two professional staff.
- 711.2.3 In cases that include alleged sexual misconduct, the Hearing Board shall consist of three faculty members and two professional staff.
- 711.2.4 Once a hearing date is set, the Vice President for Student Affairs shall mail the accused student written notice of the time, date, and place of the hearing to the address supplied by the student to the Office of Student Records.
- 711.2.5 For the purposes of notification, the student's address, as reported to the Office of Student Records and in the BANNER system shall be the address used for all notification purposes. Any notices sent via regular U.S. Mail to this address will be considered delivered to the student, and will be considered delivered on the date mailed.

- 711.2.6 The names of the members of a Hearing Board shall be communicated to the accused student, and to any individual complainant or grievant, in writing as soon as the Hearing Board is constituted.
- 711.2.7 All Hearing Board actions shall be decided by a majority vote. Should the Board reach a split vote, it must deliberate until a majority is reached.
- 711.2.8 A Hearing Board may only consider evidence that is presented at the hearing.
- 711.2.9 A Hearing Board's determination shall be made on the basis of whether it is more likely than not (i.e., a preponderance of evidence) that the accused student committed the alleged violation.
- 711.2.10 A Hearing Board may lessen or increase any penalty recommended by the Vice President for Student Affairs.
- 711.2.11 A student who is accused of misconduct and brought before a Hearing Board has the following procedural rights:
  - 711.2.11.1 A hearing before a Hearing Board shall not be scheduled for fewer than 10 days after the notice of intent is mailed.
  - 711.2.11.2 The student may, with due cause, challenge a member of a hearing board. The challenge shall be reviewed and acted upon by the Vice President for Student Affairs, in collaboration with the chair of the hearing board pool. Familiarity with the alleged violation or persons involved in the hearing, or other bias may be sufficient reason to honor the challenge and direct the appointment of a replacement on the hearing board.
  - 711.2.11.3 The student may have an advisor of the student's own choice present at the hearing. An advisor may be a parent, legal guardian, a faculty member, an USUSA student advocate, an attorney, or other person. All communications related to a proceeding shall be made directly with the student, and not with an advisor, unless the student is incapacitated. It is the student's responsibility to keep an advisor informed regarding such communications.
  - 711.2.11.4 If the student is hearing impaired, an interpreter will be provided, where necessary, so that the student's case may be presented through an interpreter or other communication device. If the student does not have adequate communication skills in the English language, a translator will be provided, where necessary, and the student's case may be presented through a translator
  - 711.2.11.5 The student may request, for due cause, a change in the date and time of the hearing.
  - 711.2.11.6 Students may testify on their own behalf.
  - 711.2.11.7 Witnesses and evidence may be presented to support the student's claims or position in the matter. The student shall submit a list of witnesses, as well as copies of any documents that will be submitted as evidence, at

least three days in advance of the hearing. Any evidence submitted by the student will be shared with all participants in the Hearing Board.

711.2.11.8 The student may hear and question witnesses and examine evidence brought to the Hearing Board.

711.2.11.9 The student has the right to remain silent. The burden of establishing the alleged misconduct is on the University, any individual complainant, or the grievant who initiated the grievance proceeding.

711.2.12 If constituted, a Hearing Board will adopt the following procedures:

711.2.12.1 The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Hearing Board members; (2) the Vice President for Student Affairs; (3) a University attorney, who shall act as advisor to the Board when needed; (4) University law enforcement officers; (5) the accused student; (6) the accused student's advisor; (7) the individual complainant (8) the complainant's advisor; and (9) any witnesses; and (10) where appropriate, the Director of Financial Aid when the accused student is receiving financial aid based in any degree on the student's athletic ability.

711.2.12.2 Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.

711.2.12.3 The chair of the Board shall read the alleged violation to the accused student and ask for an admission or denial thereto. If the student has admitted the violation during the conference with the Vice President for Student Affairs, the hearing shall be conducted to determine the appropriate penalty - the student may not withdraw an admission once the Hearing Board has convened. If the violation is denied during the conference with the Vice President for Student Affairs, the hearing shall be conducted to determine whether the violation occurred and, if so, the penalty.

711.2.12.4 Should the accused student not attend the hearing, the hearing may be conducted in the student's absence and such absence shall not invalidate the proceedings or decision of the Board if the student has been sent notice of the hearing to the address supplied by the student to the Office of Student Records.

711.2.12.5 The Vice President for Student Affairs shall make a statement, which shall include a summation of the preliminary investigation and a recommended penalty, if any.

711.2.12.6 An individual complainant, or that individual's advisor, shall be invited to make a statement.

711.2.12.7 The accused student, or advisor, shall be invited to make a statement.

711.2.12.8 The Vice President for Student Affairs may present the case against the accused student, or defer to the individual complainant, if any, to present

the case. An individual complainant shall assist the Vice President for Student Affairs, as needed, or is responsible for presenting the case if the Vice President elects not to take that primary role. The Vice President for Student Affairs, or the individual complainant if the case is deferred to the complainant, shall have the opportunity to question witnesses and present other evidence

711.2.12.9 The accused student, or an advisor, is responsible for presenting the accused student's case and shall have the opportunity to question witnesses and present other evidence.

711.2.12.10 The Hearing Board members may ask questions of anyone in attendance.

711.2.12.11 At the conclusion of the hearing, the Hearing Board shall deliberate in private to decide whether a violation occurred and the appropriate penalty, if any. A University attorney may be present during the Board's deliberation. To ensure that there is some consistency among penalties meted out over time, the Vice President for Student Affairs must be invited into the deliberation session for the sole purpose of explaining penalties assessed in other cases.

711.2.12.12 The decision of the Board shall be reported in writing to the Vice President for Student Affairs within two days from the date of the hearing.

711.2.12.3 The Vice President for Student Affairs shall deliver or mail a copy of the decision to the accused student, any victim, and the complainant; the accused student shall be advised of the right to appeal provided in Section 710.11.

711.1.13 The Hearing Board's decision is final unless appealed; the accused student shall be advised of the right to appeal

<http://www.usu.edu/studentservices/studentcode/article8.cfm - secVIII3>

### **711.3 Appeal of a Hearing Board Decision**

711.3.1 A Hearing Board decision may be appealed to the University President, who may accept or modify the recommendation of the Hearing Board.

### **711.4 Recording and Disclosure of a Disciplinary Penalty**

711.4.1 A penalty of disciplinary probation, suspension, expulsion, or denial or revocation of degree shall be entered upon the student's transcript after the completion of the above processes.

711.4.2 Upon the specific written release of the student, the Vice President for Student Affairs shall make available a copy of the final Hearing Board report which has resulted in a disciplinary action of probation, suspension, expulsion, or denial or revocation of degree to a prospective/present employer, parent (if the student is over the legal age), and other persons or entities. If a report is not available because a hearing was not conducted, a summary statement regarding the disposition of the violation shall be provided. Such a report or summary



statement will be disclosed, without the prior consent of the student, to another educational institution that has requested the record and at which the student seeks or intends to enroll; but the University will make a reasonable attempt to notify the student (or the student's parent if the student is under the legal age) of the disclosure and, upon request, provide the student with a copy of the record that was disclosed. No other information shall be provided to a third party without the express written release of the student.

- 711.4.3 A student's record may be cleared of a disciplinary probation or suspension by the Vice President for Student Affairs following the end of the designated penalty period, if there has been no further problem with the student. A written request for expunging the record is required and shall be initiated by the student with a letter to the Vice President for Student Affairs. A copy of the request shall be forwarded to the Office of Student Records. The Vice President may convene a Hearing Board to review the request. If the request is granted, the Vice President for Student Affairs shall notify the Office of Student Records.
- 711.4.4 A student's record may not be cleared of an expulsion or revocation of a degree. A designation with a course grade indicating an Honor System violation involving academic dishonesty may not be removed from the student's transcript after the student's degree has been posted to the transcript.

## **711.5 Temporary Disciplinary Action**

- 711.5.1 In the event the Vice President for Student Affairs has reasonable cause to believe that a student poses (1) a danger to the safety of other students, other persons, or University property or (2) an ongoing threat of disrupting the academic process, the Vice President for Student Affairs may temporarily suspend the student. Where appropriate, the student may be denied, in writing, access to the campus (including residence halls) and/or all other University activities or privileges for which the student might otherwise be eligible.
- 711.5.2 Upon the decision to impose temporary disciplinary action, the Vice President for Student Affairs or the University President shall notify the student by the most expeditious means available. Upon notification of the temporary disciplinary action, the procedures under Sections VIII-1 shall be followed.

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710.2	Hearing Boards.....	
710.3	Appeal of a Hearing Board Decision .....	
710.4	Recording and Disclosure of a Disciplinary Penalty.....	Article V-6
710.5	Temporary Disciplinary Action.....	Article V-7

## PREFACE

Utah State University derives from the State of Utah its legal authority to provide programs and services to its students. This authority is vested in the State Board of Regents, the Board of Trustees, and the President of the University.

Comment [R11]: 700.2

Upon enrollment in an academic program, a student is entitled to receive the services and participate in the activities of the University. As a member of the academic community, each student is expected to participate freely in and to support academic processes. To maintain the quality of its programs and to protect the integrity of academic freedom for its community as a whole, the University may discipline those who fail to meet and maintain its standards or who violate University policies and procedures.

Utah State University aspires to maintain academic freedom and to maximize individual responsibility. To that end, the University endorses the principles of community identified by the Carnegie Foundation for the Advancement of Teaching. Utah State University is:

Comment [R12]: 700.4

1. a purposeful community where members work together to strengthen teaching and learning on the campus;
2. a just community, a place where the dignity of all individuals is affirmed and where equality of opportunity is vigorously pursued;
3. an open community where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed;
4. a disciplined community, a place where individuals accept their obligations to the group and where well-defined governance procedures guide behavior for the common good; and
5. a caring community where the well-being of each community member is sensitively supported and where service to others is encouraged. (Boyer, 1990).

The University may not interfere with the student's rights guaranteed by federal and state laws. The University grants to the student membership in a community which provides opportunities for education.

The following Code of Policies and Procedures for Students at Utah State University [the "Student Code"] attempts to establish these ideals in practice. It was originally initiated by the students, given final form by a joint student-faculty committee, and reviewed by members of the Associate Students of Utah State University and the Faculty Senate.

The Student Code is available in alternative format upon request, such as large print, Braille, audio, and disc.

## Amendment

The Student Code in its present form has been approved by the USUSA Executive Council, the USUSA Academic Senate, the Graduate Student Senate, the Faculty Senate, the Vice President for Student Services, the Provost, the President of the University, and the Board of Trustees. Students, faculty, and administration may suggest proposals to amend the Student Code.

Proposals for amendment must be coordinated with the Vice President for Student Services and shall be approved by the USUSA Executive Council, the USUSA Academic Senate, the Graduate Student Senate, the Faculty Senate, the Vice President for Student Services, the Provost, the President of the University, and the Board of Trustees.

## References.

- A. References to the Vice President for Student Services, to other University officials, or to USUSA officers include their designees [e.g., the Vice President for Student Services is often represented by a designee, the Campus Student Conduct Officer, in matters pertaining to violations of University Standards].
  - B. References to an "instructor" include all persons engaged in teaching students and is not limited to the professorial rank of instructor.
  - C. References to "days" include the 274 consecutive calendar days in an academic year. An academic year commences in August and concludes on the date of spring commencement. The specific dates for any given academic year are approved by the Administrative Council of the University.
1. In all proceedings under this Student Code:
    - a. The days not included within an academic year and the days between the last day of fall semester (i.e. the last day for final examinations) and the first day of spring semester, are not included in the period of days specified for an act, unless all involved persons mutually agree otherwise. All persons involved include an accused student, an individual complainant, an instructor (if academic integrity violation is involved), the Vice President for Student Services, the hearing board members, the Appeals Board members, and the Hearing Officer.
    - b. Where the period specified for an act is 10 days or less, a "day" means a Monday, Tuesday, Wednesday, Thursday, or Friday. A "day" does not include a Saturday, Sunday, or an official University holiday.
    - c. Where the period specified for an act is 11 days or more, a "day" means a calendar day. If the period ends on a Saturday, Sunday, or an official University holiday, the period shall be extended to the next Monday, Tuesday, Wednesday, Thursday, or Friday.
  2. Subparagraph 1.a. above does not apply to proceedings under [Article VII Section 3](#) (*University Regulations Regarding Discrimination and Harassment*) (*Procedures For Grievances Relating to Discrimination or Harassment*) where the occurrence or incident which is the basis for the grievance has a disparate impact on the aggrieved student's educational opportunity in an academic activity controlled or supervised directly by the University.

Comment [R13]: 700.1

# ARTICLE I. RELATIONSHIP BETWEEN THE UNIVERSITY AND STUDENTS

Under the concept of ***in loco parentis***, universities generally were viewed as standing in the place of students' parents, and courts gave universities a great deal of discretion in disciplining students pursuant to such parent/child relationships. During the 1960's, however, the law moved away from the concept of ***in loco parentis***, and the relationship between the students and a university is now considered contractual. The existence of regulations regarding student conduct does not place the University in a custodial relationship with its students or impose upon the University a duty to protect students from proscribed acts. All students who have reached the age of majority are responsible for their own actions.

Students and student organizations are not agents of the University and may not act on behalf of the University unless specifically and expressly authorized to do so by established policy or in writing by the University President, the Provost, or appropriate vice president.

This text is not included in the proposed revision of the Student Code.



## ARTICLE II. RESPONSIBILITIES AND RIGHTS

### SECTION II-1 Responsibilities of Students

As members of the academic community at Utah State University, students share responsibility for its growth and continued well-being and for maintaining an environment which encourages free inquiry and expression. Students are expected to engage in reasonable and substantial preparation for their coursework, to follow course and class guidelines as set forth in syllabi and as enunciated by their instructors, and to complete all academic exercises with integrity. All interactions with faculty members, staff members, and other students shall be conducted with courtesy, civility, decency, and a concern for personal dignity. These responsibilities are the foundation of the University's Standards of conduct (Student Conduct--see: [Article V](#), Academic Integrity--see: [Article VI](#)). The University seeks to vest students with primary oversight of these responsibilities through their participation in hearings boards.

Comment [RSI1]: 701.1

Comment [RI2]: This sentence was modified to reflect concerns raised by FIRE, regarding freedom of speech.

### SECTION II-2 Rights of Students

Students can reasonably expect the following:

- A. The right to a learning environment free of harassment and unlawful discrimination.
- B. The right to due process in all academic integrity and disciplinary proceedings, which means fundamental and procedural fairness in accordance with the provisions of this Student Code.
- C. The right to inquire, including specifically the right to engage in reasonable academic discussion and dissent within the framework of course material, with due regard to factors such as class size and the limits on the instructor's time for conferences.
- D. The right, subject to time, place, and manner restrictions, to express personal opinions on campus, to support or oppose causes, to arrange public assemblies, and to hold rallies, demonstrations, and pickets which do not materially and substantially interfere with normal University activities or the rights of others. Institutional control of facilities shall not be used as a censorship device. Any institutional regulation regarding time, place, and manner of expression must be content-neutral, must be narrowly tailored to serve a significant University interest, and must leave open ample alternative channels of communication.
- E. The right to organize and the freedom of association.
- F. The right to publish and the freedom from censorship.
- G. The right to meaningful representation in the formulation of University policies which affect students.
- H. The right to a proper academic evaluation through orderly procedures and announced criteria designed to prevent prejudice and capricious judgment.
- I. The right to confidentiality of records and due limitation of disclosure of personally identifiable information.

Comment [RSI3]: 701.2

Comment [RI4]: This section was shortened by referring to rights guaranteed by state & federal laws.

# ARTICLE III. PROCEDURES FOR FREEDOM OF EXPRESSION

## SECTION III-1 Demonstrations and Distribution of Literature

- A. Students, student organizations, and nonstudent individuals or groups sponsored by students/student organizations desiring to demonstrate, picket, or distribute literature on the campus are encouraged to file a written request with the Vice President for Student Services indicating the preferred time, place, and manner of such activity. The request may be filed at least 24 hours before the activity commences. Those involved shall abide by the regulations listed in paragraph B. Where it is deemed necessary, the Vice President for Student Services shall provide for security.
- B. Students, student organizations, and nonstudent individuals or groups sponsored by students/student organizations, may demonstrate, picket, or distribute literature on the campus in areas generally available to the public; provided that such demonstrators, picketers, or distributors do not or do not attempt to:
  - 1. Breach the peace.
  - 2. Physically obstruct pedestrian traffic.
  - 3. Physically obstruct vehicular traffic.
  - 4. Interfere with classes or other scheduled meetings.
  - 5. Damage University property.
  - 6. Discard banners, placards, picket signs, leaflets, pamphlets, handbills, or other literature or materials in a manner which litters University property.
  - 7. Permanently occupy land areas or permanently locate signs and posters.
  - 8. Erect structures, shelters, or camps.
  - 9. Sleep overnight on University property.
  - 10. Threaten or endanger the health or safety of any person.

## SECTION III-2. Posters and Bulletin Boards

- A. The Vice President for Student Services shall ensure that space is available on campus for posters. Students desiring to display posters in the Taggart Student Center shall confer with the Director of the Taggart Student Center (Room 326), who shall issue approval and specify the location for such display.
- B. Bulletin boards or announcement boards maintained by the various departments, administrative offices, and other divisions of the University are generally not suitable for the display of student posters; however, the University official in charge of any such board may give permission for the display of student posters.

This Article was removed from the proposed revision. Section 705.1 (Examples of Misconduct) describes disorderly conduct as including obstructing University activities and 'wrongfully inflicting physical or significant, unreasonable mental duress, harm, or abuse on another person.'

## ARTICLE IV. STUDENT ORGANIZATIONS AND THEIR FUNCTIONS

Comment [RSI1]: 702.1

Note: this Article was substantially shortened to what is now 702.

### SECTION IV-1. Utah State University Student Association (USUSA)

To aid in identifying the common needs of the students and to share in the development of the University, the University President and Board of Trustees support a student association, which is known as the Utah State University Student Conduct (USUSA). The form of the association is specified in a written constitution initiated by the students. Subsequent changes to the constitution shall not become effective until approved by the President of the University.

The University President, Board of Trustees, and State Board of Regents shall approve student fees and authorize their collection upon recommendation from the University Student Fee Board. The funds from the fees shall become available to the fee-receiving unit for its budgeting and expenditures. The procedures for encumbering and payment of the obligations shall be determined by the University Administration. Year-end balances shall be retained and managed by the University, for subsequent expenditures, by the fee-receiving unit

Comment [RSI2]: Deleted

### USUSA

- A. Represents students' interests to the University Administration.
- B. Plans and administers social and recreational activities.
- C. Issues requisitions and encumbers monies for student functions.
- D. Appoints representatives to University committees on which students have been given membership.
- E. Registers student organizations and allows them certain privileges.
- F. Initiates and responds to proposed amendments to the Student Code and related statements of policy.

Comment [RSI3]: Deleted

### SECTION IV-2. Registration of Student Organizations

The University acknowledges that students desire to organize and to identify with academic, social, recreational, service, and other groups. The organizations may be as varied as students desire, but must not interfere with or interrupt the policies and purposes of the University or violate the law.

Comment [RSI4]: 702.1

- A. All student organizations registered by USUSA are allowed to use University facilities and services in accordance with established policy. The activity for which the facility is requested cannot interfere with basic ongoing facility requirements.

Comment [RSI5]: 702.2

- B. All registered organizations may apply for funding through USUSA in accordance with established policy.
- C. THE PROCEDURE FOR REGISTRATION OF STUDENT ORGANIZATIONS: Student organizations include clubs, groups, squads, societies, and other designations. The following procedures are required for all student organizations desiring registration:
1. Registration is under the jurisdiction of the USUSA Organizations Vice President and is approved by the USUSA's Council of Student Clubs and Organizations (CSCO).
  2. Student organizations must register each year. Registration shall be valid from the date of approval until the end of the fourth week of the succeeding fall term.
  3. A student organization must file the following information with USUSA:
    - a. Name of the organization.
    - b. Names and titles of the officers.
    - c. Purpose of the organization.
    - d. Name of an advisor, if any. An advisor is not mandatory unless USUSA, in its sole discretion, expressly requires that the organization have an advisor.
    - e. The name of any national affiliate organization and the names and addresses of the national affiliate officers.
    - f. A constitution and/or written statement ensuring that only students matriculated with Utah State University may be officers in the organization and that two-thirds of voting membership will be comprised of Utah State University students. Upon request of honorary and/or professional societies, the USUSA Executive Council may waive this requirement, so that University faculty and staff may be included as officers and/or voting members.
  4. Written notification of any changes in items a. - f. above must be delivered to the USUSA Organizations Vice President within 10 days after the change is made.
- D. A student organization may have its registration suspended by USUSA or the Vice President for Student Services if:
1. The organization submits falsified information.
  2. The organization violates any written policy of USUSA, University Standards, or any other University regulation, including the Student Code.
- E. No organization may have its registration denied or suspended on the grounds of its beliefs, attitudes, or goals; in particular, on the basis of race, color, national origin, religion, sex, age, disability, veteran's status, or sexual orientation.
- F. A decision by USUSA or the Vice President for Student Services to deny or suspend the registration of a student organization may be the basis for a grievance through the procedure described in Article VII.
- G. Fraternal organizations are student organizations subject to all provisions of this Article and operate under the USU Greek Intrafraternal and Panhellenic Councils. The councils shall function according to their constitutions, as approved by the Vice President for Student Services.
- H. Registered student organizations operate under the following conditions:

Comment [RSI6]: Deleted

Comment [RSI7]: 702.3

Comment [RSI8]: 702.1.1

Comment [RSI9]: 702.3

Comment [RSI10]: Deleted

1. Officers and members of the organization are subject to all policies promulgated by USUSA and to the Student Code.
  2. Members, officers, and advisors, if any, do not represent the University in an official capacity.
  3. Organizations are self-governing and are not subject to day-to-day direction by the University.
  4. University involvement in organizations will occur only when issues dealing with interpretation and/or infractions of the Student Code are required.
- I. When student organizations require a specific grade point average to maintain active membership, grades will be released by the University to the organization only when the organization presents a release form from the individual student member(s).

Comment [RSI11]: 702.2

Comment [RSI12]: Deleted

### SECTION IV-3. Non-USUSA Student Organizations

In addition to student organizations registered by USUSA, certain student organizations are supported in their programming by an academic department/unit or a nonacademic department.

- A. These student organizations are not required to be registered by USUSA and may not apply for funding through the USUSA's Council of Student Clubs and Organizations (CSCO).
- B. The formation of these student organizations must be approved by the Provost or an appropriate vice president; the organization's operations can be suspended or terminated by the Provost or an appropriate vice president.
- C. The University appoints an advisor to oversee the functioning of these student organizations and to give direction regarding day-to-day operations.
- D. The assignment to act as the organization's advisor must be specifically listed as a primary and integral part of the person's job description.
- E. These student organizations are allowed to use University facilities and services in accordance with established policy. The activity for which the facility is requested cannot interfere with basic ongoing facility requirements.

Comment [RSI13]: Deleted

### SECTION IV-4. University-owned Living Units

- A. Students residing in University-owned living units may organize to formulate and propose living unit policies.
- B. Policies and regulations proposed by the students for the living unit shall become effective upon approval of the Housing Office and the Vice President for Student Services.
- C. Regulations and the method of enforcement shall be printed and made available to residents.
- D. Violations of living unit policies and regulations may be either (1) referred to the Vice President for Student Services for appropriate disciplinary action under Article V, or (2) enforced under procedures adopted by the Housing Office. Such procedures may provide for an informal resolution by the Director of Housing. Informal resolutions of the Director of Housing may be appealed to a Board.

Comment [RSI14]: Deleted

### SECTION IV-5. Regulations Pertaining To Student Organizations

The following regulations shall apply to USUSA and to all student organizations.

- A. Student organizations that own or rent real property of any kind shall be responsible for its maintenance and for all activities that take place on such premises.
- B. Organizational activities that are held off campus or interfere with students' attendance at scheduled classes (the final examination period is considered part of the regularly scheduled class period) shall be regulated by the following:
  - 1. For a competing group, one coached and financed by the University or USUSA for the purpose of competing with groups from other universities and colleges:
    - a. The coach or supervisor of the competing group shall file a schedule of the semester's activities with the appropriate dean, director, or vice president at the beginning of each semester.
    - b. One week prior to an intended activity, the coach or supervisor should file a roster of the participating students with the appropriate dean, director, or vice president stating the details and times of the proposed absence.
    - c. Students should notify their instructors at least one week prior to any such planned absence.
    - d. Students absent from class while engaged in activities of the competing group shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.
  - 2. For a performing group, one which has been requested by an appropriate office of the University to appear before an audience:
    - a. The advisor or supervisor of the performing group shall file a schedule of the semester's activities with the appropriate dean, director, or vice president at the beginning of each semester.
    - b. A roster of the performing students, the names of the supervisors or advisors, and the details and times of the activity should be submitted to the appropriate dean, director, or vice president one week prior to any such planned absence.
    - c. Students should notify their instructors at least one week prior to any such absence.
    - d. Students absent from class while engaged in activities of the performing group shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.
  - 3. For USUSA elected officers and their committee members, whose programs are financed by USUSA for the purpose of administering the responsibilities of an USUSA elected office:
    - a. Approval must be received from the appropriate director or vice president one week prior to the activity. Short leave-time requests may be initiated by the University President, Provost, or the Vice President for Student Services.
    - b. A roster of officers and their committee members, the name of the supervisor, and the purpose of an activity should be submitted to the appropriate director or vice president.
    - c. Students should notify their instructors at least one week prior to any such absence.
    - d. USUSA elected officers and their committee members who are absent from class while engaged in USUSA-related activities shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.

4. For a scheduled class group, one directed by a departmental instructor for the purposes of a scheduled class, or a student participating in an academic activity (e.g., presentation of a paper or participation in an experiment):
  - a. The instructor shall obtain approval from the academic dean, who shall concur that the activity is essential to the scheduled class group or student.
  - b. In no case shall the academic dean grant permission to a student to be absent from other scheduled classes. It is the student's responsibility to contact each instructor for his or her classes one week prior to any absence to discuss the intended absences.
  - c. Students shall be permitted to make up missed assignments in a timely manner agreed upon by their instructors.
  - d. In situations of conflict, it is appropriate to work with the department head and dean to resolve the matter.
5. For all other student organizations:
  - a. A group registered by USUSA shall submit to the Vice President for Student Services a request to leave the campus, or otherwise miss scheduled classes, two weeks prior to the intended activity.
  - b. All non-USUSA groups shall submit to their advisors a request to leave the campus, or otherwise miss scheduled classes, two weeks prior to the intended activity.
  - c. A group granted permission to participate in an activity shall in no case be granted permission to be absent from classes by any person other than the class instructors.
  - d. One week prior to an activity, students shall discuss the terms of intended absences with their instructors, who will decide what course of action should be taken.
6. For all students interviewing for professional school, graduate school or internships:
  - a. The student shall obtain approval from their academic advisor, who shall concur that the interview is essential to the student.
  - b. It is the student's responsibility to contact each instructor for his or her classes one week prior to any absence, providing documentation from the advisor.
  - c. Students absent from class while attending such interviews shall be permitted to make up missed class work in a timely manner agreed upon by their instructors.
7. For all students assisting in university recruiting and university development sponsored by either college ambassadors or university ambassadors:
  - a. The student shall obtain approval from his or her respective ambassador advisor, who shall concur that the scheduled event is required of the student.
  - b. It is the student's responsibility to contact each instructor for his or her classes one week prior to any absence, providing documentation from the advisor.
  - c. Students absent from class while attending such recruiting assignments shall be permitted to make up missed class work in a timely manner agreed upon by their instructors.
8. Although the University administration shall not grant excuses from classwork, it shall intercede when an instructor refuses to permit a student to make up work missed while engaged in a competing group, in a performing group, as an USUSA officer or committee member, or in a scheduled class group. In such cases, the student may appeal to the department head, who

shall, with the student's academic dean, intercede with the instructor for the student to make up missed work. The student may appeal to the Provost if necessary.

9. Upon request, the appropriate dean, director, or vice president shall supply to instructors and students verification of student absences for participation in a competing group, in a performing group, as an USUSA elected officer or committee member, or in a scheduled class group.

**Comment [RS115]:** Deleted



## ARTICLE V. UNIVERSITY REGULATIONS REGARDING STUDENT CONDUCT

The student at Utah State University is a member of both a civil community and a campus community. The regulations of both communities are applicable to the student.

### SECTION V-1. Off-Campus Conduct

The University is concerned and involved with student conduct both on and off campus. The University Standards ([Section V-3](#), below) apply to violations committed on campus, on any property owned, leased, or controlled by the University, or at any location where a student is engaged in an official University activity or the student represents the University, as well as occurring in practicum, internship, student field trip, student teaching, and independent study settings. When conduct occurs off-campus, the Vice President for Student Affairs, in concert with University attorney(s) and other University officials, shall determine whether disciplinary action should be undertaken.

Comment [RS11]: 703.2

### SECTION V-2. Violation of Federal, State, or Local Laws

Students are expected to obey federal, state, and local laws.

Comment [RS12]: 703.1

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include pursuing disciplinary action for any violation of federal, state, or local law that affects the university's educational interests. University disciplinary action may be instituted against a student who is alleged in either a civil or criminal proceeding to have violated the law or the rights of others, when the student's actions also constitute a violation of University Standards. University disciplinary proceedings may be commenced without regard to the pendency of civil litigation or criminal prosecution; University discipline may be carried out prior to, simultaneously with, or following civil or criminal proceedings conducted by off campus persons or authorities.

The student convicted of a crime committed on or off campus may be in violation of University Standards, and the offense may be reviewed when it comes to the knowledge of the University and make the student subject to University discipline. The Vice President for Student Affairs, in concert with University attorney(s) and other University officials, shall determine whether disciplinary action should be undertaken.

### SECTION V-3. University Standards of Student Conduct

All Misconduct violations (or suspected Misconduct violations) shall be reported to the Vice President for Student Affairs by faculty, staff, and students who have knowledge or information regarding the same. Sexual Misconduct violations may also be reported to campus law enforcement, the Title IX Coordinator in the AA/EO Office, or to a Deputy Title IX Coordinator. For more information about reporting sexual violence or interpersonal violence, see

[http://aaeo.usu.edu/files/uploads/Reporting\\_Options.pdf](http://aaeo.usu.edu/files/uploads/Reporting_Options.pdf).

#### A. Academic Integrity — “The Honor System”

Each student has the right and duty to pursue his or her academic experience free of dishonesty. The Honor System is designed to establish the higher level of conduct expected and required of all Utah State University students. Page 12 of 37 The Honor Pledge — To enhance the learning environment at Utah State University and to develop student academic integrity, each student agrees to the following Honor Pledge:

“I pledge, on my honor, to conduct myself with the foremost level of academic integrity. Acts of academic dishonesty include but are not limited to:

1. Cheating: (1) using or attempting to use or providing others with any unauthorized assistance in taking quizzes, tests, examinations, or in any other academic exercise or activity, including working in a group when the instructor has designated that the quiz, test, examination, or any other academic exercise or activity be done “individually”; (2) depending on the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) substituting for another student, or permitting another student to substitute for oneself, in taking an examination or preparing academic work; (4) acquiring tests or other academic material belonging to a faculty member, staff member, or another student without express permission; (5) continuing to write after time has been called on a quiz, test, examination, or any other academic exercise or activity; (6) submitting substantially the same work for credit in more than one class, except with prior approval of the instructor; or (7) engaging in any form of research fraud.
2. Falsification: altering or fabricating any information or citation in an academic exercise or activity.
3. Plagiarism: representing, by paraphrase or direct quotation, the published or unpublished work of another person as one's own in any academic exercise or activity without full and clear acknowledgment. It also includes using materials prepared by another person or by an agency engaged in the sale of term papers or other academic materials.

#### B. Misconduct

In accord with the principles of “community” endorsed by the University (see: Preface), the conduct listed below and the conduct described in paragraph C. has been found to interfere with University functions or threaten the well-being and the educational

Comment [RSI3]: 703.3

Comment [RSI4]: 703.3.1

Comment [RSI5]: 703.5

purposes of students. Any student who engages in proscribed conduct shall be subject to discipline under Article V, Section V-5.

Misconduct includes but is not limited to:

1. Possessing, consuming, selling, distributing, manufacturing, and/or storing any alcoholic beverage on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University function or event. Off-campus University functions are subject to federal, state, and local laws. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.) Any students who choose to drink off-campus are expected to obey federal, state, and local laws and maintain responsible control over their drinking.
2. Possessing, using, selling, manufacturing, or distributing any hallucinatory, narcotic, illegal, or controlled substance, as defined by federal or state laws, except as expressly permitted by such laws. (See: Drug and Alcohol-Free Workplace pamphlet for summaries of these laws.)
3. Possessing, purchasing, selling, distributing, attempting to possess or purchase, or offering to sell or distribute any psychotoxic chemical solvent (as defined by state law), either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University sponsored function or event. Also, intentionally smelling or inhaling the fumes of any such psychotoxic chemical solvent for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
4. Using University funds or any funds under the management and control of the University to defray the cost of purchase or consumption of alcoholic beverages either on or off campus.
5. Smoking in (or within 25 feet of an entry to) any building owned or controlled by the University (including the football stadium) or, if under the age of 19, smoking or otherwise using any cigar, cigarette, or tobacco product in any form.
6. Selling, offering for sale, giving, or furnishing (1) any cigar, cigarette, or tobacco product in any form to any person under 19 years of age, or (2) any "clove cigarette" (as defined by state law) to any person, or (3) selling, offering for sale, or free sampling any cigar, cigarette, or tobacco product in any form or items depicting tobacco logos, symbols and or manufacture names to any person, either on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University-sponsored function or event.
7. Advertising of any tobacco products; including but not limited to logos, symbols, and or manufacture names; in any Utah State University publication, internet site, or on campus (or property owned or controlled by the University, including athletic events) or at any off-campus University-sponsored function or event.
8. Disorderly conduct or an act of lewdness.
9. Obstructing or disrupting instruction, research, administration, meetings, processions, or other University activities, including its public service functions on or off campus, or authorized non-University activities on University premises. This includes aiding, abetting, or encouraging another person to engage in such activities.
10. Demonstrating, picketing, or distributing literature, except under the provisions of Article III or other University policy.

**Comment [RSI6]:** 703.5

**Comment [RSI7]:** 703.5.1.a

**Comment [RSI8]:** 703.5.1.b

**Comment [RSI9]:** 703.5.1.c

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**Comment [RSI10]:** 703.5.1.d

**Comment [RSI11]:** 703.5.1.e

**Comment [RSI12]:** 703.5.1.f

**Comment [RSI13]:** 703.5.1.g

**Comment [RSI14]:** 703.5.2.c

**Comment [RSI15]:** 703.5.2.a

11. Obstructing the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
12. Failing to comply with directions of University officials or law enforcement officers acting in their official capacities or failing to identify oneself to these persons when requested to do so, resisting arrest, fleeing the scene of an accident, or improperly interfering with University police in the completion of their duties.
13. Unauthorized entry into or use of University facilities or equipment.
14. Possessing, using, or duplicating University keys for an unauthorized purpose.
15. Failing to maintain a current official mailing address in the Office of Student Records, Room 246 Taggart Student Center and in the BANNER system or giving a false or fictitious address.
16. For any student under 21 years of age, failing to provide to the Office of Student Records (and keep current) the name and address of a parent or legal guardian. If one or both parents are living, a parent's name must be supplied. If the student is an orphan and a legal guardian has been appointed, the name of the legal guardian must be supplied.
17. Issuing a check to the University drawn on insufficient funds, misuse of a credit card in a transaction with the University, or failure to pay debts or obligations to the University.
18. Attempted or actual theft, possession, destruction, damage, or misuse of University property or property belonging to another person.
19. Making false statements, whether oral or written, to University officials or law enforcement officers or otherwise providing information or identification known to be false.
20. Any forgery, alteration, or misuse of University documents, forms, records, or identification cards.
21. Misuse or unauthorized use of a fire extinguisher or other safety equipment on University property.
22. Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on University property.
23. Publishing or distributing libelous, slanderous, obscene, or pornographic literature or materials.
24. Violating any published University policy related to University-owned living units or breaching a University living unit contract.
25. Wrongfully inflicting physical or mental duress, harm, or abuse upon another person, including but not limited to verbal abuse, threats and intimidation, stalking, sexual violence, arson, and murder.
  - a. Utah State University will not tolerate sexual assault/violence in any form, including incidents which arise in acquaintance and date situations. Where there is reasonable cause that sexual or interpersonal violence has occurred, the University will take steps to stop the conduct, prevent its recurrence, and correct the discriminatory effects on the complainant and others, if appropriate. As part of this effort, the University will pursue strong disciplinary action against students who have engaged in sexual misconduct, including the possibility of suspension or expulsion from the University.
  - b. Stalking occurs when (1) a student intentionally or knowingly engages in a course of conduct directed at a specific person that would cause a *reasonable person* to fear bodily injury or to

Comment [RSI16]: 703.5.2.b

Comment [RSI17]: 703.5.3

Comment [RSI18]: 703.5.4

Comment [RSI19]:  
deleted

Comment [RSI20]: 703.5.6

Comment [RSI21]: 703.5.7

Comment [RSI22]: 703.5.8

Comment [RSI23]: 703.5.9

Comment [RSI24]: 703.5.10

Comment [RSI25]: 703.5.11

Comment [RSI26]: 703.5.12

Comment [RSI27]: 703.5.13

Comment [RSI28]: 703.5.14

Comment [RSI29]: 703.5.15

Comment [RSI30]: 703.7 – elevated to separate section

suffer emotional distress; (2) the student has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury or will suffer emotional distress; and (3) the student's conduct induces fear in the specific person of bodily injury or causes emotional distress. The course of conduct must have occurred on two or more occasions, and consist of either (a) maintaining a visual or physical proximity to the specific person or (b) conveying verbal or written threats, or threats implied by conduct, or a combination thereof, directed at or toward the specific person.

Comment [RSI31]: 703.7.10

- c. Threats of suicide. Threats of harm to self or others, bodily harm to self or others disruptive and/or threatening behavior may be pursued under this section.

26. Sexual harassment. Sexual harassment is defined under the Utah State University Policy Number 339, *Utah State University Policy Manual*, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's academic success.
- b. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals.
- c. such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment. Sexual harassment may include, but is not limited to: (1) continued or repeated verbal abuse of a sexual nature; (2) repeated offensive sexual flirtations, advances, propositions; (3) graphic verbal commentaries about an individual's body; (4) sexually degrading words used to describe an individual; and (5) sexual assault/violence.

Comment [RSI32]: 703.7.6

27. Inappropriate use of computer, data network, and information technology facilities and services. Violations include, but are not limited to:

- a. Unauthorized access to data, transmissions, facilities, or services owned or created by, or intended for, another person or entity.
- b. Unauthorized use of another person's username, password, or network identity.
- c. Use of computers/computing facilities which interferes with or disrupts the work of another student, faculty member, or University official.
- d. Use of computers/computing facilities to store, access, or send obscene or pornographic materials.
- e. Use of computers/computing facilities which interferes with or disrupts normal operation of the University computer, data network, and information technology facilities and services.
- f. Use of authorized access to shared services or resources with the intention or result of denying authorized access to other persons.
- g. Introduction of disruptive computer codes.

Comment [RSI33]: 703.5.17

28. Abuse of the disciplinary process, including but not limited to:

Comment [RSI34]: 703.6

- a. Failure to comply with the directions of the Provost, the Vice President for Student Affairs, a hearing body, or hearing officer.
- b. Falsification, distortion, or misrepresentation of information before a hearing body or hearing officer.

- c. Disruption or interference with the orderly conduct of a disciplinary/grievance proceeding.
- d. Institution of a disciplinary/grievance proceeding knowingly without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary/grievance process.
- f. Attempting to influence the impartiality of a member of a hearing body or a hearing officer prior to, or during the course of, the discipline/grievance process.
- g. Harassment (verbal or physical) or intimidation of a member of a hearing body or a hearing officer prior to, during, or after a disciplinary/grievance proceeding.
- h. Failure to comply with the penalty imposed, or other action taken, under the Student Code.
- i. Influencing or attempting to influence another person to commit an abuse of the disciplinary/grievance process.
- j. Tampering with, influencing, or attempting to influence any witness or potential witness in a disciplinary/grievance proceeding.

Comment [RSI35]: 703.5.19

29. Hazing is prohibited in any form. Hazing consists of any action taken or situations created, whether on or off campus, which:
- a. endangers the mental or physical health or safety of another; or
  - b. produces mental or physical discomfort, embarrassment, harassment, or ridicule of another; or
  - c. involves any brutality of a physical nature such as, but not limited to, paddling, whipping, beating, branding, calisthenics, creating excessive fatigue, bruising, electric shocking, causing physical and psychological shocks, placing of a harmful substance on the body, or exposure to the elements; or
  - d. involves consumption of any food, alcoholic beverage, liquor, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
  - e. involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation, or subjects the individual to the wearing of apparel which is conspicuous or not normally in good taste, engaging in public stunts and buffoonery, engaging in morally degrading or humiliating games; or
  - f. involves defacing or destroying public or private property; or
  - g. involves cruelty to any animal; and
    - i. is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
    - ii. if the actor knew that the victim is a member of or candidate for membership with a team or organization to which the actor belongs or did belong within the preceding two years.

It is not a defense to hazing that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Comment [RSI36]: 703.5.18

#### C. Classroom Civility.

1. Utah State University supports the principle of freedom of expression for both faculty and students. The University respects the rights of faculty to teach and students to learn. Maintenance of these rights requires classroom conditions that do not impede the learning process. Disruptive classroom behavior will not be tolerated. An individual engaging in such behavior may be subject to disciplinary action.
  - a. Faculty members of Utah State University have the responsibility and authority to determine, maintain, and enforce an atmosphere in their classrooms that is conducive to teaching and learning, in accordance with University policy and practice.
    - i. "Faculty member" shall include all persons authorized by Utah State University or any of its units to conduct instruction of students enrolled in the University's courses or programs.
    - ii. "Classroom" shall include any gathering of faculty member(s) and students for the purposes of teaching and learning authorized by Utah State University or any of its units.
    - iii. "Disruptive classroom behavior" involves physical actions, verbal utterance, or other activities which interfere with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.

2. Disciplinary Procedures for Disruptive Classroom Behavior.

- a. Discipline not involving immediate removal from the classroom.
  - i. The faculty member responsible for the class or activity where the alleged disruptive behavior occurred will inform the student that the student's behavior has been inappropriate. The faculty member will describe to the student the necessary changes in the student's behavior. By the second classroom meeting following the incident, the faculty member will give to the student a written, dated summary of the discussion, and the faculty member will retain a file copy of this summary. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified.
  - ii. If the student believes the faculty member's expectations are unreasonable, the student may confer with the faculty member's department head, or the dean of the college if the instructor is the department head, about the matter. The department head, or dean, may choose to support the guidelines developed by the faculty member, or may work with the faculty member to develop a modified set of expectations. If there are changes in the faculty member's original set of expectations, a signed and dated copy will be provided by the department head, or dean, to both the student and the faculty member.
  - iii. Should the student's behavior continue to be unacceptable, the faculty member will inform the department head, or dean, of the circumstances and will share with the department head, or dean, the written summary of the discussion with the student. The department head, or dean, may initiate additional discussion with the faculty member and/or the student. If the department head, or dean, concurs with the faculty member's view that the problem has not been resolved, the situation shall be referred to the Vice President for Student Affairs. A memorandum briefly describing the student's behavior, as well as a copy of the written summary of the faculty member's discussion with the student and any other related material, shall be forwarded to the Vice President for

Comment [RSI37]: 703.8

Student Affairs for the purposes of disciplinary action, in accordance with Article VI below. A copy of all material sent to the Vice President for Student Affairs shall be provided to the faculty member's dean and to the dean of the college for the student's declared major, if different.

Comment [RSI38]: 703.8.1

- b. Discipline involving immediate removal from the classroom.
- i. A faculty member has the right to demand and secure the immediate removal of any student from the classroom whenever it is the faculty member's belief that such student has compromised the faculty member's right to teach or the students' right to learn. The faculty member will inform the student whether the removal is for the current classroom meeting only or the removal also includes subsequent classroom meetings. If necessary, the faculty member may call upon the University Police for assistance.
  - ii. When the removal is for the current classroom meeting, the faculty member responsible for the class or activity will inform the student that the student's behavior has been inappropriate and describe to the student the necessary changes in the student's behavior. By the second classroom meeting following the one-time removal, the faculty member will give to the student a written, dated summary of the discussion, and the faculty member will retain a file copy of this summary. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified. Paragraphs 2.a.ii. and 2.a.iii. above shall apply.
  - iii. A student may not be permanently removed from a class in which the student is enrolled without a formal review. When the faculty member has removed the student from the current classroom meeting and from subsequent classroom meetings, the faculty member will inform the student that to be considered for reinstatement into the class the student must meet with the head of the department offering the course, or the dean of the college if the instructor is the department head. The student is entitled to a conference with the department head, or the dean, before the second classroom meeting after the temporary removal. Before the third classroom meeting after the temporary removal, the department head, or dean, may either:
    - a) approve an agreement of expectations between the student and the faculty member and reinstate the student to the class, or
    - b) extend the temporary removal of the student from the class and refer the matter to the Vice President for Student Affairs for disciplinary action.Permanent removal of a student from the class, or reinstatement to the class, shall be effected according to the procedures for discipline of students specified in Article VI below.
  - iv. When a student is permanently removed from a class, the University's standard refund policy shall apply.
  - v. Non-students and students not enrolled in a class may be removed permanently by the faculty member without a formal review because they have no right to attend the class



without the faculty member's permission. The faculty member's decision is final in these cases.

Comment [RSI39]: 702.8.3

3. Termination of a Disrupted Classroom Meeting.

If a disruptive person refuses to remove him/herself from the classroom when requested to do so by the faculty member or the faculty member feels that there is a threat of imminent physical danger, the faculty member has the right to declare the class session terminated and leave the classroom. Any classroom disruption that prompts the faculty member to terminate a classroom meeting must be reported in writing to the department head, or the dean of the college if the department head is the instructor, before the next regularly scheduled class meeting. The department head, or dean, shall investigate the circumstances of the situation, including in such investigation testimony from, if possible, at least three randomly selected students enrolled in the class who were not involved in the disruption. The department head, or dean, may initiate appropriate action under paragraph 2 above to resolve the situation.

Comment [RSI40]: 703.8.4

#### SECTION V-4. Discipline Regarding Misconduct Violations

The purposes for disciplinary action are: (1) to maintain the University's integrity as an educational institution; (2) to protect the rights of individuals; and (3) to help individuals solve their problems. The procedures in this article are structured to deal uniformly and fairly with students. The disciplinary procedures are not subject to the same procedural due process as is established in criminal and civil courts.

Disciplinary actions may be commenced against a student whether or not he or she is registered for or is attending the current semester of classes. Most students will be currently enrolled, but a person cannot drop out of school to avoid, or attempt to frustrate, disciplinary action. Disciplinary actions regarding violations may be taken by the University at any time.

A. The penalties which the University may impose on a student for a Misconduct violation are:

1. Warning or reprimand-written or verbal.
2. Probation-continued attendance at the University predicated upon the student satisfying certain requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found to be violating any University Standards during the probationary period. The student must request termination of the probation in writing.
3. Suspension-temporary dismissal from the University for a specified time, after which the student is eligible to return. Conditions for readmission may be specified.

4. Expulsion-permanent dismissal from the University.
  5. Withholding of transcripts for refusal to return University property or to pay University debts. (See: Section V-3.B.16. and 17.)
  6. Temporary and/or permanent removal from a class. (See: Section V-3.D.)
  7. Payment of restitution to the University or, when University intervention is deemed appropriate, to another individual for damages or losses.
  8. Performance of community service.
  9. Referral to psychological counseling or to the Student Wellness Center for assessment, evaluation, education, and treatment, when necessary.
  10. Other disciplinary actions which are appropriate to the violation(s).
- B. If the University determines that a student has committed a violation of the alcohol or controlled substance standards (Section V-3.B.1 through 4) and the student is under age 21, the University may disclose, in writing, to the student's parent(s) or guardian notice of said violation.
- C. Any offense that is motivated by bias may result in stronger penalties. An offense motivated by bias is any offense wherein the accused student intentionally selects the alleged victim because of the alleged victim's race, creed, disability, color, religion, national origin, gender, age, marital status, sexual orientation, public assistance status, or inclusion in any group or class protected by state or federal law.
- D. More than one of the penalties may be imposed for any single violation. Reference to "penalty" includes multiple penalties.
- E. Imposition of the penalty of suspension or expulsion from the University must be approved by the President of the University. The President's approval shall be given either at the conclusion of the 10- day appeal period if no appeal is filed, or as part of the President's final decision if an appeal is filed. (See: Section VIII-3.)
- F. When a student is suspended or expelled from the University, tuition and fees that have been paid for the semester during which the suspension or expulsion occurs are refundable in accordance with the standard refund policy as stated in the semester Schedule of Classes.
- G. A hold on a student's admission, registration, or financial aid is not an independent penalty, but may be utilized by the University for various purposes, including either to 1) direct a student's attention to, and subsequent participation in, a pending disciplinary/grievance proceeding or 2) to obtain the student's compliance with a penalty which has been imposed or other action which has been taken under the Student Code.
- H. When the disciplinary action is commenced against a student who is taking courses through University Extension, the procedures shall be substantially parallel to sections A through H below, as determined by the Vice President for Student Affairs on a case-by-case basis.

Comment [RSI41]: 703.6

## SECTION V-5. Misconduct Proceedings

This section applies to proceedings to determine if a Misconduct violation has occurred and, if so, to determine the appropriate disciplinary penalty.

- A. Whenever the Vice President for Student Affairs receives a report that a student has committed a Misconduct violation or receives information that a student has been convicted of a crime, a preliminary investigation shall be conducted. Where the student has not been charged with a crime, the Vice President for Student Affairs may at any point ask that law enforcement officers assist in investigating the matter and that appropriate legal authorities determine whether prosecution under federal, state, or local law is warranted.
- B. The preliminary investigation conducted by the Vice President for Student Affairs shall include in person conferences with the student who is alleged to have committed the violation. The accused student shall be informed of the alleged violation and receive reasonable notice of the time, date, and place of the conferences. The Vice President for Student Affairs will discuss with the student the implications of the alleged violation for both the student and the University.
- C. If the accused student fails or refuses to meet with the Vice President for Student Affairs, a penalty may be imposed against the accused student, or the Vice President may elect to submit the matter to a Hearing Board, in which event, the accused student shall be given written notice (see: Section V-6.) of the time, date, and place of the Hearing Board hearing and the process shall be the same as paragraph I. below.
- D. At the conclusion of the preliminary investigation, the Vice President for Student Affairs may determine that no further action is necessary and may accordingly close the case.
- E. If during the conference with the Vice President for Student Affairs, the accused student admits the violation and agrees with the Vice President on the facts and circumstances, they shall discuss an appropriate disciplinary penalty.
  - 1. If the Vice President for Student Affairs deems that a penalty is warranted, the accused student shall be so informed. If the accused student concurs with the penalty as recommended, the accused student shall so indicate in writing and thereby waive the right to a hearing, including an appeal.
  - 2. The Vice President for Student Affairs may elect to not propose a penalty to the accused student and may thereby defer the matter to a Hearing Board for determination of an appropriate penalty and immediately notify the hearing board pool chair.
- F. If during the conference with the Vice President for Student Affairs, (1) the accused student denies the violation, but the Vice President considers that there is sufficient evidence against the accused student, or (2) if the accused student does not agree with the proposed penalty, the Vice President may call the student before a Hearing Board and immediately notify the hearing board pool chair.
- G. Once a hearing date is set, the Vice President for Student Affairs shall mail the accused student written notice of the time, date, and place of the hearing to the address supplied by the student to the Office of Student Records.
- H. At any time during the hearing (or appeal) process, the parties may reach an agreement concerning the violation and an appropriate disciplinary penalty, thereby rendering further proceedings unnecessary. A written statement shall be prepared stating the agreed violation and penalty; it shall be signed by the student and filed with the Vice President for Student Affairs. If

the discipline relates to a violation of the University's sexual harassment policy, the Vice President for Student Affairs shall notify the complaining party of the imposed discipline.

Comment [RSI42]: 703.9

## SECTION V-6. Recording and Disclosure of the Disciplinary Penalty

Comment [RSI43]: 703.13

- A. A penalty of disciplinary probation, suspension, expulsion, or denial or revocation of degree shall be entered upon the student's transcript after the completion of the above processes.
- B. In cases where a student transfers to another institution prior to the completion of the disciplinary process, the Vice President for Student Affairs, or his or her designee, will send an updated transcript and letter of explanation to the Dean of Students' office, or similar office, of the transferring institution.
- C. Without prior consent of the student subject to discipline, the Vice President for Student Affairs shall provide to a complaining party a copy of the final Hearing Board report related to a disciplinary action for violation of the University's sexual harassment policy.
- D. Upon the specific written release of the student, the Vice President for Student Affairs shall make available a copy of the final Hearing Board report which has resulted in a disciplinary action of probation, suspension, expulsion, or denial or revocation of degree to a prospective/present employer, parent (if the student is over the legal age), and other persons or entities. If a report is not available because a hearing was not conducted, a summary statement regarding the disposition of the violation shall be provided. Such a report or summary statement will be disclosed, without the prior consent of the student, to another educational institution that has requested the record and at which the student seeks or intends to enroll; but the University will make a reasonable attempt to notify the student (or his or her parent if under the legal age) of the disclosure and, upon request, provide the student with a copy of the record that was disclosed. No other information shall be provided to a third party without the express written release of the student.
- E. A student's record may be cleared of a disciplinary probation, suspension by the Vice President for Student Affairs following the end of the designated penalty period, if there has been no further problem with the student. A written request for expunging the record is required and shall be initiated by the student with a letter to the Vice President for Student Affairs. A copy of the request shall be forwarded to the Office of Student Records. The Vice President may convene a Hearing Board to review the request, if deemed appropriate or necessary. If the request is granted, the Vice President for Student Affairs shall notify the Office of Student Records.
- F. A student's record may not be cleared of an expulsion or revocation of a degree. A designation with a course grade indicating an Honor System violation involving academic dishonesty may not be removed from the student's transcript after the student's degree has been posted to the transcript.

## SECTION V-7. Temporary Disciplinary Action

Comment [RSI44]: 703.14

- A. In the event the Vice President for Student Affairs has reasonable cause to believe that a student poses (1) a danger to the safety of other students, other persons, or University property or (2) an ongoing threat of disrupting the academic process, the Vice President for Student Affairs may

temporarily suspend the student. Where appropriate, the student may be denied in writing access to the campus (including residence halls) and/or all other University activities or privileges for which the student might otherwise be eligible.

- B. Upon the decision to impose temporary disciplinary action, the Vice President for Student Affairs or the University President shall notify the student by the most expeditious means available. Upon notification of the temporary disciplinary action, the procedures under Sections VIII-1 shall be followed.

**Comment [RSI45]:** 703.14

## ARTICLE VI. University Regulations Regarding Academic Integrity

### SECTION VI-1. University Standard: Academic Integrity

Students have a responsibility to promote academic integrity at the University by not participating in or facilitating others' participation in any act of academic dishonesty and by reporting all violations or suspected violations of the Academic Integrity Standard to their instructors

The Honor Pledge — To enhance the learning environment at Utah State University and to develop student academic integrity, each student agrees to the following Honor Pledge:

"I pledge, on my honor, to conduct myself with the foremost level of academic integrity."

Violations of the Academic Integrity Standard (academic violations) include but are not limited to:

1. Cheating: (1) using or attempting to use or providing others with any unauthorized assistance in taking quizzes, tests, examinations, or in any other academic exercise or activity, including working in a group when the instructor has designated that the quiz, test, examination, or any other academic exercise or activity be done "individually"; (2) depending on the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) substituting for another student, or permitting another student to substitute for oneself, in taking an examination or preparing academic work; (4) acquiring tests or other academic material belonging to a faculty member, staff member, or another student without express permission; (5) continuing to write after time has been called on a quiz, test, examination, or any other academic exercise or activity; (6) submitting substantially the same work for credit in more than one class, except with prior approval of the instructor; or (7) engaging in any form of research fraud.
2. Falsification: altering or fabricating any information or citation in an academic exercise or activity.
3. Plagiarism: representing, by paraphrase or direct quotation, the published or unpublished work of another person as one's own in any academic exercise or activity without full and clear acknowledgment. It also includes using materials prepared by another person or by an agency engaged in the sale of term papers or other academic materials.

Comment [RI1]: 704.1

### SECTION VI-2 Reporting Violations of Academic Integrity

The online [Academic Integrity Violation Form \(AIVF\)](#) provides guidance to instructors and students, ensures minimum due process requirements are met, and allows tracking of repeat offenders at the University level. The AIVF is available [online](#) through the Student Affairs website.

Once an instructor has determined that an academic violation has occurred and that a sanction is appropriate, an AIVF must be submitted prior to application of the sanction. The student may appeal the determination that an academic violation occurred if the AIVF is not filed.

All submitted AIVF forms are kept in the Vice President of Student Affairs Office for the duration of the student's academic career at Utah State University. When resolution has been reached between the student and instructor, a Resolution Report detailing the action taken and agreement of both parties on that action shall be submitted to the Office of the Vice President of Student Affairs. If no Resolution Report has been filed for a submitted AIVF within the semester, the Campus Student Conduct Officer will investigate to determine if resolution was reached and why no Resolution Report was filed.

Comment [RI2]: 704.3

### SECTION VI-3. Discipline Regarding Academic Integrity Violations

An instructor has full autonomy to evaluate a student's academic performance in a course. If a student commits an academic violation (Section VI-1, above), the instructor may sanction the student. Application of this sanction must follow Section VI-4 procedural policy. Such sanctions may include: (1) requiring the student to rewrite a paper/assignment or to retake a test/examination; (2) adjusting the student's grade - for either an assignment/test or the course; (3) giving the student a failing grade for the course; or (4) taking actions as appropriate. Additional disciplinary action beyond instructor sanction shall be determined by the Student Conduct Officer and the University.

The penalties that the University will impose on a student for the first Academic Integrity violation are:

1. Placement on academic integrity probation after the first offense.

The penalties that the University may impose on a student for multiple or egregious academic integrity violations are:

1. Probation-continued participation in an academic program predicated upon the student satisfying certain requirements as specified in a written notice of probation. Probation is for a designated period of time and includes the probability of more severe disciplinary penalties if the student does not comply with the specified requirements or is found to be committing academic integrity violations during the probationary period. The student must request termination of the probation in writing.
2. Performance of community service.
3. Suspension-temporary dismissal from an academic program or from the University for a specified time, after which the student is eligible to continue the program or return to the University. Conditions for continuance or readmission may be specified.
4. Expulsion-permanent dismissal either from an academic program or from the University.

5. Assigning a designation with a course grade indicating an academic integrity violation involving academic integrity. Conditions for removal may be specified, but the designation remains on the student's transcript for a minimum of one year; provided however, that once the student's degree is posted to the transcript, the designation may not be removed thereafter.
6. Denial or revocation of degrees.

Comment [R13]: 704.2

#### SECTION VI-4. Regarding Academic Integrity Violations

This section applies to proceedings to determine if a student has committed an academic integrity violation and if the violation warrants the imposition of further disciplinary penalty in addition to the sanction by the instructor. This section **does not** apply to probation, suspension, or expulsion from a department, program, college, or the University based on academic performance (e.g. minimum grade point requirements).

##### A. Notification of Alleged Offense and Intended Consequences

1. Whenever an instructor reasonably suspects that a student has committed an academic integrity violation (See: Section VI-1), the accused student shall be notified by the instructor of the violation and its consequences through use of the AIVF within seven days of a discovery of a violation,
2. and that a sanction is appropriate.

The AIVF will be automatically sent via email to the student, the instructor, the Dean of the college in which the course is housed, and to the Vice President for Student Affairs. If the student is a graduate student, the AIVF shall also be reported to the Dean of the School of Graduate Studies. If the student is a regional campus or distance education student, the AIVF shall also be reported to the appropriate Executive Director or dean of the regional campus.

If the instructor has a rational reason for not submitting the AIVF form within seven days, the instructor must obtain permission to submit an AIVF from the Dean of the college in which the course is housed.

3. The student shall respond to the instructor within seven days of receiving the AIVF email and request a meeting with the instructor to discuss the alleged offense and intended consequences. If the student does not respond to the AIVF email within seven days or if the student responds to the AIVF but refuses to meet with the instructor, the intended sanctions listed on the AIVF will be applied and the student will not be allowed to appeal the determination that a violation occurred.

If the student has a rational reason for not responding to the AIVF email, the student may contact the Vice President of Student Affairs, who will determine if the reason is legitimate. If approved, the student will have seven days to request a meeting with the instructor.



B. Instructor and Student Resolution

1. The student and instructor shall meet to discuss the alleged offense and intended sanction. If the student admits the violation, both instructor and student will sign the Resolution Report. The intended sanction listed on the AIVF will be applied and the Resolution Report will be filed with the Office of the Vice President of Student Affairs. If the student denies the violation, the student will then have seven days to contact the Dean of the College in which the course is housed to request a meeting with the Dean, the instructor, and student.
2. If the student denies the violation occurred and is pursuing the prescribed escalation process, but the instructor must submit a grade to meet university requirements, the instructor shall submit an I/F. Once resolution is reached, it is the responsibility of the student to ensure that the I/F is changed to the appropriate grade within the allotted time given by the Office of the Registrar for incomplete grades.
3. The instructor may recommend on the Resolution Report that the University consider additional disciplinary penalties.

C. Acceptable Reasons for Appeal

There are three acceptable reasons for a student to appeal the determination of the instructor:

1. No AIVF was submitted. The student may appeal on grounds that minimum due process was not met.
2. There is factual disagreement between the student and instructor about whether or not a violation occurred. The student may challenge the evidence presented by the instructor that the student has committed a violation.
3. If new evidence or witness is found within seven days of the student and instructor meeting, the student may appeal.

D. Escalation to the Dean

1. If the student denies that a violation has occurred and chooses to appeal the decision of the instructor, the student shall have seven days from the student/instructor meeting to request a meeting with the instructor and the Dean of the college in which the course is housed.
2. The student, instructor, and Dean shall meet to discuss the alleged offense and intended sanction. If the student then admits the violation, both instructor and student will sign the Resolution Report. The intended sanction listed on the AIVF will be applied and the Resolution Report will be filed with the Office of the Vice President of Student Affairs.
3. The Dean may determine that there is insufficient evidence that a violation occurred. In this case, no sanction will be given. Both student and instructor will sign the Resolution Report and it will be filed with the Office of the Vice President of Student Affairs.
4. If the student denies the violation but it is the consensus of the Dean and the instructor that a violation occurred, the student will then have seven days to contact the Vice President of Student Affairs to request a hearing with the Honor Board.

E. Request for a Hearing with the Honor Board

1. If no resolution has been reached between the student, instructor, and Dean of the College in which the course is housed, the student has seven days from the meeting with the instructor and Dean to request a hearing with the Honor Board from the Vice President of Student Affairs.
2. When a matter is referred for a hearing, the hearing board pool chair shall: (1) designate four students (which may include him or herself) and two faculty members, from the pool to act as the Honor Board. The Honor Board shall elect one of the student members to serve as a voting chair.
  - a. The names of the members of a designated Honor Board shall be immediately communicated to the student and the student shall be informed of the following procedures and procedural rights in advance of the hearing (any or all of which may be exercised):
    - i. Written notice of the time, date, and location of the hearing before the hearing board, a copy of the Board's decision, and any other written correspondence related to the case will be provided to the student and instructor.
    - ii. A hearing shall not be scheduled less than 10 days after the notice of hearing is mailed.
    - iii. For purposes of notification, the student's address and email address, as reported to the Office of Student Records, Room 246 Taggart Student Center, shall be the address and email address used for all notification purposes. It is the responsibility of the student to immediately inform the Office of Student Records of any address or email change.
    - iv. Notices sent to the address or email address on record with the Office of Student Records through the U.S. Mail or through the official University email system will be considered delivered on the date mailed.
    - v. Should telephone contact with the student be deemed necessary, the student's telephone number as reported to the Office of Student Records shall be the telephone number used. To assure receipt of any such telephone communications, it is the responsibility of the student to immediately inform the Office of Student Records of any change in his or her telephone number.
    - vi. To challenge, with due cause, a member of an Honor Board. The challenge shall be reviewed and acted upon by the Vice President for Student Affairs, in collaboration with the chair of the hearing board pool chair. Familiarity with the alleged violation or persons involved in the hearing, or other bias may be sufficient reason to honor the challenge and direct the appointment of a replacement on the Honor Board.
    - vii. To have an advisor of the student's own choice present at the hearing. An advisor may be a parent, legal guardian, a faculty member, an USUSA student advocate, an attorney, or other person. The advisor shall merely counsel the student and is not permitted to speak or participate directly in the hearing. All communications related to a proceeding shall be made directly with the student, and not with an advisor, unless the student is incapacitated. It is the student's responsibility to keep an advisor informed regarding such communications.
    - viii. If the student is hearing impaired, an interpreter will be provided, where necessary, and the student may present his or her case through an interpreter or other communication device. If the student does not have adequate communication skills in the English

- language, a translator will be provided, where necessary, and the student may present his or her case through a translator.
- ix. To request, with due cause, a change in the date and time of the hearing. The student may request a new hearing if he or she was kept from attending the hearing by circumstances beyond his or her control.
  - x. To testify in his or her own behalf, present witnesses, and bring in evidence supporting or his or her claims or position in the matter. The student shall submit a list of witnesses to the Vice President for Student Affairs three days before the date scheduled for the hearing. The University shall also provide the student with a list of other witnesses one day in advance of the hearing.
  - xi. The student maintains the right to hear and to question the witnesses and to examine the evidence against them.
  - xii. To remain silent; the burden of establishing the alleged violation is on the instructor who asserted the violation.
3. At any time during the hearing process, the parties may reach an agreement concerning the violation, the applied sanction, and an appropriate disciplinary penalty, if applicable, thereby rendering further proceedings unnecessary; provided, however, that any agreement must be accompanied by a Resolution Report stating the agreed violation and sanction; it shall be signed by the student and instructor and filed with the Vice President for Student Affairs.
  4. If an Honor Board is convened, the following procedures will apply.
    - a. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Honor Board members; (2) a University attorney, who shall act as advisor to the Board when needed; (3) the instructor, the dean of the college where the course is housed; (4) the student; (5) the student's advisor (see: Section VI-4.E.2.A.7); (6) any witnesses; (7) the Vice President for Student Affairs; and (8) where appropriate, the Director of Financial Aid when the student is receiving financial aid based in any degree on the student's athletic ability.
    - b. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
    - c. Should the student not attend the hearing, the hearing may be conducted in his or her absence and such absence shall not invalidate the proceedings or decision of the Board if the student has been sent notice of the hearing to the address supplied by the student to the Office of Student Records (exceptions noted in Section VI-4.F.2.A.10).
  5. The instructor shall be invited to make a statement.
  6. The student shall be invited to make a statement.
  7. The student is responsible for presenting his or her own case and shall have the opportunity to question witnesses and present other evidence.
  8. The Honor Board members may ask questions of anyone in attendance.

9. At the conclusion of the hearing, the Honor Board shall deliberate in private to decide whether the student committed an academic integrity violation. If the student has appealed based on the lack of an AIVF filed prior to applied sanctions, the Honor Board shall determine if the student's due process rights were violated. A University attorney may be present during the Board's deliberation. All actions by the Honor Board shall be decided by a majority vote.
10. The Honor Board shall not consider evidence that has not been presented at the hearing. The Honor Board's determination shall be made on the basis of whether it is more likely than not (i.e. a preponderance of evidence) that the accused student has committed the alleged violation.
11. The decision of the Honor Board shall be reported in writing to the Vice President for Student Affairs within two days from the date of the hearing. The Honor Board may institute, uphold, or discard instructor sanctions. They may not modify sanctions recommended by the instructor. In the case of instructor sanctions, the decision of the Honor Board is final.
12. As appropriate, the Vice President for Student Affairs shall notify the student, the instructor, and the appropriate Dean, in writing of the Board's decision.

#### **SECTION VI-5. Policy Regarding Multiple and/or Egregious Offenses**

- A. All submitted AIVFs and Resolution Reports are stored in the Office of the Vice President of Student Affairs and maintained by the Student Conduct Officer; these documents are maintained until the student has left the university.
- B. When the Resolution Report for the first offense is received, the student will be placed on Academic Integrity Probation. The student will be notified of their probationary status in writing by the Student Conduct Officer. Academic Integrity Probation applies to all cases resulting in an instructor sanction.
  1. Resolved cases resulting in the student receiving a failing grade for the course as an instructor sanction will be considered egregious and will be reviewed by the Student Conduct Officer and may be sent to the Honor Board to determine additional University disciplinary action.
- C. Multiple reported offenses, regardless of instructor sanction, will result in review by the Student Conduct Officer and the Honor Board and further disciplinary action by the University.

#### **SECTION VI-6. Recording and Disclosure of Sanctions and Disciplinary Action**

- A. Disclosure of Applied Sanctions
  1. Access to filed AIVF and Resolution Reports containing details of applied sanctions is controlled by the Student Conduct Officer through the Office of the Vice President of Student Affairs according to federal and University policy. Requests for information contained in a student's Academic Integrity file should be directed to the Student Conduct Officer.
- B. Disclosure of University Disciplinary Action
  1. A penalty of disciplinary probation, suspension, expulsion, a designation with a course grade indicating an Honor System violation, or denial or revocation of degree shall be entered upon the student's transcript after the completion of the above processes.

2. Upon the specific written release of the student, the Vice President for Student Affairs shall make available a copy of the final Honor Board report which has resulted in a disciplinary action of probation, suspension, expulsion, a designation with a course grade indicating an Honor System violation, or denial or revocation of degree to a prospective/present employer, parent (if the student is over the legal age), and other persons or entities. If a report is not available because a hearing was not conducted, a summary statement regarding the disposition of the violation shall be provided. Such a report or summary statement will be disclosed, without the prior consent of the student, to another educational institution that has requested the record and at which the student seeks or intends to enroll; but the University will make a reasonable attempt to notify the student (or his or her parent if under the legal age) of the disclosure and, upon request, provide the student with a copy of the record that was disclosed. No other information shall be provided to a third party without the express written release of the student.
3. A student's record may be cleared of a disciplinary probation, suspension, or designation with a course grade indicating an Honor System violation (if the student's degree has not been posted to his or her transcript) by the Vice President for Student Affairs following the end of the designated penalty period, if there has been no further problem with the student. A written request for expunging the record is required and shall be initiated by the student with a letter to the Vice President for Student Affairs. A copy of the request shall be forwarded to the Office of Student Records. The Vice President may convene an Honor Board to review the request, if deemed appropriate or necessary. If the request is granted, the Vice President for Student Affairs shall notify the Office of Student Records.
4. A student's record may not be cleared of an expulsion or revocation of a degree. A designation with a course grade indicating an Honor System violation involving academic dishonesty may not be removed from the student's transcript after the student's degree has been posted to the transcript.

## ARTICLE VII. University Regulations Regarding Discrimination and Harassment

This Article was replaced by sections that specifically address Sexual Assault, Violence, Harassment, and Coercion (706), Dating and Domestic Violence (707), Stalking (708), Consent (709), and Misconduct Proceedings (710), as well complaints not related to discrimination and harassment (703).

Students who feel they have been unfairly treated [in matters other than (i) student conduct (Article V above), (ii) academic integrity (Article VI above), or (iii) admission, residency, employment, traffic, and parking-which are addressed by procedures separate and independent from the Student Code] may file a grievance through the channels described below.

An instructor has full autonomy to evaluate a student's academic performance in a course. Accordingly, a decision by a Grievance Board is limited. A Grievance Board has neither the expertise nor the authority to substitute its judgment for that of the instructor's concerning the evaluation of a student's academic performance. The University administration would override an instructor's evaluation only in an extremely limited circumstance-where the occurrence or incident relating to an academic grievance would result in the instructor being disciplined and sanctioned under Section 400 of the Utah State University Policy Manual.

Where an occurrence or incident relating to a grievance could be processed either as a disciplinary action or grievance, it shall be processed as a discipline matter under Article V; however, if the grievance also relates to discrimination or harassment, it shall be processed under this Article (Section VII-3) to utilize the expertise of the Affirmative Action/Equal Opportunity (AA/EO) Office in these areas. [A student shall not be subject to disciplinary action for exercising his or her First Amendment right of free speech, except as such right has been limited by civil rights laws.]

When a grievance proceeding is initiated by a student who is taking courses through University Extension, the procedures shall be substantially parallel to Sections 1, 2, 3, and 4 below, as determined by the Vice President for Student Services on a case-by-case basis.

### SECTION VII-1. Channels for Grievances

- A. For all academic grievances, the channel is: (1) the instructor, or graduate supervisory committee if the grievance pertains to committee action; (2) the academic department head; (3) the dean of the college-for graduate students: the Dean of the School of Graduate Studies, who will consult and coordinate with the academic dean; (4) Grievance Board; (5) the Hearing Officer; (6) the Provost; and (7) the President of the University. However, paragraph C., below, shall apply if the

student asserts that items specified in [Section VII.3.A.](#), below, have affected the evaluation of the student's performance.

- B. For all nonacademic grievances, the channel is: (1) the staff member or other person involved; (2) the department head, or unit director; (3) the appropriate dean, or the administrator to whom the unit director reports; (4) the Grievance Board; (5) the Hearing Officer; (6) the Vice President for Student Services (where a decision of a Grievance Board may require enforcement by a vice president other than the Vice President for Student Services, the Vice President for Student Services shall consult and coordinate with the other vice president); and (7) the President of the University.
- C. For all grievances relating to discrimination or to harassment, the channel is: (1) at the option of the grievant, the instructor, the graduate supervisory committee, the staff member, or other person involved; (2) at the option of the grievant, the department head or unit director; (3) the AA/EO Director in concert with the appropriate administrator mentioned in A.(3) or B.(3) above; (4) the Grievance Board ; and (5) the President of the University.

## **SECTION VII-2. Procedures for Grievances Not Relating to Discrimination or Harassment**

- A. Students utilizing the grievance procedure (the "grievant") shall begin the procedure no later than 120 days following the date of the act which is the basis for the grievance. Failure of the person against whom the grievance is made (the "respondent") to respond within the specified time, if any, at any level in the procedure will allow the grievant to proceed to the next step.
- B. At any time during the hearing/appeal process, the parties may resolve the matter by mutual agreement, thereby rendering further formal proceedings unnecessary. A written statement shall be prepared and filed with the appropriate dean/Vice President for Student Services.
- C. The matter shall be handled as follows:
  - 1. The aggrieved student must first confer with the instructor, graduate supervisory committee, the staff member, or other person involved in the grievance in an attempt to resolve the problem.
  - 2. Unresolved grievances shall be filed in writing (a grievance complaint) with the department head or unit director who shall, within 30 days from the date the grievance is filed, conduct an inquiry and attempt to resolve the matter impartially and as quickly as possible.
  - 3. If the grievance is not resolved at step 2, the grievant may forward a copy of the grievance complaint, together with all correspondence or related documents, to the dean, or other administrator. The dean or administrator shall conduct an informal inquiry within 30 days from the date the grievance complaint is received and shall attempt to resolve the grievance informally. If the dispute is not resolved informally, a hearing shall be conducted.
  - 4. The dean or administrator shall refer the matter to the Vice President for Student Services for a hearing before a Grievance Board. The Vice President for Student Services shall immediately notify the hearing board pool chair.
  - 5. When a matter is referred for a hearing, the hearing board pool chair shall (1) designate four students (which may include him or herself) and two faculty members from the pool to act as

the Grievance Board to hear an academic grievance and (2) designate four students (which may include him or herself), one faculty member, and one professional staff employee from the pool to act as the Grievance Board to hear a nonacademic grievance. Grievance Boards shall be formed so as to give all pool members equal opportunity to serve, but a strict rotation is not required. The Grievance Board shall elect a faculty member to serve as a voting chair. All actions by the Grievance Board shall be by majority vote. Should the Grievance Board reach a split vote, the Board must deliberate until a majority is reached.

6. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Grievance Board members; (2) a University attorney, who shall act as advisor to the Grievance Board when needed; (3) the dean/administrator; (4) University law enforcement officers; (5) the parties involved-the grievant and the respondent; (6) the parties' advisors, if any; and (7) any witnesses. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
7. The parties involved have the procedural rights set forth in Section VIII-1., which include but are not limited to:
  - a. challenge any member of the Grievance Board for bias in the case.
  - b. be accompanied by an advisor of their own choice (i.e., parent, legal guardian, attorney, faculty member, USUSA student advocate, or other person). The advisor shall merely counsel the respective party and shall not be permitted to speak or participate directly in the hearing; provided that, if a party is incapacitated, an advisor (who is not an attorney) may directly assist.
  - c. If a party is hearing impaired, an interpreter will be provided, where necessary, and the party may present his or her case through an interpreter or other communication device. If a party does not have adequate communication skills in the English language, a translator will be provided, where necessary, and the party may present his or her case through a translator.
  - d. be notified in advance of the time, date, and location of the hearing. [Should any of the parties fail to attend, the hearing will be conducted without them.]
  - e. make a statement, question witnesses, and examine the evidence against him or her.
8. The Grievance Board members may ask questions of anyone in attendance.
9. At the conclusion of the hearing, the Grievance Board shall deliberate in private, but may invite a University attorney into the deliberation session.
10. Within two days after the completion of the hearing, the Grievance Board chair shall submit to the dean/administrator a written decision, including findings of fact and conclusions which serve as the basis for the decision. Copies of the written document shall be provided to all parties involved in the dispute.
11. The decision may be appealed within the time provided in the next section.



## SECTION VII-3. Procedures for Grievances Relating to Discrimination or Harassment

- A. Utah State University is committed to equity in education for its students and that they not be discriminated against/harassed because of race, color, national origin, religion, sex, gender identity, sexual orientation, age (40 and older), disability, or status as a protected veteran. Consistent with its prohibition against sex discrimination, Utah State University prohibits and is committed to addressing and preventing sexual violence.
- B. Students utilizing the grievance procedure (the "grievant") shall begin the procedure no later than 180 days from the date of the last occurrence of the discrimination or harassment. Failure of the person against whom the grievance is made (the "respondent") to respond within the specified time, if any, at any level in the procedure will allow the grievant to proceed to the next step.
- C. Information related to discrimination or harassment grievances will be considered confidential. All investigation/inquiries and hearings surrounding such grievances shall, to the maximum extent possible, protect the privacy of and minimize suspicion toward the respondent, as well as the grievant. Retaliation is prohibited against any individual who has made a complaint, testified, assisted, or participated in any way in an investigation, proceeding, or hearing in regard to such a grievance.
- D. At any time during the hearing/appeal process, the parties may resolve the matter by mutual agreement thereby rendering further proceedings unnecessary. A written statement setting forth the agreement shall be prepared and filed with the AA/EO Director and the Vice President for Student Services. However, sexual misconduct complaints may not be resolved using informal methods of compromise or settlement.
- E. The matter shall be handled as follows:
  - 1. The grievant is encouraged, but is not required, to first confer with the instructor, graduate supervisory committee, the staff member, or other person involved in the grievance in an attempt to resolve the problem. This step 1 does not apply to complaints of sexual misconduct.
  - 2. If the grievance is not resolved in step 1, the grievant is encouraged, but not required, to confer with the department head or unit director who shall, within 30 days, conduct an inquiry and attempt to resolve the matter impartially and as quickly as possible. This step 2 does not apply to complaints of sexual misconduct.
  - 3. If the grievant does not elect to confer with the individuals listed in steps 1 and 2, or if the student utilizes steps 1 and 2 but the grievance is not resolved, the student may discuss his or her grievance with the AA/EO Director (Old Main 161). The role of the AA/EO Director is not to act as an advocate for the grievant, but to collect, review, and objectively analyze facts pertinent to the grievance.
  - 4. If the information given by the grievant is sufficient to establish that a potential violation of discrimination laws has occurred, the AA/EO Director will explain the options which are available to the grievant to address the alleged violation. If the grievant wishes to proceed, the student shall fill out, sign, and date a written complaint outlining the facts and circumstances surrounding the grievance.

5. An inquiry/investigation shall be conducted by the AA/EO Director within 35 days from the date the written complaint is filed with the AA/EO Office. The purpose of the inquiry/ investigation is to gather facts, substantiate or refute the complaint, and mediate a resolution, if possible. The inquiry/investigation may include, at the sole discretion of the AA/EO Director, some or all of the following: (1) collection of documents pertinent to the complaint; (2) interview of persons having knowledge of the incident(s); (3) summarization of the findings and conclusions.
6. If either the grievant or the respondent is not satisfied with the outcome of the investigation/inquiry, he or she may appeal by filing with the AA/EO Director a written request for a hearing within 10 days of the completion of the inquiry/investigation. The request shall outline the specific issues, facts, or circumstances being appealed.
7. If the respondent is a student, and that student could be subject to disciplinary action, the hearing shall be conducted by a Grievance Board pursuant to procedures outlined in Sections [VI-3](#), [VI-4](#), and [VI- 6.I](#). [ : a student shall not be subject to disciplinary action for exercising his or her First Amendment right of free speech, except as such right has been limited by civil rights laws.] The two faculty members on the Grievance Board shall be selected by the President of the University from the AA/EO Advisory Council and shall be trained as provided for other hearing board members.
8. If resolution of the grievance does not involve the potential of disciplinary action against a student, the hearing shall be conducted by a Grievance Board consisting of six members of the AA/EO Advisory Council, selected by the President of the University. The Grievance Board members shall be trained as provided for hearing board members generally. The hearing shall be conducted in general accord with procedures outlined in [Sections VI-3](#), [VI-4](#), and [VI-6.1](#).
9. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Grievance Board; (2) a University attorney, who shall act as advisor to the Grievance Board when needed; (3) the department head or unit director; (4) the AA/EO Director; (5) the parties involved; (6) the parties' advisors, if any; and (7) any witnesses. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
10. The parties involved have the procedural rights set forth in [Section VI-4.](#), which include but are not limited to:
  - a. challenge any member of the Grievance Board for bias in the case.
  - b. be accompanied by an advisor of their own choice (i.e., parent, legal guardian, attorney, faculty member, USUSA student advocate, or other person). The advisor shall merely counsel the respective party and shall not be permitted to speak or participate directly in the hearing; provided that, if a party is incapacitated, an advisor (who is not an attorney) may directly assist.
  - c. If a party is hearing impaired, an interpreter will be provided, where necessary, and the party may present his or her case through an interpreter or other communication device. If a party does not have adequate communication skills in the English language, a translator

will be provided, where necessary, and the party may present his or her case through a translator.

- d. be notified in advance of the time, date, and location of the hearing. [Should any of the parties fail to attend, the hearing will be conducted without them.]
  - e. make a statement, question witnesses, and examine the evidence against him or her.
11. The AA/EO Director shall make a statement which shall include a summation of the investigation/inquiry.
  12. The Grievance Board members may ask questions of anyone in attendance.
  13. At the conclusion of the hearing, the Grievance Board shall deliberate in private, but may invite a University attorney and/or the AA/EO Director into the deliberation session.
  14. The Grievance Board shall prepare a written report of its findings, conclusions, and recommendation and forward it to the President of the University within 45 days from the date the written request for a hearing was filed.
  15. The President of the University shall review the report and may accept or modify the recommendation. The decision of the President is final.
  16. A copy of the final decision shall be given to the AA/EO Director and shall be made available to the grievant and to any other person which is directly affected by the decision

## ARTICLE VIII. University Regulations Regarding Hearing Boards

Comment [RS11]: 710.2

### SECTION VIII-1. Procedural Rights of Students Regarding Hearing Boards

In this section the term "student" means (1) the accused student and an individual complainant, if any, in a disciplinary proceeding, (2) the accused student and an instructor complainant in an academic integrity proceeding, and (3) the grievant and the respondent in a grievance proceeding.

- A. If a hearing is to be conducted before a hearing board, the student shall be informed of the following procedural rights in advance of the hearing (any or all of which may be exercised):
1. Written notice of the time, date, and location of the hearing before the hearing board, a copy of the Board's decision, and any other written correspondence related to the disciplinary action.
    - a. A hearing shall not be scheduled less than 10 days after the notice of hearing is mailed.
    - b. For purposes of notification, the student's address, as reported to the Office of Student Records, Room 246 Taggart Student Center, and in the BANNER system shall be the address used for all notification purposes. Any notices sent via regular U.S. Mail to this address will be considered delivered to the student for all purposes under this Student Code. It is the responsibility of the student to immediately inform the Office of Student Records of any address change.
    - c. Notices sent to the address on record with the Office of Student Records through the U.S. Mail will be considered delivered on the date mailed.
    - d. Should telephone contact with the student be deemed necessary, the student's telephone number as reported to the Office of Student Records shall be the telephone number used. To assure receipt of any such telephone communications, it is the responsibility of the student to immediately inform the Office of Student Records of any change in his or her telephone number.
  2. To challenge with due cause, a member of a hearing board. The challenge shall be reviewed and acted upon by the Vice President for Student Affairs, in collaboration with the chair of the hearing board pool. Familiarity with the alleged violation or persons involved in the hearing, or other bias may be sufficient reason to honor the challenge and direct the appointment of a replacement on the hearing board.
  3. To have an advisor of the student's own choice present at the hearing. An advisor may be a parent, legal guardian, a faculty member, an USUSA student advocate, an attorney, or other person. All communications related to a proceeding shall be made directly with the student, and not with an advisor, unless the student is incapacitated. It is the student's responsibility to keep an advisor informed regarding such communications.
  4. If the student is hearing impaired, an interpreter will be provided, where necessary, and the student may present his or her case through an interpreter or other communication device. If the student does not have adequate communication skills in the English language, a translator

will be provided, where necessary, and the student complainant may present his or her case through a translator.

5. To request, for due cause, a change in the date and time of the hearing. The student may request a new hearing if he or she was kept from attending the hearing by circumstances beyond his or her control.
6. To testify in his or her own behalf.
7. To present witnesses and to bring in evidence supporting or his or her claims or position in the matter. The student shall submit a list of witnesses, as well as copies of the documents they intend to submit as evidence, to the hearing officer three days before the date scheduled for the hearing. The University shall also provide the student with a list of other witnesses, as well as copies of the documents they intend to submit as evidence, three days in advance of the hearing. This information will be shared with all parties.
8. To hear and to question the witnesses and to examine the evidence against the student. B. In addition, the accused student or respondent shall have the right to remain silent; the burden of establishing the alleged grievous conduct is on, the University, the individual complainant, if any, the instructor who asserted the violation, or the grievant who initiated the grievance proceeding.
9. At formal adjudicatory hearings, students may have an advisor advocate for them. The student's advisor may actively participate in the hearing in accordance with the following procedures:
  - a. Advisors may give opening statements;
  - b. Advisors may advise students throughout the hearing;
  - c. Advisors may question witnesses as allowed by the Hearing Board chair;
    - A. Advisors will submit their questions to the committee chair who, in his or her judgment, may then ask the witness the question, ask the advisor to rephrase the question, disallow the question, or ask the advisor to move on to another question or area of questioning.
    - B. During questioning, and during the entirety of the hearing, all parties are to treat all persons with respect.
  - d. Advisors may present a closing statement;
10. Students may waive any rights described herein.

## **SECTION VIII-2. Organization, Function, and Authority of Hearing Boards**

- A. A hearing board shall hear all incidents involving alleged violations of University Standards presented to it by the Vice President for Student Affairs and all grievances not relating to discrimination or to harassment. Complaints of discrimination, including complaints of sexual misconduct, shall be handled in accordance with USU Policy 305.
- B. The hearing board pool shall consist of fourteen members: seven students, four faculty members, and three professional staff employees. The student pool members shall be appointed for a one year term by the President of USUSA and be confirmed by a majority vote of the USUSA Executive Council. The faculty pool members shall be appointed by the Provost for a two year term (terms

shall be staggered in pairs). The professional staff employee pool members shall be appointed by the Vice President for Student Affairs for a three-year term (terms shall be staggered). All new appointments to the pool shall be made on or before April 30th of each year. If during any year the number of hearings either scheduled or conducted places a burden on the hearing pool, then additional pool members may be appointed as needed.

- C. By May 15th of each year, the pool shall elect one of its student members to serve as the hearing board pool chair.
- D. All pool members will be trained regarding hearing procedures; no pool member shall serve on a hearing board unless his or her training is completed.
- E. When a matter is referred for a hearing, the hearing board pool chair shall: (1) designate four students (which may include him or herself) and two faculty members, from the pool to act as the Honor Board to hear an academic integrity matter or to act as the Grievance Board to hear an academic grievance and (2) designate four students (which may include him or herself), one faculty member, and one professional staff employee from the pool to act as the Hearing Board to hear a matter not involving an academic integrity violation or as the Grievance Board to hear a nonacademic grievance. For hearings involving sexual misconduct, the Hearing Board shall consist of four faculty members, and two professional staff members, with a faculty member serving as chair. Hearing Boards shall be formed so as to give all pool members equal opportunity to serve, but a strict rotation is not required. An Honor Board or Hearing Board shall elect one of the student members to serve as a voting chair. A Grievance Board hearing an academic grievance shall select one of the two faculty members to serve as a voting chair; on other Grievance Boards, the faculty member shall serve as the voting chair.
- F. The names of the members of a designated hearing board shall be immediately communicated to the accused student, the individual complainant, the grievant, or the respondent in writing so that the right accorded under [Section VIII-1.A.2.](#) may be timely exercised.
- G. All actions by a hearing board shall be decided by a majority vote. Should the Board reach a split vote, it must deliberate until a majority is reached.
- H. A hearing board shall not consider evidence which has not been presented at the hearing.
- I. A hearing board's determination shall be made on the basis of whether it is more likely than not (i.e. a preponderance of evidence) that the accused student has committed the alleged violation.
- J. A hearing board may lessen or increase any penalty recommended by the Vice President for Student Affairs.
- K. If a Hearing Board is requested the following procedures will apply. The procedures will be appropriately modified where the accused student has admitted the violation and the purpose of the hearing is to determine the penalty.
  - 1. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Hearing Board members; (2) the Vice President for Student Affairs; (3) a University attorney, who shall act as advisor to the Board when needed; (4) University law enforcement officers; (5) the accused student; (6) the accused student's advisor (see: [Section VIII-1.A.3.](#)); (7) the individual complainant (8) the complainant's advisor (see: [Section VIII-1.A.3.](#)); and (9) any witnesses; and (10) where appropriate, the Director of

Financial Aid when the accused student is receiving financial aid based in any degree on the student's athletic ability.

2. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
3. The chair of the Board shall read the alleged violation to the accused student and ask for an admission or denial thereto. If the student has admitted the violation during the conference with the Vice President for Student Affairs, the hearing shall be conducted to determine the appropriate penalty - the student may not withdraw his or her admission once the Hearing Board has convened. If the violation is denied during the conference with the Vice President for Student Affairs, the hearing shall be conducted to determine whether the violation occurred and, if so, the penalty.
4. Should the accused student not attend the hearing, the hearing may be conducted in his or her absence and such absence shall not invalidate the proceedings or decision of the Board if the student has been sent notice of the hearing to the address supplied by the student to the Office of Student Records.
5. The Vice President for Student Affairs shall make a statement, which shall include a summation of the preliminary investigation and a recommended penalty, if any.
6. An individual complainant, or his/her advisor, shall be invited to make a statement.
7. The accused student, or his/her advisor, shall be invited to make a statement.
8. The Vice President for Student Affairs may present the case against the accused student, or defer to the individual complainant, if any, to present the case. An individual complainant shall assist the Vice President for Student Affairs, as needed, or is responsible for presenting his or her own case if the Vice President elects not to take that primary role. The Vice President for Student Affairs, or the individual complainant if the case is deferred to him or her, shall have the opportunity to question witnesses and present other evidence.
9. The accused student, or an advisor, is responsible for presenting his or her own case and shall have the opportunity to question witnesses and present other evidence.
10. The Hearing Board members may ask questions of anyone in attendance.
11. At the conclusion of the hearing, the Hearing Board shall deliberate in private to decide whether a violation occurred and the appropriate penalty, if any. A University attorney may be present during the Board's deliberation. To ensure that there is some consistency among penalties meted out over time, the Vice President for Student Affairs must be invited into the deliberation session for the sole purpose of explaining penalties assessed in other cases.
12. The decision of the Board shall be reported in writing to the Vice President for Student Affairs within two days from the date of the hearing.
13. The Vice President for Student Affairs shall deliver or mail a copy of the decision to the accused student, any victim, and the complainant; the accused student shall be advised of the right to appeal provided in Section VIII-3.
14. The Hearing Board's decision is final unless appealed; the accused student shall be advised of the right to appeal provided in [Section VIII-3](#).

- L. If an Honor Board is convened, the following procedures will apply.
1. The hearing shall be closed to the general public. Only the following individuals will be allowed into the hearing room: (1) Honor Board members; (2) a University attorney, who shall act as advisor to the Board when needed; (3) the instructor, the appropriate dean, and/or Provost; (4) the student; (5) the student's advisor (see: Section VIII-1.A.3.); (6) any witnesses; (7) the Vice President for Student Affairs; and (8) where appropriate, the Director of Financial Aid when the student is receiving financial aid based in any degree on the student's athletic ability.
  2. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses. All persons present at the hearing shall treat the matters discussed therein as confidential.
  3. Should the student not attend the hearing, the hearing may be conducted in his or her absence and such absence shall not invalidate the proceedings or decision of the Board if the student has been sent notice of the hearing to the address supplied by the student to the Office of Student Records.
  4. The Vice President for Student Affairs shall make a statement, which shall include a summation of the preliminary investigation and a recommended disciplinary penalty, if any.
  5. The instructor shall be invited to make a statement.
  6. The student shall be invited to make a statement.
  7. The Vice President for Student Affairs may present the case to impose a disciplinary penalty, or defer the presentation of the case to the instructor to present the case. An instructor shall assist the Vice President for Student Affairs, as needed, or is responsible for presenting the case if the Vice President elects not to take that primary role. The Vice President for Student Affairs and the instructor shall both have the opportunity to question witnesses and present other evidence, regardless of who is presenting the case to impose a disciplinary penalty.
  8. The student is responsible for presenting his or her own case and shall have the opportunity to question witnesses and present other evidence.
  9. The Honor Board members may ask questions of anyone in attendance.
  10. At the conclusion of the hearing, the Honor Board shall deliberate in private to decide whether a disciplinary penalty should be imposed against the student. A University attorney may be present during the Board's deliberation. To ensure that there is some consistency among penalties meted out over time, the Vice President for Student Affairs must be invited into the deliberation session for the sole purpose of explaining penalties assessed in other cases.
  11. The decision of the Honor Board shall be reported in writing to the Vice President for Student Affairs within two days from the date of the hearing.
  12. The Vice President for Student Affairs shall deliver or mail a copy of the decision to the student; the student shall be advised of the right to appeal provided in [Section VIII-3](#). As appropriate, the Vice President for Student Affairs shall also notify the instructor, the appropriate dean, the complainant, and any victim in writing of the Board's decision.
  13. The Honor Board's decision is final unless a timely appeal is filed.



### SECTION VIII-3. Appeal of Hearing Board Decisions

Comment [RSI2]: 710.3

- A. On or before April 30th of each year, the President of the University shall appoint one student, one faculty member, and one professional staff employee to serve as the Appeals Board for the upcoming academic year. For discipline related to violations of the University's sexual harassment policies, including sexual misconduct, the Appeals Board will include three members of the AA/EEOC Advisory Board. The Appeals Board members may not concurrently serve as hearing board pool members, but if possible, the appointees will have previously served as a hearing board member. The faculty member shall serve as chair. All Appeals Board members will be trained regarding hearing procedures; no member shall serve on an appeal unless his or her training is completed.
- B. The decision of an Honor Board or a Hearing Board may be appealed by the student who was found to have committed an academic integrity violation or a Misconduct violation. In sexual misconduct cases, both the complainant and the respondent may appeal the decision of the Hearing Board. The Appeal must be made in writing to the Vice President for Student Affairs within 10 days from the date a copy of the hearing board's report is mailed or delivered to the student. Any other party may appeal the decision within the 10 day period on the sole basis of new evidence (F.4., below).
- C. If no appeal is filed within the time provided, the decision shall become final. (The President of the University must approve the imposition of the penalties of suspension and expulsion from the University. See: Section V-4.)
- D. If an appeal is made, the Vice President for Student Affairs shall refer the matter, with all supporting documentation, to the chair of the Appeals Board. The Vice President for Student Affairs shall inform the parties of the names of the members of the Appeals Board.
- E. The parties involved shall have the opportunity to challenge the Appeals Board for bias in the case. The challenge shall be reviewed and acted upon by the Provost, in collaboration with the chair of the Appeals Board. Familiarity with the alleged violation or persons involved in the hearing, or other bias may be sufficient reason to honor the challenge and direct the appointment of a replacement on the Appeals Board by the President of the University.

Guidelines for the Appeals Board are as follows:

- F. An appeal shall be limited to a review of the initial hearing and supporting documents for one or more of the following purposes:
  - 1. To determine whether the original hearing was conducted fairly in light of the alleged violation and evidence presented, and in conformity with prescribed procedures giving all parties a reasonable opportunity to prepare and present evidence.
  - 2. To determine whether the decision reached regarding the student was based on substantial evidence; that is, whether the facts in the case were sufficient to establish that it was more likely than not that a violation occurred or that the imposition of a disciplinary penalty for an academic integrity violation was warranted. Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

3. To determine whether the penalty imposed was appropriate for the violation which the student was found to have committed.
  4. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
- G. If new evidence and/or facts could be the basis for altering either the decision or the penalty, the matter shall be remanded to the original Honor Board or Hearing Board for reopening of the hearing to allow reconsideration of the original determination and/or penalty; the Board shall report its conclusion to the Appeals Board for further review in the appeal process.
- H. If new evidence and/or facts are not presented, the Appeals Board may confirm or modify the decision of the hearing board and/or may uphold or reduce the penalty imposed by the hearing board. The Appeals Board may also remand the case to the original hearing board to reconsider whether the penalty should be increased; the hearing board shall report its determination to the Appeals Board for further review in the appeal process.
- I. Upon conclusion of an appeal in an academic integrity case, the Appeals Board shall forward to the Provost written findings, along with a recommendation as to the disposition of the matter. If the recommendation alters the decision of the Honor Board, a copy of the Board's decision shall be attached to the recommendation. The Provost shall review the recommendation and forward it to the President of the University, together with his or her own separate recommendation of endorsement or disagreement.
- J. Upon conclusion of an appeal in a case involving a Misconduct violation, the Appeals Board shall forward to the University President written findings, along with a recommendation as to the disposition of the matter. A copy shall be forwarded to the Vice President for Student Affairs. If the recommendation alters the decision of the Hearing Board, a copy of the Board's decision shall be attached to the recommendation.
- K. The University President may accept or modify the recommendation of the Appeals Board. The President's decision is final. A copy of the final decision will be made available to the appropriate dean, Provost, and the Vice President for Student Affairs. The Vice President for Student Affairs shall notify the instructor, the student, and individual complainant, if any, of the President's decision.
- L. Upon the decision to impose temporary disciplinary action, the Vice President for Student Affairs or the University President shall notify the student by the most expeditious means available. Upon notification of the temporary disciplinary action, the procedures under Sections V-6 shall be followed.

## 402.12 SENATE STANDING COMMITTEES

### 12.6 Educational Policies Committee (EPC)

#### *(1) Duties.*

The **major function of this committee shall be to serve as the Senate committee on educational policy, including program discontinuance for academic reasons (policy 406.2).** In addition to conducting studies and making recommendations as specifically instructed by the Senate, the committee itself may initiate such activities. **Routine actions taken under established policy, such as approval for specific course changes, additions, or deletions, shall be submitted to the Senate as information items. All policy recommendations and major actions shall be referred to the Senate for approval or disapproval.** Specific duties of the Educational Policies Committee shall include consideration of standards and requirements for university designated honors such as cum laude, magna cum laude, and summa cum laude.

## Report from the Educational Policies Committee April 5, 2018

The Educational Policies Committee (EPC) met on April 5, 2018. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page ([www.usu.edu/epc](http://www.usu.edu/epc)).

During the April 5, 2018, meeting of the EPC, the following actions were taken:

### 1. General Education Subcommittee

- Approval of the following designations: ENGL 5320 (CI), ENGL 5330 (CI), ENGL 5340 (CI), SPAN 3610 (CI), ENVS 4020 (CI) (DHA), HIST 3845/RELS 3845, (DHA), HIST 3910 (DHA), TEAL 5080 (DHA), & POLS 5000 (QI).

### 2. Academic Standards Subcommittee

- Approved: Registered Student Policy

### 3. Curriculum Subcommittee

- Approval of 168-course requests.
- Approval of the request from the Department of Biology in the College of Science to **restructure** Biology PhD and Biology-Ecology PhD.
- Approval of the request from the Department of Management in the Jon M. Huntsman School of Business to **change specialization name** of “Value Creation” to **Strategic Value Creation**.
- Approval of the request from the Department of Management in the Jon M. Huntsman School of Business to **change the name** of the Management Minor to Leadership and **Management Minor**.
- Approval of the request from Request from the Department of Management in the Jon M. Huntsman School of Business to **change the name** from MBA specialization: Shingo Leadership and Operational Excellence/Manufacturing Management to **Supply Chain Management**.

Academic Freedom and Tenure (AFT) Committee, Utah State University  
Report to the Faculty Senate for Calendar Year 2017

Membership

*Agriculture and Applied Sciences* – Grant Cardon  
*Arts* – Bruce Duerden  
*Business* – Kathy Chudoba  
*Education and Human Services* – Troy Beckert  
*Engineering* – TBN  
*Humanities and Social Sciences* -  
*Natural Resources* – TBN  
*Science* – Farrell Edwards  
*Libraries* – Sandra Weingart (Vice Chair)  
*Extension* – Sterling Banks  
*Regional Campuses* – Susan Talley  
*USU Eastern* – Anthony Lott  
*Senate* – Michael Lyons (Chair)  
*Senate* – Suzie Jones  
*Senate* – John Stevens

Mission as Defined in USU Policies and Procedures

The AFT Committee meets during the academic year to discuss “matters related to academic freedom, tenure, promotion, dismissals, and other sanctions; and actions alleged not to be in accordance with the adopted standards, policies, and procedures of the University” [Policy 402.12.3(1)(a)].

Committee Business 2017

Under Section 407.4 of USU Policies and Procedures, the AFT Committee is charged with responsibility for conducting a hearing, as requested by a faculty member, to consider the imposition of sanctions on that faculty member by the by the USU Administration. The committee received a request to conduct such hearing on April 30, 2017. Because the request for the hearing came at the end of the semester, conflicts with summer commitments made it impossible to schedule the hearing within the 40 days provided by Section 407.4. Consequently, the AFT Committee voted to invoke Subsection 4.4 of Section 407.4, extending deadline for the requested hearing until Fall Semester, 2017.

At the beginning of Fall Semester 2017, in compliance with Section 407.4, the AFT Committee formed a Hearing Panel, chaired by Professor John Stevens. Ultimately, however, the matter was resolved without the Hearing Panel convening.

The committee also received several inquiries from faculty members during the year, most involving the interpretation of USU Policies and Procedures. The committee responded to the faculty members by citing the appropriate language in USU Policies and Procedures, and referring

the faculty members to Interim Provost Larry Smith for further clarification. None of these inquiries resulted in a request for action by the committee. Beyond that, no other business was referred to the AFT Committee by the Faculty Senate or by the Provost during 2017 Academic Year; nor have any faculty grievances, or faculty requests or inquiries been filed with the committee.

Michael Lyons  
Associate Professor, Political Science  
AFT Committee Chair

**Committee on Committees – 2017/8 Annual Report**  
**Faculty Senate**  
**Utah State University**

Members: Rebecca K. Blais (Chair), Victor Lee (chair elect), Jan Thornton

**12.2 Committee on Committees (CoC)**

The responsibility of the Committee on Committees is to:

- (1) apportion Senate elective positions annually;
- (2) coordinate and supervise the election of members to the Senate;
- (3) prepare eligibility slates and supervise nominations and elections within the Senate;
- (4) recommend to the Senate the appointed members of all Senate committees and the members of university committees that include Senate representatives.

The committee conducted business primarily through email with an occasional in-person meeting. No formal meeting minutes were maintained.

The primary duties of the CoC included filling vacant committee assignments as necessary at the end of the school year.

Reapportionment of senators for the 2017/18 academic year was computed in early 2017. Caine College of the Arts and the College of Humanities and Social Sciences lost one seat and the Jon M. Huntsman Business School and Cooperative Extension gained one seat. Total senators = 60.

Senate elections are still underway. A total of 21 senators needed to be replaced due to expired terms or unplanned faculty vacancies (e.g., retirement, campus relocation). Three seats are still outstanding (CHaSS, USU Eastern, USU Blanding). New senators have been included in the updated roster.

The Senate committee service interest survey was distributed on April 13, 2018. The CoC chair and the Faculty Senate Executive Secretary will confirm appointments and fill vacancies that reflect the newly revised committee membership numbers. Faculty Senate Executive Committee vacancies will be filled during the April 30<sup>th</sup> meeting.

CoC is working with the Senate Executive Secretary to update election and communication procedures, and data collection and retention procedures, ensuring a smooth transition for the annual shift in the committee chair.

Victor Lee will be the 2018/19 Chair of the CoC.

**CALENDAR COMMITTEE ANNUAL REPORT  
to Faculty Senate  
April 2018**



**Calendar Committee Members 2017-2018**

Andi McCabe, Office of the Provost – Chair  
Brittan Barker, Faculty Senate  
Mykel Beorchia, University Advising  
LuAnn Bladen, Registrar's Office  
Amanda Davis, Staff Employee's Association  
Courtney Flint, Faculty Senate  
Jessica Hansen, Academic and Instructional Services  
Anuj Khasgiwala, Graduate Studies Senator – USUSA  
John Louviere, Academic and Instructional Services  
John Mortensen, Office of the Vice President for Student Affairs  
Erik Olson, Engineering Senator – USUSA  
Sydney Peterson, Office of the President  
John Stevens, Faculty Senate  
Susan Tibbitts, Faculty Senate

**Charge**

The Calendar Committee is charged with the responsibility of reviewing, evaluating, and recommending the University's academic calendar and employee holidays. The committee represents faculty, staff, students (undergraduate and graduate), Student Affairs, Academic and Instructional Services, the Provost's Office, and the President's Office. The actions of this committee are ratified by the Executive Committee after review by the Faculty Senate.

**2017-2018 Actions**

- 1) The committee recommends revised proposed academic calendars for 2018-2019 and 2019-2020 to reflect changes made as a result of this year's deliberations. Changes include:
  - a. Eliminating the need to hold Monday classes on Tuesday after the President's Day holiday: *It has been previously approved* to discontinue the practice of holding classes on days that are different from regularly scheduled classes. Friday classes will no longer be held on the Thursday prior to Fall Break and Monday classes will no longer be held on the Tuesday following President's Day.
  - b. Reducing the number of instruction days in the Spring semester from 73 to 70 days to align with the number of Fall semester instruction days. This allows for an interim day before finals (Wednesday) and five full days of finals on Thursday, Friday, Monday, Tuesday, and Wednesday.

*(See Supporting Materials #1 and #2)*

Academic Calendar schedules can be found at <http://www.usu.edu/calendar/academic/>.

**2017-2018 Deliberations and Issues**

- 1) Policy 353 Revision. The committee saw a need to update this policy to correct outdated language, align policy with FLSA and timekeeping guidelines, and to do away with language that



no longer is supported by practice. This policy is in revision stage with final details to be agreed upon before sending forward to the appropriate constituents. As per USU Policy 201, Faculty Senate, Staff Employees Association and Human Resources will have an opportunity to review the proposed revision.

### **Status**

This report resulted from deliberations at two meetings of the Calendar Committee held on October 16, 2017, and February 21, 2018. It will be considered by the Faculty Senate Executive Committee on April 16, 2018, and by the Faculty Senate on April 30, 2018.

### **Supporting Materials – See Following Pages**

1. Proposed Changes to the 2018-2019 Academic Calendar
2. Proposed Changes to the 2019-2020 Academic Calendar

# 2018-2019

## Academic Calendar Proposed Changes

### Notes

May 18						
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- a. This calendar reflects changes approved December 2017 by the Executive Committee.  
USU will discontinue the practice of having students attend classes on days that are different than the regularly scheduled classes. Friday classes will no longer be held on the Thursday prior to Fall Break and Monday classes will no longer be held on the Tuesday following President's Day.
- b. Additionally, it is proposed that the number of instruction days in Spring be reduced from 73 to 70 in order to equal the number of instruction days in Fall.

### Summer 2018

14-Week Session (66 instruction days, 1 test day)

May 7, First Day of Classes

August 10, Last Day of Classes

1st 7-Week Session (33 instruction days, 1 test day)

May 7, First Day of Classes

June 22, Last Day of Classes

2nd 7-Week Session (32 instruction days, 1 test day)

June 25, First Day of Classes

August 10, Last Day of Classes

Summer Holidays

May 28 - Memorial Day

July 4 - Independence Day

July 24 - Pioneer Day

### Fall 2018 (70 instruction days, 5 test days)

August 27, First Day of Classes (Semester & 1st 7-Week Session)

September 3, Labor Day

October 15, Last Day of 1st 7-Week Session (34 instruction days, 1 test day)

October 16, First Day of 2nd 7-Week Session (34 instruction days, 1 test day)

October 19, Fall Break

November 21-23, Thanksgiving Break

December 3-7, No-Test Week

December 7, Last Day of Classes Full Semester & 2nd 7-Week Session

December 10-14, Final Examinations

### Spring 2019 (70 instruction days, 5 test days)

January 7, First Day of Classes (Semester & 1st 7-Week Session)

January 21, Martin Luther King, Jr. Day

February 18, Presidents' Day

February 26, Last Day of 1st 7-Week Session (34 instruction days, 1 test day)

February 27, First Day of 2nd 7-Week Session (34 instruction days, 1 test day)

March 11-15, Spring Break

April 17-23, No-Test Week

April 23, Last Day of Classes Full Semester & 2nd 7-Week Session

April 24 Interim Day

April 25-May 1, Final Examinations

May 3-4, Commencement

# Utah State University

## 2019-2020

### Academic Calendar Proposed Changes

Supporting Materials #2

#### Notes

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a. This calendar reflects changes approved December 2017 by the Executive Committee.

USU will discontinue the practice of having students attend classes on days that are different than the regularly scheduled classes. Friday classes will no longer be held on the Thursday prior to Fall Break and Monday classes will no longer be held on the Tuesday following President's Day.

b. Additionally, it is proposed that the number of instruction days in Spring be reduced from 73 to 70 in order to equal the number of instruction days in

#### Summer 2019

14-Week Session (66 instr. days, 1 test day)

May 6, First Day of Classes

August 9, Last Day of Classes

1st 7-Week Session (33 instr. days, 1 test day)

May 6, First Day of Classes

June 21, Last Day of Classes

2nd 7-Week Session (32 instr. days, 1 test day)

June 24 First Day of Classes

August 9, Last Day of Classes

Summer Holidays

May 27 - Memorial Day

July 4 - Independence Day

July 24 - Pioneer Day

#### Fall 2019 (70 instruction days, 5 test days)

August 26, First Day of Classes (Semester & 1st 7-Week Session)

September 2, Labor Day

October 14, Last Day of 1st 7-Week Session (34 instruction days, 1 test day)

October 15, First Day of 2nd 7-Week Session (34 instruction days, 1 test day)

October 18, Fall Break

November 27-29, Thanksgiving Break

December 2-6, No-Test Week

December 6, Last Day of Classes Full Semester & 2nd 7-Week Session

December 9-13, Final Examinations

#### Spring 2020 (70 instruction days, 5 test days)

January 6, First Day of Classes (Semester & 1st 7-Week Session)

January 20, Martin Luther King, Jr. Day

February 17, Presidents' Day

February 25, Last Day of 1st 7-Week Session (34 instruction days, 1 test day)

February 26, First Day of 2nd 7-Week Session (34 instruction days, 1 test day)

March 9-13, Spring Break

April 15-21, No-Test Week

April 21, Last Day of Classes Full Semester & 2nd 7-Week Session

April 22 Interim Day

April 23-29, Final Examinations

May 1-2, Commencement