

Commission on Student Affairs
Resolution CSA 2004-2005C
Resolution for Changes to University Policies for Student Life

First Reading by Commission on Student Affairs:	March 3, 2005
Second Reading by Commission on Student Affairs:	March 17, 2005
Approved by Commission on Student Affairs:	March 17, 2005
First Reading by University Council:	April 4, 2005
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Approved by University Council:	
Approved by the President:	
Approved by Board of Visitors:	
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I. University Judicial Procedures

Whereas, current policy states that inaction in a case where a formal hearing is not requested indicates agreement with the imposed sanction, and

Whereas, current policy indicates that a formal hearing must occur prior to initiating a judicial appeal, and

Whereas, inaction to request that hearing indicates full compliance with the imposed sanction, making an appeal irrelevant, and

Whereas, current practice and caseload indicate that students who do not request formal university hearings for administrative action decisions are not requesting appeals for those decisions, and

Whereas, the Office of Judicial Affairs has a desire to put forth clear language to students regarding their due process rights in the university judicial system, therefore let it be

Resolved, that Section III.B. University Judicial Procedures be amended as follows:

Cases in which deferred suspension, suspension, or dismissal will be considered shall be referred to the Office of Judicial Affairs for assignment to the appropriate adjudicating body for a formal hearing. For cases in which a student is subject to less severe disciplinary sanctions, the student may request, in writing, a formal hearing within seven business days after such notification, and the case shall be assigned to the appropriate adjudicating body for a formal hearing. If a hearing request is not received within the required time, such inaction shall be taken as agreement with the action, and the sanction set out in the notice shall be imposed without further notice to the student. In that situation, the student forfeits his/her right to appeal the administrative action decision.

* Added text is underlined.

II. Stalking Policy

- Whereas, the safety and security of our students is of the highest priority, and
- Whereas, stalking and violence issues are of considerable concern to college administrators and campus law enforcement because these actions interfere with the living and learning environment for our students, and
- Whereas, current policy is not sufficient to address the behavior that constitutes unwanted, repeated contact in person, via computer, and/or telephone, and
- Whereas, the Association for Student Judicial Affairs, the national organization representing campus discipline officers, has published a resolution detailing the importance of addressing stalking in campus judicial systems, and
- Whereas, several of our peer institutions have more comprehensive stalking policies, similar to what is proposed below, therefore let it be
- Resolved, that Section II. Student Code of Conduct, 1. Abusive Conduct, be amended as follows:

1. Abusive Conduct

Any words or acts that cause physical injury, or threaten any individual, or interfere with any individual's rightful actions, including but not limited to the following:

- a. Assault--Words or actions that would cause an individual reason to fear for his or her immediate safety. Words can constitute assault when they are accompanied by the ability to inflict immediate harm.
- b. Battery--The use of physical force against an individual.
- c. Sexual Harassment--Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, under certain circumstances. (See Section V.N. for additional information about Sexual Harassment.)
- d. Sexual Misconduct--Sexual contact without consent. (See Section V.O. for additional information about Sexual Misconduct.)
- e. Stalking--Repeatedly contacting another person when the contact is unwanted. Additionally the conduct may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone or computer) or remaining in the physical presence of the other person.

III. Inclusion of a Formal Organization Event Definition for Student Organizations

- Whereas, in 2003, the Vice President for Student Affairs convened a task force to examine the adjudication of student organization misconduct, and
- Whereas, the task force determined a need to further define the components of an organization event and suggested that a organization event definition be addressed by the UPSL review committee, and

- Whereas, the university has a duty to promote and support appropriate risk management practices by our student organizations, and
- Whereas, a steady increase in the number of student organization cases has precipitated a need to formalize when organizations may be responsible for misconduct at their events, and
- Whereas, student organization members have repeatedly requested clearer guidelines from the university for situations where their actions may result in a university judicial review, and
- Whereas, current university policy has already established guidelines for organization responsibility for instances of hazing, which, along with the task force report form the basis of the proposed criteria, therefore let it be
- Resolved, that Section V-R. Student Organizations, under the heading of University Judicial Review Process, be amended as follows:

University Judicial Review Process

Any organization that fails to maintain the standards of registration, standards of charter and/or that engages in conduct that violates the University Policies for Student Life or any other published policies governing student organization conduct is subject to review by the University Judicial System.

The University Judicial System shall publish and administer procedures for review of and action against organizations in violation of university policy.

Questions or problems concerning potential policy violations related to student organizations should be directed to the Office of Judicial Affairs (108 Dietrick Hall, 231-3790).

Criteria for Determining An Organization Event

An event may be an organizational activity, for which the organization itself may be disciplined, if any two of the following characteristics are present:

- a. The advisor (if applicable), or any of the executive officers of the organization is aware of the event sufficiently in advance of its occurrence to prohibit its taking place, and takes no action to prohibit it.
- b. The event takes place in any public area within an official/unofficial dwelling associated with the organization or in any public place.
- c. The event involves the expenditure of any organizational funds.
- d. The event involves or is actively or passively endorsed by a majority of the members of the organization.
- e. The event involves six or more members of the organization.