

CHAPTER 9 STUDENT ACTIVITIES

9.10.10 Recognition of Student Organizations. The University of Rhode Island recognizes the Student Senate, Inc. as the representative of URI undergraduate students, and the Graduate Student Association as the representative of graduate students.

9.10.11 Recognition of student organizations shall be the responsibility of the Director of the Memorial Union in consultation with the Student Senate for undergraduate student organizations and the Graduate Student Association for graduate student organizations.

9.11.10 Organizations. No student organization shall use the name of the University in outside activities, thereby purporting to represent the University, unless such use is approved and authorized by the Director of the Memorial Union and Student Activities.

9.11.11 Before advertising, notice of all student meetings or social events shall be filed with the Director of the Memorial Union and Student Activities or the Office of Residential Life as outlined in the student handbook. The Director of the Memorial Union and Student Activities shall control scheduling to prevent conflicts. Notice of meetings of interest to the University community shall be filed with the Director of the Memorial Union and Student Activities at least one week before the meeting so that they may be publicized as widely as possible.

9.11.12 Within their areas of responsibility, the Directors of the Memorial Union, Dining Services, Athletics, Residential Life, and Student Life must approve in writing any fund raising, sales, solicitation, or petitioning by individuals or groups. For other areas, the Director of Student Life must provide approval. Procedures are listed in the student handbook.

9.11.13 The Director of the Memorial Union and Student Activities, in cooperation with the faculty adviser and the Accounting Office, shall cooperate with student organizations in auditing accounts and keeping expenses within estimated income.

9.12.10 Intercollegiate Competition. Only students who are duly matriculated and regularly enrolled as candidates for a bachelor's degree and who are doing full work (carrying at least a minimum credit-hour load) shall represent the University in intercollegiate competition.

9.12.11 No student who has completed the requirements for a bachelor's degree shall be eligible to represent the University in intercollegiate competition except for participation in contests occurring shortly after commencement and provided such contests are part of a regularly organized schedule.

9.12.12 No member of a University team shall be allowed to play elsewhere with any organization while enrolled on a University team, without consent of the Director of Athletics.

9.12.13 Additional regulations for athletic eligibility shall be the rules adopted by the National Collegiate Athletic Association.

9.13.10 Political Groups. Politically-minded student groups, both partisan and nonpartisan, may be recognized by the University and may hold meetings for business and discussion in rooms in University buildings, but these groups shall not use campus facilities free of charge for meetings or rallies open to the general public which are intended to promote the campaigns of candidates for public office.

9.13.11 The University shall not be responsible for the views expressed or entertained by either the speakers or the groups (see 9.13.10) nor can it be held to approve or disapprove such views, whatever their nature; rather, it shall be concerned exclusively with discharging its educational duty to facilitate free discussion of all points of view, to the extent guaranteed by the constitutions of the United States and of the State of Rhode Island.

9.18.10 Community Standards of Behavior and University Policies for Students. Students and student groups are required to comply with regulations as published in the student handbook.

9.20.10 Disciplinary Action may be implemented only through referral of violations to the Office of Student Life, the Office of Campus Life, or the Office of Housing and Residential Life. Infractions of community standards and University policies shall be reported in a timely manner to the appropriate office by the campus police or by local police departments, by other students, or by faculty or staff. In all cases, the available facts shall be gathered from the accuser (the reporting agency or complainant), and a careful evaluation of these facts, as well as of the dependability and character of the person(s) reporting them, shall be made. If corroboration of the information presented is deemed necessary, further inquiry and investigation shall be undertaken. If, at this point, in the judgment of the investigating authority, there is insufficient evidence of a violation, or the case lacks merit, a decision not to refer the matter to the conduct system may be made.

* **9.21.10 Procedures for Cases of Violations of Community Standards of Behavior and University Policies.** In cases in which the investigating authority decides that there is evidence of a violation which warrants referral to the conduct system, the student shall be notified in writing of the charges.

9.21.11 Charge Letter. The notification to the student shall include a description of the alleged offense, the date and the location at which the conduct is said to have occurred, as well as reference to the student handbook section that is alleged to have been violated, a statement of the sanctions recommended, and an explanation of the options available to the student.

9.21.12 Response Letter. Within two working days of receipt of the written charges, the accused student shall respond in writing. The response deadline shall be extended if in view of the investigating authority, there are good grounds for such an extension. In his or her response, the student shall choose one of the following options: (1) Acceptance of responsibility for the alleged conduct as well as of the sanctions recommended; (2) acceptance of responsibility for the alleged conduct, but not of the sanctions recommended; and (3) denial of responsibility for the alleged conduct. If the student denies responsibility, the student's response shall also indicate his or her preference as to whether the case should be disposed of through an administrative hearing, or through a hearing before a hearing panel.

9.21.13 Mode of Resolution under Various Conditions. If the accused student accepts responsibility as well as the sanctions recommended, the case shall be considered as resolved, and a decision letter shall be written to confirm the decision. If a student accepts responsibility but does not accept the sanctions recommended, the case shall be referred to a hearing before a hearing officer, unless the nature of the infraction is such that a mandatory sanction is attached to it, in which case the student's acceptance of responsibility shall resolve the matter. If the accused student denies responsibility, the case shall be referred to a hearing.

* **9.21.14 Types of Hearings.** Hearings may either be before an administrative officer from one of the three offices charged with responsibility of participating in the administration of the student conduct system (see 9.20.10), or before a hearing panel. They shall be known as administrative hearings and panel hearings, respectively.

9.21.15 Administrative Hearings shall be conducted (1) if a charged student fails to respond to a charge letter within two working days; (2) if the hearing concerns the sanctions only; (3) if a student requests an administrative hearing; and (4) if in the judgment of the Office of Student Life, scheduling it is necessary to ensure that a hearing occurs in a timely fashion, to insure the health and safety of any of the participants or to insure an unbiased hearing.

***9.21.16 Panel Hearings** shall take place if an accused student denies responsibility for the alleged violation, requests a panel hearing, and none of the conditions making an administrative hearing necessary and/or appropriate (see 9.21.15) apply. Panel hearings shall normally take place before panels drawn from the Conduct Board (see 5.19.10-21). When the situation warrants it, however, the Office of Student Life shall have the authority to establish special hearing panels.

9.21.17 Procedures for Panel Hearings. If the accused student requests a panel hearing, and the Office of Student Life concurs with this request, every effort shall be made to hold a hearing before the appropriate panel within 20 class days from the date the student furnishes his or her written response to the charge letter. The accused student shall receive written notification of the place and time of the hearing at least 72 hours in advance of the hearing. The notification shall also identify the panel members. A staff member from the Office of Student Life shall be available prior to the hearing at the request of the student to advise him or her regarding the alleged violation and procedural matters. The student may challenge the participation of (a) panel member(s) for good cause, provided this is done at least 48 hours in advance of the hearing. Hearings shall be closed.

9.21.18 Information to Panel, and Disqualification of Panel Members. Each panel member shall be informed of the student's name and charges at the time of the hearing. Any panel member may disqualify himself/herself, and either party to the case may be permitted to disqualify a prospective member if s/he can satisfy the remaining members of the board that there is good cause for disqualification. If alternates for disqualified panel members are available, these alternates shall take the place of the disqualified members. If it is not possible to replace a sufficient number of disqualified members to maintain the panel composition as stipulated in 5.19.20, the hearing may proceed only with the agreement of the charged student.

***9.21.19 Advisor to the Student.** During the conduct process, including at all hearings, the student shall have the right to the assistance of an advisor of his/her choice from the University community. The advisor may not serve as a witness, or be a party to the case. The purpose of the advisor is to assist the student, not to present a defense or to speak in place of the student. Neither party shall be permitted to employ professional legal counsel or other persons from outside the University community to present the case before the board or advise the student during the hearing. When a concurrent criminal charge is pending against an accused student, however, the student's legal counsel shall be allowed, upon the student's request, to provide passive assistance to the student at the hearing.

***9.21.20 Panel Advisor.** All panels shall have an advisor appointed by the Office of Student Life who shall be present during all stages of the conduct process, including hearings and deliberations, except during the closed panel session determining whether or not the accused student is responsible for the alleged conduct. Responsibilities of the panel advisor shall include: (1) advising the panel regarding the requirements and provisions of substantive and procedural due process; (2) serving as a resource person concerning an accused student's past history of involvement in the discipline system if any; (3) providing continuity in panel operations and procedures; (4) facilitating the implementation of conduct procedures at all levels of the conduct system; (5) acting as a liaison between panels and the University community; (6) assisting the panel in fulfilling its educational responsibility; and (7) preparing a written record of each hearing which is to include a summary of the testimony and evidence presented, and a statement of the decision reached. The individual who serves as panel

advisor shall not be the person who conducted the original investigation as described in 9.20.10 and 9.21.10.

9.21.21 Presence of Accused, Oaths, Burden of Proof, and Standards of Proof. The accused must be present at the hearing (except as provided in 9.21.26). S/he may present evidence and introduce witnesses. No oaths shall be requested or allowed and the technical rules of evidence applicable to civil and criminal cases shall not apply. The charging official and the chair of the panel will work to eliminate preconduct and irrelevant information. If the charged student feels that this has not been done, he/she can add a written complaint or correction to the materials that are given to the hearing panel or officer. When the charged student denies responsibility, the burden of proof shall rest upon the person(s) bringing the charges. The standard for this proof shall be clear and convincing evidence.

9.21.22 Right to Question Witnesses, Right to View Evidence, and Rules for Written Testimony. The accused student shall have the right to question the complainant and all witnesses, and to view and question all evidence presented to the panel during the hearing. Written testimony from absentee witnesses may be received for consideration only if the panel advisor and its chair deem it appropriate. If the panel advisor and the chair disagree as to the admissibility, they shall refer the matter to the panel for disposition. The authorship of such testimony must be verified by certification from a notary public.

***9.21.23 Findings.** Upon completion of the hearing, the conduct board shall make one of the following decisions: (1) a finding that the accused is not responsible for the alleged conduct; (2) a finding that the accused student is responsible for the alleged conduct, and a determination of the penalty; (3) dismissal of the charges due to lack of evidence; or (4) continuance of the case for the purpose of obtaining additional information or of providing for further consideration. Decisions shall be based only upon evidence and testimony introduced at the hearing. All decisions shall be made by a majority vote. The panel chair shall have the right to vote in all matters.

9.21.24 Written Notification of Findings. As soon as reasonably possible after the finding is reached, the accused student shall be notified in writing of the decision(s) made.

***9.21.25 Procedures for Administrative Hearings.** Administrative hearings shall follow the applicable procedures set forth for hearings before hearing panels. All tasks which the panel hearing procedures assign to the panel chair and/or the panel advisor shall, in the case of an administrative hearing, devolve to the hearing officer. The charged student shall have the right to challenge the assignment of the case to a particular hearing officer. Such a challenge shall follow the procedures established, under the panel hearing procedures, for challenging a panel member.

9.21.26 Attendance Requirement at Hearings. Charged students are required to appear for scheduled hearings. Failure to do so normally causes the case to be heard in the student's absence. However, a student shall have the right to one rescheduled hearing if the scheduled time causes undue hardship.

9.21.27 Continuance of Disciplinary Proceedings. If a student withdraws or is academically dismissed while charges are pending, disciplinary procedures may be continued or discontinued at the discretion of the Dean of Students. If a student completing degree requirements is accused of an offense for which suspension or dismissal are appropriate penalties, his/her diploma may be withheld pending resolution of the conduct proceedings or during a period of suspension.

***9.21.28 Deferral of Proceedings.** The staff of the Office of Student Life may defer conduct action at any stage of the process for a period not to exceed ninety calendar days *when school is in session*.

Pending charges may be discontinued thereafter depending upon the good conduct of the accused student.

* **9.21.29 Appeals Procedure.** When a hearing panel or hearing officer recommends conduct sanction, the accused student shall have the right to appeal the decision to the University Appeals Board (5.20.10-12). Such appeal requests, which must be presented in writing, shall be based only on evidence of fraud, denial of rights, procedural error, or on the claim of new evidence which was not available at the hearing, and which would have materially affected the decision of the hearing panel or officer. Following a hearing, a complainant has the right to submit an appeal request to the University Appeals Board based on new evidence (as described above). Appeal requests must be filed with the Dean of Students within one week of receipt of the letter informing the accused student that a conduct sanction has been recommended. Extensions to the deadline for filing appeal requests may be granted for good and sufficient reason by the Dean of Students. If the Appeals Board determines that a written request for appeal has merit, it shall rehear the case, or the portion of the case relevant to the appeal. Upon completion of the appeal hearing, the Appeals Board may either uphold the original decision and sanction, or adjust the original decision and/or sanction. Following action by the Appeals Board, the case shall be forwarded to the President or the Dean of Students, as appropriate.

9.21.30 Students who obtain information at their hearing which might lead to new evidence shall ask for a continuance of the case at that time rather than wait to raise the matter for the first time as the basis for an appeal request.

9.21.31 Conduct Records. All conduct records, such as complaint letters, correspondence, charge letters, decision letters, and hearing summaries, shall be considered confidential, and be maintained by the Office of Student Life for *six* years after the date of the conduct action. Records of unresolved incidents shall be reviewed annually starting with the *6-year* anniversary. The Dean of Students shall decide whether or not to destroy such a record or keep it for another year. Records of permanent dismissal shall be retained permanently. Access to such records is governed by the University Policies for the Release and Disclosure of Information from Student Records (see section 6.12.21).

* **9.22.10 Range of Conduct Action.** Actions which may be taken as a consequence of violations shall range from no further action to dismissal. Conditions may be attached to the action depending upon, and appropriate to, the nature and severity of the violation, the degree to which the student has participated or been involved, his/her motivations and intent in connection with the infraction, and any record of past violations as well as a consideration of all facets of the specific situation. Actions listed in Sections 9.22.11 through 9.22.16 shall not take effect until approved by the Dean of Students.

9.22.11 No Further Action. In cases where the discussion with the administrative officer or the hearing before the appropriate student conduct board has been sufficient, the student will be notified that there is no further action necessary.

9.22.12 Warning. In instances of minor violations, the student may be warned in writing of the possible consequences of continuing such behavior. Additional conditions may be applied as appropriate.

9.22.14 Residence Probation. A student who is placed on residence probation is not in good standing with his/her living unit for a specified period of time, and conditions may be placed on his/her actions. The status of residence probation reminds the student that his/her infraction has become part of his/her record and that repetition of similar or other unacceptable behavior may be cause for removal from the living unit.

9.22.15 Removal from Living Unit. This action precludes either the student's continued residence in a particular living unit or in any campus living unit. Such action is normally be taken after one serious violation or repeated minor violations related to the living unit environment

9.22.16 Disciplinary Probation. A student who is placed on disciplinary probation is permitted to remain enrolled at the University under certain stated conditions, depending upon the to remain enrolled at the University under certain stated conditions, depending upon the nature of the violation and the potential learning value that may be derived from such conditions. The probation usually extends over a stated period, during which it is clearly understood that the student is subject to further disciplinary action, including suspension or dismissal, if he/she violates the terms of the probation or in any way fails to conduct himself/herself as a responsible member of the University community. Probation is a final warning to the student to help him/her reevaluate his/her behavior.

9.22.17 Suspension is an involuntary separation of the student from the institution. Suspension differs from dismissal because it implies and states a time limit when return will be possible. Suspension may extend for a semester, for a specified period, until a specifically designated date, or until a stated condition is met. Such action does not take effect until approved by the President of the University.

9.22.18 Dismissal is the permanent involuntary separation of the student from the institution. Such action does not take effect until approved by the President of the University.

***9.23.10 Emergency Suspension.** Pending final action on violation of University regulations, the status of a student shall not be altered or his/her right to be present on the campus and to attend classes suspended, except for reasons of imminent danger to his/her physical or emotional safety or well-being, or for reasons of imminent danger to the safety or well-being of the University community. The decision to separate a student from the campus under these conditions shall be made only with the approval of the Vice President for Student Affairs or the President. If a student is separated from campus under this authority, the procedures outlined in 9.21.10-30 shall be implemented only if the suspended student requests in writing that it be done. If a hearing is requested, every effort shall be made to schedule it within 15 class days after the separation. A student separated from campus by this authority must remain separated until a hearing is held. If more than one semester elapses from the time of the suspension to the time the student requests a hearing, the hearing shall be an administrative one.

9.24.10 Jurisdiction of the Student Discipline System over Off-Campus Conduct. Offcampus conduct shall be subject to the jurisdiction of the Student Discipline System if one of the following conditions is met: 1) an infraction of a community standard of behavior as listed in the STUDENT HANDBOOK occurs at: a) an official University event, such as a field trip; b) a University sanctioned event as defined in Section 8.51.12 of the UNIVERSITY MANUAL; or c) an event sponsored by a recognized student organization, fraternity or sorority; or 2) an offcampus action performed by a person while he or she is a student is of a nature such that it would be subject to the Student Discipline System if it had occurred on campus, and the nature and circumstances of the infraction provide reasonable grounds for believing that the alleged offender poses a threat to the safety of self or others or if the alleged offender is repeatedly arrested or cited for violating local, state or federal laws. The decision to apply jurisdiction to off-campus conduct shall be made by the Dean of Students.

9.24.11 Appeal on the Issue of Off-Campus Jurisdiction. If a student is accused of an off-campus offense under subsection 2 of Section 9.24.10, and if the representative of the Office of Student Life determines that there is cause for presenting the matter to the Student Discipline System, the student shall have the right to dispute the jurisdiction of the Student Discipline System. Such an appeal must be filed in writing with the Office of Student Life not later than three days after

notice of the Office of Student Life decision that the student be charged. The appeal shall be presented to the Vice President for Student Affairs for disposition of the issue of jurisdiction. The decision on jurisdiction arrived at by the Assistant Vice President for Student Affairs shall be final. When an affirmative judgment on jurisdiction has been reached through this procedure, the student shall still have the right to accept or deny responsibility for the conduct in question.

9.25.10 Mediation. When there is an apparent violation of community standards or University policies for students, the incident may be adjudicated through a formal mediation process if formal mediation is acceptable to all of the following parties: (1) the individual(s) allegedly responsible for the violation; (2) the complainant (student, staff or department reporting the violation), and (3) the Office of Student Life. Mediation shall be conducted by a trained University staff member approved by the Office of Student Life. Mediation requires the cooperation of all parties to resolve a problem. The process is to result in a written document agreed to by all parties. The written agreement shall be kept on file in the Office of Student Life. Should Mediation fail to result in an agreement, or should a party fail to abide by an agreement, formal disciplinary proceedings shall then be initiated.