

**3359-41-01 Disciplinary power of the university.**

The disciplinary power of the university is inherent in its responsibility to protect its educational purposes and processes through the setting of standards of conduct and scholarship for its students and through the regulation of the use of its facilities. The established standards of conduct apply to a student whenever s/he is on property owned, leased, or operated by the university. A student is also expected to abide by applicable federal, state, and local laws. The university assesses sanctions for violation of its own regulations; however, the student is subject to public laws which the university police officers (among other law enforcement agencies) are empowered to enforce on property owned, leased or operated by the university in addition to areas in which it has authority pursuant to a mutual aid agreement with another state or local governmental agency or entity. Such public laws include the Revised Code of the state of Ohio, and ordinances of the city of Akron, which contain regulations relating to disorderly conduct, theft, assault, arson, damaging property, sex offenses, the use of drugs, hazing and mob action. Involvement of parents or guardians will be governed by the "Family Educational Rights and Privacy Act."

These rules shall not be interpreted, construed or applied in any manner that shall abridge or deny to any student his or her constitutional rights as guaranteed under the constitution of the United States or the state of Ohio.

Effective: September 5, 2003

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Prom. Under: 111.15

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### **3359-41-02 Definition of student misconduct.**

The university of Akron defines “student misconduct” as behavior on property owned, leased or operated by the university that violates codified or explicitly stated university rules and regulations. Minor sanctions may be assessed informally under prescribed procedures (see paragraph (A)(1) of this rule), university records, but the types of misconduct described below may result in the sanctions of formal disciplinary probation, suspension, or dismissal. Student misconduct includes:

- (A) Plagiarism, cheating, or other forms of academic dishonesty.
  - (1) Procedure for assessment of minor penalties relative to minor incidents of academic dishonesty.
    - (a) A student alleged to have committed a minor incident of academic misconduct may, if the student so desires, have the matter resolved and a minor sanction assessed in a confidential session with the respective faculty member and department head. The resolution thereof and minor sanction assessment shall, if agreed upon, be reduced to writing and executed by the student and department head in which the course was offered. However, in the event the student disagrees or the faculty member or department head do not concur with information resolution or minor sanction, then the matter shall be resolved in accordance with the regular student disciplinary procedures.
- (B) Furnishing false or misleading information to university officials or on official university records, or altering or tampering with such records.
- (C) Detaining, holding, intimidating, injuring, or threatening injury, or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by the university or in housing occupied or used by recognized university student groups or within the disciplinary authority of the university.
- (D) Harassment, verbal, written, electronic, or otherwise, including but not limited to, sexual, racial, ethnic, or religious harassment that causes harm of any nature.
- (E) Disorderly conduct or lewd, indecent, or obscene conduct on the university premises or at university sponsored activities.
- (F) Sexual harassment, sexual assault, misconduct or imposition.
- (G) Theft, malicious destruction, damage or injury to property not his own.
- (H) Appropriating for his own use property not his own without the consent of the owner or person legally responsible for it.

- (I) Possession, use, or distribution of marijuana or any narcotic, hallucinogenic or other drug in either the refined or crude form which is prohibited by law.
- (J) Unauthorized consumption, possession, or distribution of alcoholic beverages.
- (K) Gambling or games of chance as defined in the Revised Code of the state of Ohio and ordinances of the city of Akron.
- (L) Illegal or unauthorized possession or use of firearms, explosives, or other weapons.
- (M) Offenses defined as felonies or misdemeanors under the Revised Code of the state of Ohio and ordinances of the city of Akron.
- (N) Unauthorized entry into, or use of university facilities.
- (O) Active or passive, willful or deliberate obstruction, disruption, or occupation of building entrances, walks, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone, etc.), or any other space that impedes implementation of authorized programs and functions of the university.
- (P) Violation of university regulations prohibiting dogs, other animals, fowl or reptiles on property owned or leased by the university of Akron.
- (Q) Unauthorized copying of an assignment in computer programming, unauthorized examination or view of the computer accounts for unauthorized purposes, unauthorized use of an individual's identification or university password or university computer in violation of rules 3359-11-09 and 3359-11-10 of the Administrative Code, engaging in disruptive, mischievous behavior on the computer or any other wrongful use of a computer.
- (R) Doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.
- (S) Failure to comply with directions of university administrative officers and police, or any other governmental law enforcement officers upholding university regulations, or faculty within the purview of their authority when carrying out their normal duties.

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**3359-41-03 Investigation of student misconduct.**

- (A) In all cases of reports of student misconduct that are serious enough to warrant possible disciplinary action resulting in formal disciplinary probation, suspension or dismissal, the incident shall be investigated by the associate vice president and dean of student life or his/her agent. Reports of alleged misconduct may originate from university faculty or staff, university students, university police officers, area residents, or off-campus governmental law enforcement agencies.
  
- (B) The fact-finding procedures shall be as follows:
  - (1) The student named as being in violation of university rules shall be requested in person or by certified mail to his/her last known address to come to the office of the associate vice president and dean of student life or to the office of his/her agent. Where practicable, the university shall seek confirmation of this notice from the student.
  
  - (2) On his/her appearance there, s/he shall be informed of the report that alleges violation of university rules and regulations.
  
  - (3) S/He shall be requested to make a statement concerning the reported violation, but prior to this request the student shall be informed that:
    - (a) S/He is not required to make a statement, and
  
    - (b) Any statement he may wish to make can later be used in disciplinary proceedings, and
  
    - (c) S/He has the right to have counsel (as limited herein).
  
  - (4) (a) The university prefers to develop responsible student conduct through counseling, guidance, admonition, and example, and it prefers, therefore, to proceed carefully but informally whenever possible. However, if the student so desires, s/he may bring an advisor or an attorney with him/her to any discussion or investigation in which the student is informed of the charge of alleged misconduct. Conferences with the student (and, if s/he chooses, with his/her counsel) are designed to develop in depth all facts pertinent to the alleged misconduct. Upon completion of these conferences and the assembling of factual information, the fact-finding procedures shall be terminated if both of the following elements are present.
    - (i) The student denies the alleged misconduct, and

- (ii) Based on the evidence presented, no university rule or regulation was violated.
  - (b) If these conditions prevail, the student shall be informed that the matter is closed with no prejudice to him/her or his/her record.
- (5) When conferences and investigations reveal that there is probable cause that the student has in all likelihood violated university rules and regulations as demonstrated by the facts or by admission of complicity:
- (a) The student shall be given an opportunity to explain his/her involvement.
  - (b) The associate vice president and dean of student life or his/her agent may find that there is sufficient evidence that the student is responsible for violating university rules and issue a sanction. If the student agrees that s/he is responsible and agrees to abide by the sanction issues, then a record of the disciplinary action is made and the matter is closed.
  - (c) If the student does not agree with the finding of responsibility or the sanction, or if the associate vice president and dean of student life or his/her agent deems appropriate, the case is referred to the university hearing board. An explanation and all evidence revealed by investigation shall be reduced to a comprehensive, detailed, written report which shall be submitted to the associate vice president and dean of student life for transmission to the university hearing board, or
  - ~~(e)~~(d) The student may request in writing that the case be heard, and the sanction assessed, in confidential session with the associate vice president and dean of student life or his/her agent. The dean or his representative may deny the request and refer the matter to the university hearing board.
  - (e) The procedures of the university hearing board shall be described to the student.
- (6) If it appears that the matter will be referred to the university hearing board,
- (a) The student shall be informed that the university hearing board will meet at a date not to exceed thirty business days from the date of the conference. When necessary for scheduling purposes, the university reserves the right to continue the date of the hearing board beyond thirty business days.

- (b) A general description of the charges to be heard by the university hearing board will be given the student.
- (7) When the case has been referred to the university hearing board by the associate vice president and dean of student life or his/her agent, the board shall schedule a hearing.
- (8) The student shall be informed in writing by the associate vice president and dean of student services or his/her agent of the time and place of hearing, the specific university rule or regulation that the student is charged with violating, and the facts surrounding the incident on which rest the charges against the student.
- (9) If the student fails to respond to the summons to appear in the office of the associate vice president and dean of student life or that of his/her agent for the implementation of the fact-finding procedures, and if the investigation reveals that there is probable cause that the student has in all likelihood violated rules and regulations as demonstrated by the facts, the associate vice president and dean of student services or his/her representative shall promptly refer the matter to the university hearing board.

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#### **3359-41-04 Student procedural rights.**

- (A) Educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of conduct for the students who attend them and through the regulations of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, the case shall be heard by the associate vice president and dean of student life or his/her agent, university hearing board, or university appeals board. In every instance, proper procedural safeguards shall be observed to protect the student from the unfair imposition of serious sanctions.
- (B) The following procedural rights shall pertain to all cases for which the sanction of formal disciplinary probation, suspension, or dismissal may be prescribed.
  - (1) Proceedings are instituted only for violation of university rules and regulations established under rule 3359-41-02 of the Administrative Code and published in a means accessible to students. Penalties imposed for a violation must bear reasonable relationship to the violation.
  - (2) Investigation of alleged student misconduct is conducted as described under rule 3359-41-03 of the Administrative Code.
  - (3) Sanctions imposed for a violation must bear a reasonable relationship to the violation. Possible sanctions include, but are not limited to, required attendance at workshops, educational sanctions, loss of computer privileges, failing grades for academic dishonesty, disciplinary probation, removal from the residence halls, strict disciplinary probation, suspension, dismissal and other sanctions appropriate to the particular case. Any violation motivated by the consideration of race, ethnicity, sex, color, religion, ancestry, national origin, age, disability, veteran status, or sexual orientation may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.
  - (4) University officials have the right to enter property owned, leased, or operated by the university or housing occupied or used by recognized university groups for purposes of inspecting for cleanliness, orderliness, safety, and maintenance. However, in cases involving suspicion of misconduct as defined in rule 3359-41-02 of the Administrative Code, except under extreme emergency circumstances, student premises and possessions shall not be searched unless appropriate authorization has been secured and probable cause shown to the designated university authority. For premises such as residence halls controlled by the university, application shall be made to a designated university authority before a search can be made. The application shall specify the reasons for

the search and the objects or information being sought. The student should be present, if possible, during the search.

- (5) University officials detecting or arresting students in the course of violation of university rules or regulations or public laws shall inform such students of their rights. In conducting investigations, university officials shall respect the right of the individual to refuse to testify against himself/herself.
- (6) Pending action on the charges, the status of the student shall not be altered or his/her right to be present on campus and to attend classes suspended except for reasons relating to his/her physical or emotional safety and well-being or except that the president may suspend immediately:
  - (a) When the offense is one or more of the following:
    - (i) Detaining, holding, intimidating, injuring, or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased or operated by the university;
    - (ii) Felonies or misdemeanors under the Revised Code of the state of Ohio and ordinances of the city of Akron;
    - (iii) Unauthorized entry into or use of university facilities;
    - (iv) Active or passive, willful or deliberate obstruction, or occupation of building entrances, walkways, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone) or any other space that impedes implementation of authorized programs and functions of the university;
    - (v) Failure to comply with directions of university administrative officers, faculty directors and university police or any other governmental law enforcement officers acting in the performance of their duties.
  - (b) When in the judgment of the president the safety and well-being of students, faculty, or staff or university property is endangered, it shall then be the duty of the vice-president for student affairs to convene the hearing board as soon as practicable.
- (7) Prior to the hearing, the associate vice president and dean of student life or his/her agent shall inform the student in writing of the reasons for the proposed disciplinary action, with specific information and in sufficient time to ensure the student of opportunity to prepare for the hearing.

- (8) The student shall have the right to have an advisor of his/her choice present during the hearing, under the following guidelines:

#### GUIDELINES FOR ADVISORS

An advisor may be present to protect the rights of the student charged with misconduct, in anticipation of a criminal trial. Such presence shall not be for the purpose of gathering information for use before or during a criminal trial.

An advisor may be present with the charged student in the hearing room. However, the student shall speak and act on his/her own behalf. Questions asked or testimony given by the charged student shall be limited to elements directly related to the alleged violations.

Should the advisor desire to object to the proceedings or any other issue relevant thereto, the advisor may raise a continuing objection once that will be noted by the presiding member.

The charged student, during the course of the hearing, may request a recess. Such requests may be granted by the presiding member if, in his/her opinion, good cause exists therefor. The presiding member of the hearing board will assure an orderly hearing process in order to observe fairness and due process. The presiding member is authorized to exclude persons from the hearing who are disruptive, or the presiding member may postpone the hearing due to such disruption.

The presiding member and, in the case of a hearing board, members of the hearing board may request advice from a university attorney when necessary. A university attorney, if reasonably available, may be present during the hearing. However, the role of such university attorney shall be limited as provided for herein regarding the advisor of an accused.

- (9) The hearing will follow the procedures described under rule 3359-41-05 of the Administrative Code.

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**3359-41-05 University hearing board.**

- (A) Composition. The university hearing board shall be composed of four members, as follows:
- (1) Three faculty members shall be appointed by the vice president and dean of student life from a hearing board pool appointed by the president. The dean of each academic college will nominate three full-time members of his/her respective college and forward the names of the nominees to the university president for a one-year renewable term.
  - (2) Two student members appointed by the associate vice president and dean of student life or his/her agent from a hearing board pool of student members. The student members shall apply to the office of student development and be recommended by a majority vote of the associated student government; or, in the case of a graduate student accused of misconduct, the student members shall be recommended by a majority vote of the graduate student council or by the vice president and dean of the graduate school or his/her agent. All student members then will be appointed by the university president for a one-year renewable term.
  - (3) Each hearing board shall select its own presiding member.
  - (4) The accused student shall have the right to challenge any member of the university hearing board, for good cause; and, at the discretion of the associate vice president and dean of student life, the challenged member may be excused and a substitute member appointed.
  - (5) The associate vice president and dean of student life or his/her agent shall attend all meetings of the hearing board.
- (B) Procedures. When a case of alleged student misconduct is to be heard by the university hearing board, all of the student procedural rights which appear under rule 3359-41-04 of the Administrative Code shall pertain, and the following procedures shall be adhered to:
- (1) The associate vice president and dean of students or his/her agent shall notify the student suspected of misconduct. Such notification shall include:
    - (a) Written notification presented in person to the accused, or sent by certified mail to the last known address of the accused; and, whenever reasonably practicable, the university shall seek to have the accused verify receipt thereof.

- (b) The specific charge and the facts which purport to sustain that charge.
  - (c) The time and place at which the accused student is to appear before the university hearing board.
- (2) The associate vice president and dean of student life or his/her agent shall provide for a hearing before a university hearing board unless the student files a written request for a hearing by the associate vice president and dean of student life or his/her agent. A hearing by the associate vice president and dean of student life or his/her agent may be granted only:
  - (a) When the student has admitted responsibility for the charges, and
  - (b) When based on the evidence presented, a university rule or regulation was violated.
  - (c) The associate vice president and dean of student life or his/her agent shall conduct the hearing as a counseling-type interview in which time the immediate welfare of the accused and the welfare of the university are preeminent and the rehabilitation of the accused is also of vital concern. The associate vice president and dean of student life or his/her agent shall then implement the disciplinary action that is appropriate to the circumstances.
- (3) If the accused student refuses to go before the university hearing board or the associate vice president and dean of student life or his/her agent, s/he may be tried in absentia and sanction imposed in accordance with the findings.
- (4) A student appearing before the university hearing board may admit responsibility. The student also has the right to have his/her responsibility or lack of responsibility determined by the university hearing board. In the latter case, it is the responsibility of the university to present a substantial amount of evidence to prove that the student has violated university rules. To provide for a fair and impartial hearing, the following elements shall pertain:
  - (a) No member of the university hearing board shall be a party to prior investigation of the case against the student, nor should any member of the university hearing board be placed in a position of developing or presenting the case. If any member is unavoidably involved, s/he must not participate in the proceedings.

- (b) The presiding member of the board shall conduct the hearings and shall be responsible for providing a tape recording of the hearing and supervising preparation of a summary.
- (c) The presiding member of the board shall advise the student of the charge by reading the notice of hearing to him/her, after which the presiding member shall inform the student that s/he may deny or admit, totally or in part, the charges levied against him/her.

A complete admission of responsibility would require no further proceedings, except that any student should be offered the opportunity to present evidence of character, scholarship, or previous record of good conduct bearing only upon the extent of the sanction to be assessed by the university hearing board.

- (d) A denial or partial denial of the charges by the accused student shall require the presentation of evidence supporting the charges. This presentation of the evidence shall be made by the person designated by the associate vice president and dean of student life to present evidence and information. Such evidence may consist of oral testimony made truthfully and the introduction of any physical exhibits necessary to support the charge. The student shall be given an opportunity to hear and question adverse witnesses, as well as present evidence in his/her own defense. The person designated by the vice president for student affairs to represent the university's position shall have the right to question all witnesses for the defense, and members of the hearing board shall have the right to ask questions of all witnesses. The presiding member of the board shall exercise normal discretionary controls, prevent abusiveness, require relevance and ensure the expeditious pursuit of information. A standard of substantial evidence shall apply to all hearings. ("Substantial evidence" is evidence affording a substantial basis of fact from which the fact in issue can be reasonably inferred.)
- (5) The university hearing board shall have the authority to call upon any member of the faculty or student body who, in its opinion, might have pertinent information. Only information that will tend to establish either a violation or an absence of violation will be admitted.
- (6) The accused student may deny or admit totally or in part the charges levied against him/her. If s/he denies or denies in part the charges, s/he shall have the opportunity to hear and question adverse witnesses. The person designated by the vice president for student affairs to present evidence and information shall have the right to question all witnesses for the defense and members of the hearing board have the right to ask

questions of all witnesses. The presiding member of the board shall exercise normal discretionary controls, prevent abusiveness, require normal discretionary controls, require relevance, and ensure the expeditious pursuit of information. The accused shall not be required to testify against himself/herself.

- (7) All members of the university hearing board shall be present at all hearings on a particular case. Responsibility and sanction shall be decided by a majority vote. The presiding member shall participate in balloting.
- (8) The hearings shall be confidential unless the accused requests the presiding member to conduct public or open hearings. Such requests shall be granted.
- (9) The report of the university hearing board shall consist of a simple statement covering the chronological sequence of the hearing procedure, together with a summary of evidence presented to the university hearing board, and the conclusions reached by it on the basis of such evidence, and finally, its conclusion as to the finding of responsibility, sanction or disposition of the case. The report shall be signed by all members of the university hearing board shall be final, subject only to the student's right of appeal to the university appeals board or the vice president for student affairs' right to request a presidential review.
- (10) The presiding member shall transmit the findings and recommendations of the university hearing board to the associate vice president and dean of student life and his/her agent. The associate vice president and dean of student life or his/her agent shall review the report and forward a recommendation to the vice president for student affairs or his/her agent. The vice president for student affairs or his/her agent shall review the matter and, unless a presidential review is requested by the vice president for student affairs, the associate vice president and dean of student life or his/her agent shall notify the student of the hearing board's decision in writing.
- (11) Consistent with the requirements of the "Family Educational Rights and Privacy Act," disciplinary records and information concerning students may be provided from time to time to other university officials, including faculty who have been determined by the university to have legitimate educational interests. In such instances, neither the consent of the student nor the student's parents shall be required. The determination of whether or not there is a "need to know" shall be within the discretion of the president, senior vice president and provost, or vice president for student affairs. The procedure for arriving at such determination shall be directed by the president.

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**3359-41-06 University appeals board.**

(A) Composition.

- (1) The university appeals board shall be composed of three faculty members and two student members of the university hearing board pool who did not adjudicate the case.
- (2) The university appeals board meets in closed session to review written records of the university hearing board and to determine whether the procedural and substantive decisions made were proper. The associate vice president and dean of student life or his/her agent shall have the right to attend all meetings of the appeals board as a non-participating member.

(B) Procedures.

- (1) The appeals board shall hear all cases upon the request of the accused student. The accused student shall have seven business days from the time that s/he is notified of the decision of the university hearing board in which to petition the appeals board in writing for a review. If the student petitions the university appeals board for a review, the sanction issued by the university hearing board will not be imposed until the appeal has been considered by the university appeals board and the student has been notified of the outcome of the appeal process.
- (2) The accused student should prepare a written statement and state in plain and simple language that the decision of the hearing board is being appealed and deliver it to the associate vice president and dean of student life. The appeal should also describe, in plain and simple language, each alleged error of procedure or fact made by the associate vice president and dean of student life or his/her agent or the university hearing board and the facts that support the student's claim that an error was made.
- (3) In order for an appeal to be considered by the university appeals board, it must satisfy the following requirements:
  - (a) The petition for the appeal must be in writing and it must set forth the grounds for the appeal.
  - (b) The accused student shall direct his/her written request for review to the associate vice president and dean of student life or his/her agent, who shall initiate the formation of the appeals board as specified heretofore.

(C) Grounds for appeal.

- (1) An appeal shall be limited to review of the verbatim record of the initial hearing and the supporting documents for one or more of the following purposes:
  - (a) To determine whether the original hearing was conducted fairly in light of the charges and evidence presented.
  - (b) To determine that the hearing was conducted in conformity with the procedures set forth in the student code of conduct, to give the student a reasonable opportunity to prepare and present evidence that the student code of conduct was violated and to provide the accused student a reasonable opportunity to prepare and present a rebuttal of those allegations.
  - (c) To determine whether the decision reached regarding the accused student was based on substantial evidence to establish that a violation of the student code of conduct occurred.
  - (d) To determine whether the sanction(s) imposed were appropriate in relation to the violation of the student code of conduct for which the student was found responsible.
  - (e) To consider new evidence not known to the appealing student at the time of the hearing board that is sufficient to alter a decision, or other relevant facts not presented in the original hearing.
  
- (D) Standards of review.
  - (1) The university appeals board may find it appropriate to exercise one of the following options in response to the student's appeal:
    - (a) The appeal may be denied and the decision of the university hearing board upheld.
    - (b) In cases where the basis for the appeal is the existence of new evidence, the university appeals board may remand the decision to a new hearing board.
    - (c) The university appeals board may reverse the finding of responsibility determined by the university hearing board.
    - (d) The university appeals board may uphold, reduce or increase the sanction imposed by the university hearing board.

- (e) The decision of the university appeals board is final subject only to the vice president for student affairs' right to request a presidential review.

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**3359-41-07 Presidential review.**

- (A) The vice president for student affairs may request a presidential review at the conclusion of either the university hearing board or the university appeals board.
- (B) The president may uphold or reverse the finding of responsibility determined by the university hearing board or the university appeals board.
- (C) The president may uphold, increase, or decrease the sanction determined by the university hearing board or the university appeals board.
- (D) The president's decision is final.

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**3359-41-08 Authority for amendments.**

The procedures outlined in this document are the instrument of the board of trustees of the university of Akron. The board may be approached with proposed changes and amendments through channels outlined in its bylaws.

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3359-42-01 Student rights and responsibilities.

(A) Preamble.

- (1) The university of Akron exists for the discovery, preservation, transmission and enlargement of knowledge, the pursuit of truth, the development of the intellect, character and personality of students, and the enhancement of the general well-being of society.
- (2) Freedom to teach and freedom to learn are inseparable facets of academic freedom. These freedoms depend upon appropriate opportunities and conditions in the classroom, on the campus and in the larger community. All members of the university community share the right and responsibility to secure and to respect general conditions conducive to enjoyment of these freedoms which are inalienable.
- (3) As members of the academic community, students in exercising their freedom have the responsibility of preserving the freedom of others and working for the good of the entire community. The following statement of student rights and responsibilities provides for standards of academic freedom which are essential to any community of scholars.

(B) Access to education. Within the limits of its facilities, the university of Akron shall be open to all applicants who meet its admission requirements. No applicant will be denied admission on the basis of age, race, creed, sex, national origin or political beliefs. The university of Akron and its colleges shall publish and make available their admission, enrollment, retention, transfer and degree requirements. By enrolling at the university of Akron, the student signifies willingness to adhere to university rules and regulations pertinent to the student's status as a student at the university. However, the student shall be as free as possible from imposed limitations that have no direct relevance to the student's education. The university has an obligation to promote the welfare of each of its students and each student has an obligation to promote the welfare of the university.

(C) Academic matters.

- (1) At the university of Akron students have both the right and the responsibility to engage in free inquiry and expression when relevant to the subject under discussion. Students are responsible for learning the content of any course of study for which they are enrolled and they shall comport themselves in a mature responsible manner and shall be held responsible for maintaining established standards of academic performance. Such standards include avoiding plagiarizing the words or ideas of another and avoiding aiding or abetting the commission of plagiarism by another student.

- (2) Students have the right to expect effective instruction and to have their performance evaluated solely on an academic basis. Students should be informed by each instructor at the beginning of each course of the procedures and standards, including class attendance requirements, etc., by which they will be graded. Any student who believes unfair treatment has been received in the classroom has the right to seek and receive from the instructor the reason for the instructor's action. If the student still questions the fairness of the instructor's action, the student has the right to appeal in turn to the head of the department or division, the dean of the college in which the course is given, and the senior vice president and provost.
- (3) The faculty have a responsibility to students that transcends the classroom. Students have a right to expect reasonable access to members of the faculty. Faculty members shall maintain office hours and establish alternate means of communication which are reasonable and convenient both for themselves and for the students whom they teach. Students shall be informed of these arrangements at the beginning of each course of study.
- (4) All students are entitled to sound academic advisement and should be provided with competent academic counseling whenever the need arises.
- (5) Academic advisement and counseling for the university college and community and technical college students shall be conducted by trained counselors in the office of student services and the continuing education and public services/outreach office. Referral will be made to a faculty member for advice in the area of the student's intended major when requested by the student or suggested by the advisor.
- (6) Each student in an upper college or the graduate school or a professional school has the right to have an academic advisor who is a faculty member of the department or school in which the student is enrolled. The student may, upon request, be assigned another advisor by the head of the department or by the dean of the college or school.
- (7) The student shall periodically confer with the advisor to review academic progress and to be informed of those courses which the student must complete in order to fulfill the collegiate or school degree requirements. The college or school shall publish and make available its specific requirements.
- (8) The advisor or department shall provide information about requirements for graduation and shall advise the student with regard to electives and number of credit hours carried per quarter. With regard to free electives,

not stipulated in the degree program, the student shall have freedom of choice.

(D) Student records.

- (1) The office of the registrar maintains the official record of the student's academic performance. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in explicit policy statement. Transcripts of academic records shall contain only information about courses, grades and notations of academic status. These statements shall reflect only the student's academic performance and academic action taken by the university. Only when required by law shall a notation of nonacademic disciplinary action appear on the academic record. These academic records may be examined by the student in the office of the registrar in the presence of an authorized official of the university.
- (2) Copies of the official and unofficial academic records may not be released to persons or organizations outside the university except upon written request of the student. Under exceptional circumstances where the permission of the student cannot be secured, the appropriate university authorities may exercise their discretion in the release of this information.
- (3) Information from disciplinary records may be released only upon the written request of the student. Where there is clear and probable danger which might result in loss of life, personal injury or property damage, the appropriate university officers may release this information without the consent of the student. Provisions shall be made for the periodic destruction of disciplinary records.
- (4) Counseling and medical records in the divisions of the office of student services, in the offices of the academic deans and head of departments may contain applications for admission, records of interview and counseling sessions, psychological test results and evaluations, medical and psychiatric evaluations, copies of correspondence and other data necessary for effective counseling. These records are the property of the university and the information contained therein is held in confidence. No record of conviction in a court of law shall be noted in a student's file unless it is reasonably related to the purposes and necessities of the university.
- (5) Except in the case of membership in university-recognized student organizations, no written records shall be kept which reflect the political activities or beliefs of the student. Faculty members and university officials should treat as confidential the information about student views, beliefs and political associations acquired in the course of their work,

unless otherwise directed by the student. Where there is a clear and probable danger which might result in loss of life, personal injury or property damage, the appropriate university officers may release this information without the consent of the student.

- (6) When faculty members or university officials are asked to evaluate students and alumni/ae in connection with application for employment, admission to graduate and professional schools and for other reasons, they are responsible to the recipient and to the student to be scrupulously honest and fair in their judgment. The listing by a student or alumnus/A of an office, officer or another member of the university community as a reference is regarded as authorization to furnish a full and frank evaluation.
- (E) Student affairs.
- (1) Freedom of association, inquiry, and expression.
    - (a) Students are free to organize and join associations to promote their common interest. A student organization which seeks university recognition shall petition the student affairs committee of university council, whose recommendation shall be voted upon by university council, by submitting a constitution, bylaws, a statement of purpose, and criteria for membership. Recognition may be granted by the university council; however, university recognition does not necessarily constitute an endorsement of the organization or of the expressions of the organization by the university. It should be noted that day undergraduate student organizations shall first petition the student senate of the associated student government.
    - (b) The terms of recognition of a student organization shall include the following:
      - (i) The purpose, objectives, and activities of the proposed organization shall be consistent with the objectives, rules and regulations of the university and with municipal, state and federal law.
      - (ii) The organization shall not discriminate on the basis of race, creed, or national origin in the selection of its members or in its programs. Further, there shall not be any discrimination on the basis of sex or age unless some compelling reason related to the objective of the organization can be demonstrated.

- (iii) Each organization shall manage its own finances but shall do so according to the rules and regulations of the university.
    - (iv) The organization shall file a list of current officers with the dean of students. Membership lists shall not be required.
  - (c) Upon receiving university recognition, the organization shall seek the consent of a full-time faculty member to serve as its advisor and shall recommend the appointment by the president of the university.
  - (d) The university council may suspend or terminate its recognition of a student organization upon evidence of violation of the terms of its recognition, or upon failure of the student organization to adhere to its constitution or bylaws.
  - (e) Students and student organizations are free to examine all questions of interest to them and to express opinion publicly and privately. They are free to support causes of their choosing by lawful and orderly means, including peaceful assembly and advocacy. In their public expressions and demonstrations, the students or student organizations have a responsibility to make it known that they do not necessarily speak for or act on behalf of the university. The university has the inherent right and responsibility to protect individuals and property and to assure the continuity of the educational process.
  - (f) All student organizations may invite and hear speakers of their choosing. Students are expected to follow procedures prescribed by the university in requesting and using university facilities for their programs. These procedures shall be designed to insure that there is orderly scheduling of facilities and adequate preparation for the event. University authorities will not use their control of facilities as a device for censorship. The appearance of a speaker on campus in no way indicates agreement with the speaker's views or endorsement of the speaker's position by the university or the sponsoring student organization. The sponsoring group has the responsibility to make reasonable efforts to make this fact known to the academic and the larger community.
- (2) Student participation in university governance. Students are free individually and collectively to express in a peaceful and orderly manner their views on matters of university policy and on matters of general interest to the student body. Students shall be provided the opportunity to participate in the formulation and implementation of university policy,

both academic and nonacademic, in accordance with the rules and regulations of the university council and the board of trustees.

- (3) Student publications.
  - (a) The university of Akron regards student publications, campus radio stations and other student news media as necessary aids in establishing and maintaining an atmosphere of free and responsible discussion and intellectual exploration on campus. They are a valuable means of providing campus communication, of bringing student concerns to the attention of the university community and of formulating student opinion on campus issues and on community and world affairs.
  - (b) If the university provides the funds or facilities or lends its name to the various news media, it may have to bear legal and financial responsibility for the content and operation of the publications and of the programs of the radio stations. Within the restrictions imposed by this responsibility, the university is committed to freedom of expression in accordance with the following statements of professional ethics: "Criteria of a Good Newspaper" -- "Associated Press Managing Editors Association," "Canons of Journalism" -- "American Society of Newspaper Publishers;" "Statement of Ethical Responsibilities" -- "International Conference of The Student Press," July 1963; "Radio, T.V. Code of Good Practices" -- "National Association of Broadcasters;" and by the rules and regulations of the federal communications commission which proscribe libel, slander, obscenity, undocumented allegations and the techniques of harassment and innuendo. WZIP and the radio/television workshop are governed by regulations imposed by the federal communications commission. The radio/television workshop is also governed by the policies of WZIP when broadcasting over the station's facilities.
  - (c) To ensure the editorial freedom of student publications and campus radio stations, the university to the extent that its legal obligations permit subscribes to the following safeguards:
    - (i) The media should be free of censorship, advance approval of copy and/or programs to be published or aired. The media managers should be free to develop their editorial policy and news coverage.
    - (ii) Editors and managers of student news media shall not be subject to arbitrary suspension and removal because of

student, faculty, administration or public disapproval of their editorial policies or content. Only for proper and stated causes shall editors and managers be subject to removal and then only by orderly and prescribed procedures. These procedures shall be carried out by the appointing authority and include the right of appeal.

- (d) All student news media must explicitly state that the opinions expressed are not necessarily those of the university or its student body.
- (F) Off-campus rights and responsibilities.
- (1) University students are both citizens and members of the university community. As citizens they enjoy the same rights such as freedom of expression, peaceful assembly and right of petition, and the same obligations as other citizens; and as members of the university community they are entitled to the privileges and subject to the responsibilities which accrue to them by virtue of this membership. University authority shall not be employed to inhibit the exercise of rights of citizenship, either on or off campus, but neither do students have special rights when in violation of the law. Students shall recognize that away from campus while attending a university-associated event, their conduct may reflect upon the university as well as upon the individual.
  - (2) Students who violate the law may incur penalties prescribed by civil authorities. While university authority should not be used merely to duplicate the function of general laws, the university may assert its disciplinary authority over students in situations where the students conduct off campus may be deemed by the university to affect the university or its students, faculty, academic officers, and staff. When the disciplinary authority of the university is so asserted, the student shall be provided with the procedural safeguards contained in the "Student disciplinary procedures," Chapter 3359-41 of the Administrative Code. The student who incidentally violates university regulations in the course of off-campus activity should be subject to no greater penalty than would normally be imposed had the action occurred on property owned, leased, or operated by the university. University action must be independent of community pressure.
- (G) Enactment and amendments. This statement of student rights and responsibilities is the instrument of the board of trustees of the university and is enacted pursuant to the sole and exclusive authority of the board of trustees to carry on the operation of the university. Nothing contained therein shall be construed to be a delegation of any authority vested in the board of trustees to do all things necessary for the continuous and successful operation of the university. The

board may be approached with proposed changes and amendments to this instrument through channels outlined in its bylaws.

Effective: November 24, 2001

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Prom. Under: 111.15

Rule Amp.: Ch. 3359

Statutory Authority: Ch. 3359

Prior Effective Date: Prior to 11/4/77, 12/31/86, AND December 4, 1999.