

## **Title: Code of Student Rights and Responsibilities**

### **Introduction**

The Code of Student Rights and Responsibilities was originally adopted by the Student Senate, approved by the Chancellor in 1970, revised in 1986 and revised at a minimum biannually thereafter for the University of Kansas, Lawrence campus. The Code, presented here in its entirety, is subject to amendment by the Student Senate with the approval of the Chancellor. Any activity, policy, rule or regulation for the implementation of this code is subject to the approval of the Chancellor and the Board of Regents as provided by law and the University Senate Code.

### **Section I: Philosophy of Student Rights and Responsibilities**

The University of Kansas is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The University, through the Student Conduct program, is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. Students are guaranteed written notification of an alleged violation of this Code; a fair hearing, which shall include confrontation of information against the student or organization and the assistance of persons of the student's or organization's own choosing, and appeal as outlined in Non-academic Conduct Procedures: <http://policy.ku.edu/student-affairs/non-academic-student-conduct>

At the University of Kansas, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Rights and Responsibilities*. These standards are embodied by a set of core values that include Respect, Community, Integrity, and Responsibility. All members of the campus community bear responsibility for their conduct. As members of the University community, students are expected to adhere to all published rules, regulations and policies. Additionally, residents of Student Housing should be familiar with Student Housing regulations (<http://housing.ku.edu/media/handbook>). Students also are obligated to the laws of the city, county, state and nation. Registered organizations are expected to adhere to the same standards of conduct as students.

The student conduct process is not intended to punish students; rather, it exists to protect the rights of the community. The rights and privileges of the individual are also components of a community. These rights are protected with vigilance equal to the enforcement of rules and procedures. When a student is unable to conform their behavior to community expectations and the underlying values that establish those community expectations, the resulting student conduct process may determine the student should no longer share in the privilege of participating in this community.

### **Section II: Definitions As Used in this Code**

The term "University" means the University of Kansas, Lawrence campus, and all its educational operations (including the Edwards Campus and those outside of Kansas) except for the operations of the KU Medical Center.

- A. The term "student" includes all persons enrolled at the University, as defined above. This also includes individuals who confirm their intent to enroll in programs or attend orientation sessions, regardless of whether the individual is actually enrolled, and those who were enrolled at the date of an alleged incident. In addition, persons who withdraw after allegedly violating the Student Code or

- who are not officially enrolled for a particular term but who have a continuing relationship with the university are considered “students.”
- B. The term “instructor” means any person hired by the institution to conduct educational activities. In certain situations, a person may be both student and instructor. Determination of student status in a particular situation shall be by the attendant facts.
  - C. The term “organization” means any registered group of University of Kansas.
  - D. The term “student press” means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of an organization.
  - E. The term weapon is defined in the University’s Weapons policy. <http://policy.ku.edu/provost/weapons-on-campus>
  - F. The term “jurisdiction” applies to behavior (1) on University premises; (2) at University sponsored activities; (3) off-campus when the behavior affects the on-campus safety of a member of the University community or University operations; or (4) when the University is required by law to address the behavior.
  - G. The term “University Community” shall refer to Students, Faculty, Staff, and affiliates of the University of Kansas as defined per the University of Kansas Human Resources Affiliates policy: <http://humanresources.ku.edu/affiliates>

### **Section III: Rights**

The following enumeration of rights shall not be construed to deny or disparage other rights retained by students in their capacity as members of the student body or as citizens of the community at large:

- A. Free inquiry, expression, and assembly are guaranteed to all students. This includes the right of student press to be free of censorship. Its editors, managers and contributors must be protected from arbitrary sanctions. A student, group, or organization may hand out written material on campus without prior approval.

1. Campus Expression: Discussion and expression of all views are permitted within the University, subject only to the Board of Regents and University Policy requirements for the maintenance of order. Support of any cause by orderly and peaceful means that does not disrupt the operation of the institution is permitted. This Article shall be construed in conjunction with Articles Section III (I) and Section VI (B)(5). This article shall include discussion and expression of all views that are communicated through, but not limited to, oral, written, and/or electronic means of communication.
  2. Students, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities.
- B. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the University.
- C. The right of students to be free from harassment or discrimination, as outlined in University policies.

Sexual Harassment Policy: <http://policy.ku.edu/IOA/sexual-harassment>

Racial and Ethnic Harassment Policy:  
<http://policy.ku.edu/IOA/racial-ethnic-harassment-policy>

Discrimination Complaint Resolution  
Process <http://policy.ku.edu/IOA/discrimination-complaint-resolution>

- D. Students have the same rights of privacy as any other person and surrender none of these rights by becoming members of the academic community. This includes the right to be secure in their persons, living quarters, papers, and effects against unreasonable searches, and seizures. Electronic communication has privacy protection subject to the KU Acceptable Use of Electronic Information Resources.  
<http://policy.ku.edu/IT/AcceptableUse>
1. Nothing in the institutional relationship or University housing contract shall expressly or by implication give the institution or University officials authority to consent to a search of a student's room by police or other governmental officials.
  2. When the institution seeks access to a student's living quarters in any facility operated by Student Housing to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, or during academic breaks, the occupant shall be notified of such

action not less than twenty-four hours in advance.

3. The notice of entry shall be delivered in both physical and email form.
  4. The notice of entry must explicitly state the following: "There is a potential for criminal prosecution in the event that items are found if the possession of said items would be in violation of federal, state, or local law, or University policies."
  5. There may be entry without notice in emergencies when imminent danger to life, safety, health, or property is reasonably feared.
- E. Students are held to the same level of academic, research, and publication integrity as are faculty and other University affiliated researchers.
- F. Students may not be required to take examinations and tests, including final examinations, which occur in conflict with religious observances, provided the students notify their instructors at the beginning of the semester, as specified in University Senate Rules and Regulations; so, alternate dates may be arranged.
- G. Academic evaluation of student performance shall not be prejudicial, capricious, arbitrary, or be based, in whole or in part, upon a student's race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, status as a veteran, sexual orientation, marital status, parental status, gender identity, gender expression and genetic information.
- H. Discussion and expression of all views relevant to the subject matter are permitted in the classroom, subject to the responsibility of the instructor to maintain an efficacious learning environment. Information about a student's views, beliefs, and political associations acquired in the course of instruction, advising, and counseling, by the University, is confidential and is not to be disclosed to others unless permitted by law or by written consent of the student.
- I. The right of orderly and peaceful protest within the University community must be preserved. The University retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process including the maintenance of entrance to and egress from all University buildings and offices, conduct of regular class meetings and other University functions.
1. Orderly picketing and other forms of peaceful protest are protected activities on University premises in the absence of interference with free passage through areas where members of the University community have a right to be or with the orderly conduct of University business.

2. Peaceful picketing and other orderly demonstrations are permitted in public areas of University buildings, including corridors, outside auditoriums and other places set aside for public meetings.
  3. Every student enrolled in the University has the right to be interviewed on campus by any organization, employer, government agency, or educational entity that desires to recruit at the campus. Any student or group of students has the right to protest against the appearance on campus of any organization, employer, government agency, or educational entity provided that the protest does not interfere with any other student's right or opportunity to have such an interview or the University's operations. For the purposes of this section, the term "organization" is not defined as stated in the definitions section.
- J. The University of Kansas provides for the protection of the educational records as required by law, Regents' regulations and University policies, rules and regulations as outlined by the University's Student Records Policy. <http://policy.ku.edu/registrar/student-record-policy>
- K. The University of Kansas is committed to the success of all students, including those who experience a mental health crisis and/or disorder of any kind. Students are held accountable for their behavior. Students are protected from disciplinary action based solely upon a mental health condition. Students' mental health conditions must be taken into consideration if disciplinary action is deemed necessary.

#### **Section IV: Senate Activity Fee**

The Student Senate has the authority to allocate University funds designated as the Student Senate Activity Fee subject to the approval of the Chancellor or the Chancellor's designee and the Kansas Board of Regents. Only registered student organizations, campus organizations, or University sponsored or contracted activities may receive an allocation from the Student Senate Activity Fee. Approval of requests for such funds shall be conditioned upon submission of budgets to, and approval by, the Student Senate. Where such funds are allocated, financial accountability shall be required.

#### **Section V: Violation of Law and University Discipline**

If a violation of federal, state or local law or ordinance occurs and is also a violation of a published university regulation, the university may initiate its own proceedings against an offender who may be subjected to criminal prosecution. Proceedings under the Code may be carried out prior to, simultaneously with or following civil or criminal proceedings without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

#### **Section VI: Non-Academic Misconduct**

Students and organizations are expected to conduct themselves as responsible members of the University community. Students and organizations are subject to disciplinary action for violations of laws, published policies, rules and regulations of the University and Kansas

Board of Regents, and for the following rules related to the values of the University where the university has jurisdiction:

- A. Students are expected to show positive regard for each other and for the community. Behavior that violates the core value of Respect includes, but is not limited to:
1. Sexual Misconduct that includes sexual harassment and sexual violence as defined by <http://policy.ku.edu/IOA/sexual-harassment>
  2. Retaliation as defined as any behavior, direct or indirect, taken to or attempt to harass, intimidate, or improperly influence any individual associated with the student conduct process or any other University grievance or complaint process.
  3. Discrimination as defined by <http://policy.ku.edu/IOA/discrimination-complaint-resolution>
  4. Harm to Persons: causing physical harm or endangering the health or safety of any person.
  5. Threatening Behaviors:
    - A. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to property.
    - B. Intimidation defined as implied threats or acts that cause a reasonable person fear of harm of any person.
  6. Bullying and Cyberbullying: repeated and/or severe aggressive behaviors that intimidate or harm or control another person physically or emotionally, and are not protected by freedom of expression.
  7. Stalking as defined as a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.
  8. Intimate Partner/Relationship Violence: violence or abuse by a person in an intimate relationship with another. The term “intimate partner violence” is defined to mean any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual. It would include stalking, dating violence, sexual violence, or domestic violence.
  9. Hazing: engaging in hazing of another person for the purpose of initiation or admission into, affiliation with, or continuation of membership in any organization operating under the sanction of the University. Hazing includes, but is not limited to, any action, activity or situation which recklessly, negligently or intentionally endangers the mental or physical health, welfare or safety of a person, creates excessive fatigue, sleep deprivation, mental or physical discomfort, exposes a person to extreme embarrassment or ridicule,

involves personal servitude, destroys or removes public or private property, or implicitly or explicitly interferes with the academic requirements or responsibilities of a student. It is presumed that hazing is a forced activity regardless of the apparent willingness of an individual to participate in the activity. Apathy or acquiescence in the presence of hazing is not neutral; both are violations of this rule.

B. Students are expected to build and enhance the University Community. Behavior that violates the core value of Community includes, but is not limited to:

1. Weapons: possession or immediate control over a firearm, explosive, or weapon, in violation of the University's weapons policy or federal or state weapons laws. Full list of weapons is defined in <http://policy.ku.edu/provost/weapons-on-campus>
2. Unauthorized Entry: entering the facilities or uses the facilities of another person or the University without proper consent or authorization.
3. Fire Safety: misuses, damages or alters any firefighting or other safety equipment, causes a false alarm by the misuse of firefighting or other safety equipment, failing to evacuate a University facility during a fire alarm, and causing a fire which damages University or personal property and/or causes injury.
4. Damage and Destruction: damage to or destruction of property of the University or personal property of another.
5. Disruption: a student causes or attempts to cause disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, or other authorized, permitted, or constitutionally protected activities on University premises, including employment, recruitment, and public service functions.
6. Abuse of Conduct Process: a student interferes with, attempts to or improperly influences the established student discipline procedures or process of the University.

C. Students are expected to exemplify honesty, honor and respect for the truth in all their dealings. Academic misconduct is addressed under the University Senate Code and University Senate Rules and Regulations. However, behavior that violates the core value of Integrity, includes, but is not limited to:

1. Taking of Property: intentionally and knowingly attempts to take or has in their possession the property of the University or personal property of another, including goods, services and other valuables.

2. Use of Taken Property: intentionally and knowingly uses, misappropriates, or sells the property of another person or the University, including goods, services and other valuables.
3. Falsification: a student, applicant or former student intentionally and knowingly furnishes false or misleading information or records to the University, including the omission of relevant information or is in possession of forged, altered, misrepresentative documents, records, or instruments of identification.
4. Fraud: intentionally and knowingly attempts to obtain or obtains the property or information about the University or of another person by misrepresentation or fraudulent means.
5. Information Technology and Acceptable Use: intentionally and knowingly commits a theft of electronic information, attempts to gain unauthorized access to computer and other electronic resources or misuses University electronic resources. See policy at <http://policy.ku.edu/IT/AcceptableUse>

D. In relation to student rights, students are given and accept a high level of responsibility to self, to others and the community. Behavior that violates the core value of Responsibility includes, but is not limited to:

1. Alcohol and Drugs: students using, possessing, manufacturing, or distributing controlled substances or alcohol, or whose behavior evidences being under the influence of alcohol or controlled substances. See <http://policy.ku.edu/human-resources/alcohol-and-drug>
2. Violations of Policy: violating other published University policies or rules.

E. Registered Organization

Organizations through their officers, and/or individual members may be held responsible and sanctioned for conduct in accordance with guidelines established for individual students. In addition, the University may impose educational measures.

## **Section VII: Sanctions and Limitations**

Listed in order of increasing severity are the sanctions that may be applied to Non-Academic Misconduct offenses. When appropriate, more than one sanction and/or educational measure may be imposed.



1. **Warning:** Notice in writing that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe action.
2. **Restitution:** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
3. **Fine:** A money payment to a designated University fund.
4. **Disciplinary Probation:** Disciplinary probation shall have as its purpose the rehabilitation of the student or organization and may include suspension of specified privileges for a definite period not to exceed two years. Disciplinary probation may also require the student or organization to participate in specified activities, including one counseling information session, or may prescribe any program which is deemed just and fair under the circumstances of the incident. The authority imposing this sanction may assign any qualified person within the University community, other than an undergraduate student, to act as a probation supervisor. The probation supervisor shall report periodically to the appointing authority. If the probation supervisor reports the student is not fulfilling probation requirements, the case will be reviewed by the appointing authority and remaining members of the original hearing panel, who may recommend additional sanctions.
5. **Campus/Community Service:** Students or organizations may be required to complete a specified number of service hours to an identified campus or community agency. The authority imposing this sanction may assign any qualified person to serve as the service supervisor. If the service supervisor reports the student or organization has not fulfilled the service requirements, the case will be reviewed.
6. **Interim Suspension:** A student or organization may be immediately excluded from classes and/or other University privileges or activities when the student's continued presence on the campus constitutes a danger, or threat of danger, to property, the student, or others. The student will receive a written notice stating the reasons for the interim suspension and the time and place of a hearing to be held within five (5) days at which time the student has an opportunity to show why their continued presence on campus is not a danger. This hearing may also serve as the policy violation hearing.
7. **Student Suspension:** Exclusion from classes and other University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of re-admission shall be stated in the order of the suspension.

8. Organization Suspension: Exclusion from University privileges and activities as set out after a hearing, for a definite period not to exceed two years. The conditions of reinstatement shall be stated in the order of suspension.
9. Student Expulsion: Termination of student status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of expulsion.
10. Removal of Organization Registration: Termination of registered organization status for a minimum of two years. The conditions of renewal or admission, if any, shall be stated in the order of removal of registration.

#### E. Limitations

1. Any appeal of a hearing shall be directed to the University Judicial Board.
2. All complaints should be filed in accordance with University Senate Rules and Regulations 6.3.1.3. In general, the complaint must be made within six months of the date of the incident.
3. Students or applicants who gain admission to the University through false information may have their admission revoked by Director of Admissions, or by the Dean of the applicable School or College, or their designees.

### **Section VIII: Authority**

- A. The Student Affairs Office has the authority to administer this Code of Student Rights and Responsibilities.
- B. Subject to the approval of the Chancellor, authority for the development of rules concerning student non-academic conduct resides in the Student Senate pursuant to Article III, Section 5, of the University of Kansas Senate Code. Nothing in this Code shall be construed to be inconsistent with the intent or purpose of the University of Kansas Senate Code or any other published University or Kansas Board of Regents.