

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

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### **Introduction**

The Code of Student Rights and Responsibilities was originally adopted by the Student Senate, approved by the Chancellor in 1970, and revised in 1986 and revised 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.

As with any community, the University has established standards of conduct for its members. As members of the University community, students are expected to adhere to all published rules, regulations and policies. Students also are obligated to the laws of the city, county, state and nation. Additionally, students living in University-owned and

operated housing units should be acquainted with the appropriate, published procedures and regulations of Student Housing. Registered organizations are expected to adhere to the same standards of conduct as students. Failure to comply with University policies and regulations may subject a student to disciplinary action as described in the Code.

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. The following Code of Student Rights and Responsibilities outlines the rights of students and responsibilities expected within the University of Kansas community.

**Art. 1.** These rules shall be known as the Code of Student Rights and Responsibilities.

### **Bill of Rights**

**Art. 2.** 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.
- 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 based on 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. Policies that outline this right are found in the following: Sexual Harassment Policy: <http://policy.ku.edu/IOA/sexual-harassment>. Racial and Ethnic Discrimination Policy: <http://policy.ku.edu/IOA/racial-ethnic-harassment-policy> Discrimination Complaint Resolution Process <http://policy.ku.edu/IOA/discrimination-complaint-resolution>
- D. The right of students to privacy and to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures is guaranteed. This right is extended to electronic communications. See KU Acceptable Use of Electronic Information Resources. <http://policy.ku.edu/IT/AcceptableUse>
- E. Students will be exempt from disciplinary action that affects their status as students except for academic failure or violation of a published Student Senate, University Senate, University or Regents rule or regulation. Rules and

regulations shall be fully and clearly disclosed in advance of the supposed violations.

- F. No disciplinary sanctions resulting from a violation of rules and regulations, under Article 2(E), may be imposed upon any student or organization without prior written notice of the nature and cause of the charges, and an opportunity to be heard at a fair hearing. A fair hearing shall include confrontation of witnesses against the student or organization and the assistance of a person of the student's or organization own choosing or up to three persons of the student's choosing. See Non-Academic Misconduct Procedures <http://policy.ku.edu/student-affairs/non-academic-student-conduct>
- G. A student or organization charged with violating University regulations is entitled to a fair hearing. See the Non-Academic Misconduct Procedures: <http://policy.ku.edu/student-affairs/non-academic-student-conduct>.
- H. Students are held to the same level of research and publication integrity as are faculty and other University affiliated researchers. University Senate Rules and Regulations describe a policy remedy and procedures to students who may feel that scholarly misconduct has occurred.
- I. Students may not be required to take examinations and tests, other than final examinations, which occur in conflict with mandated religious holidays, provided that the students notify their instructors at the beginning of the semester, as specified in University Senate Rules and Regulations, so an alternate date may be arranged.

## **Definitions**

**Art. 3.** When used in the Code:

- A. 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
- B. 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, those attending orientation sessions, and those that were enrolled at the date of an alleged incident. 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."
- C. The term "instructor" means any person hired by the institution to conduct classroom activities. In certain situations, a person may be both student and instructor. Determination of his or her status in a particular situation shall be by the attendant facts.

- 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 “organization” refers to any organization registered with the University. Registration procedures: <http://silc.ku.edu/registration>.
- F. The term weapon is defined in the University’s Weapons policy. <http://policy.ku.edu/provost/weapons-on-campus>
- G. The term “shall” is used in the imperative sense.
- H. The term “may” is used in the permissive sense.

### **Classroom Expression**

**Art. 4.** Discussion and expression of all views relevant to the subject matter are permitted in the classroom, subject only to the responsibility of the instructor to maintain an efficacious learning environment.

- A. Students are responsible for learning the content of any course for which they are enrolled.
- B. Requirements of participation in classroom discussion and submission of written exercises are consistent with this section.

**Art.5.** Academic evaluation of student performance shall not be prejudicial, capricious, arbitrary, or be based, in whole or in part, upon 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.

**Art. 6.** 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 by written consent of the student.

### **Campus Expression**

**Art.7.** Discussion and expression of all views are permitted within the University, subject only to 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 conjuncture with Articles 14 and 19(C) (1). 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.

**Art. 8.** Students, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities.

## Organizations

**Art. 9.** Organizations may be established within the University for any legal purpose including, but not limited to religious, political, educational, economic, social, or recreational purposes. Complete organization information is available here: <http://silc.ku.edu/registration>

- A. For an organization to be eligible for student activity funds, the organization shall register annually as an organization with the Student Involvement & Leadership Center and file a list of officers and their addresses, and a declaration that the organization shall abide by the rules and regulations of the University, University Senate, Student Senate and the Board of Regents.
- B. Membership in all University-related organizations shall follow the guidelines established in the Board of Regents Membership Statement and shall be open to any student. The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity to meet those standards. Nothing in this section shall be interpreted as imposing a requirement that would violate the principle of selection on the basis of individual merit.
- C. A student may not be denied the rights of access to and participation in any University-sponsored or University-approved activity because of 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.
- D. University facilities shall be available to registered student and campus organizations for regular business meetings, social functions, recreational activities and for programs open to the public. Reasonable conditions, as outlined in approved University policy, may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, time of use, and to insure proper maintenance of the facilities. Subject to the same limitations, University facilities may be made available for assignment to individuals or groups composed of members of the University community, even though not formally registered. Preference may be given to programs designed for audiences consisting primarily of members of the University community.

**Art. 10.** The Student Senate delegates to each organization or living group the authority and responsibility to establish its own rules concerning social conduct. Such rules shall be consistent with this code, rules of the Board of Regents, and state and federal law.

- A. Rules of social conduct shall not be adopted that conflict with a contract entered into as a condition of residency in facilities operated by Student Housing. The signing of such a contract shall not operate as a waiver of constitutional rights. Such contracts contemplated by this section shall be reviewed annually by a body that shall have student representation at least equal to administrative

representation. The living group whose contract is under review must be represented.

- B. An organization or living group may discipline any member for violation of rules of social conduct, provided that any disciplinary action taken shall not affect a member's rights and privileges as a student of this University.

**Art. 11.** 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. 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.

### **Publications**

**Art. 12.** A student, group, or organization may hand out written material on campus without prior approval.

**Art. 13.** The student press must be free of censorship. Its editors, managers and contributors must be protected from arbitrary sanctions, including, but not limited to, those under Article 19 (E).

### **Freedom of Protest**

**Art. 14.** 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.

- A. 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 the orderly conduct of University business.
- B. 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.
- C. 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.

For the purposes of Article 14, the term “organization” is not defined as stated in the definitions section.

## **Violation of Law and University Discipline**

### **Art. 15.**

If a violation of federal, state or local law or ordinance occurs on campus 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.

### **Privacy**

**Art. 16.** Students have the same rights of privacy as any other person and surrender none of these rights by becoming members of the academic community. These rights of privacy extend to those living in University housing. 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. 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. There may be entry without notice in emergencies when imminent danger to life, safety, health, or property is reasonably feared.

### **Art. 17. Jurisdiction**

The University may institute disciplinary proceedings when the alleged violation(s) occurs on University premises or at University sponsored or supervised events, or as otherwise required by federal, state, or local law.

**Art. 18.** The University of Kansas provides for the protection of the educational records and privacy rights of students as required by law, Regents' regulations and University policies, rules and regulations. See the Student Records Policy: <http://policy.ku.edu/registrar/student-record-policy> .

- A. A student shall be accorded the opportunity to inspect and review his or her educational records.
- B. A student may challenge the content or request that the University amend his or her educational records.
- C. The University must respond to a request to inspect and/or amend an educational record within a reasonable period of time.

- D. If the University refuses to amend an educational record, a student will be afforded a hearing before a disinterested person or panel.
- E. Except as provided by law, no one outside the University shall have access to the educational records of a student, nor shall the institution disclose personally identifiable information contained in these records without the written consent of the student.
- F. The University may disclose directory information related to a student, as defined in the Student Records Policy.
- G. The University may disclose personally identifiable information without the consent of the student to personnel within the institution determined to have legitimate educational interests and to others as defined in the Student Records Policy.
- H. The University may disclose personally identifiable information without the consent of the student to other persons as provided by law, to comply with a judicial subpoena or a requirement of law or government regulation or to appropriate persons in a health or safety emergency.
- I. Except to the extent allowed by law or when acting on behalf of the University, those parties to whom personally identifiable information is given are not permitted to disclose that information to others without the written consent of the student.
- J. The University must maintain a record of each disclosure of personally identifiable information about the student, under subsection H.
- K. Excluded from the category of educational records, and to which the law does not guarantee the right of student access, are medical and psychological records that are maintained only in connection with provision of treatment to the student and that are not available to persons other than those providing treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice and with the student's written consent.

## **Conduct of Students and Organizations**

### **Art. 19. Non-Academic Misconduct**

Students and organizations are expected to conduct themselves as responsible members of the University community. While on University premises or at University sponsored or supervised events, or as required by city, state, or federal law, students and organizations are subject to disciplinary action for violations of published policies, rules and regulations of the University and Regents, and for the following offenses:

#### **A. Offenses Against Persons**

An offense against a person is committed when a student:



1. Threatens the physical health, welfare, or safety of another person, places another person in serious bodily harm, uses physical force in a manner that endangers the health, welfare or safety of another person; or repeatedly follows or attempts to make unwanted contact, including but not limited to physical or electronic contact, with another person.
2. Engages in sexual misconduct that includes sexual harassment and sexual violence as defined by <http://policy.ku.edu/IOA/sexual-harassment>
3. Engages in 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. For more see <http://policy.ku.edu/IOA/discrimination-complaint-resolution#retaliation>
4. Engages in discrimination as defined by <http://policy.ku.edu/IOA/discrimination-complaint-resolution>
5. Engages in intimidation defined as implied threats or acts that cause a reasonable person fear of harm of another.
6. Engages in bullying and cyberbullying defined as 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. Engages in stalking defined as a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.
8. Engages in 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. Engages 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.
10. Demonstrates or indicates to another individual his or her possession or immediate control over a firearm, explosive, or weapon; or proclaims to another individual his or her possession or control over a firearm,

explosive, or weapon as a method of intimidation, coercion, threat, distress, or extortion.

11. Uses electronic or other devices to make an audio or video record of any person while on university premises where there is a reasonable expectation of privacy without the person's prior knowledge or express consent, when such a recording is likely to cause injury, distress, or damage to reputation. Such University premises include, but are not limited to showers, locker rooms or restrooms.
12. Falsely reports a bomb, fire, or other emergency.

## B. Offenses Against Property

An offense against property is committed when a student:

1. Knowingly and without proper consent or authorization has in his or her possession the property of another person or the University.
2. Knowingly and without proper consent or authorization removes, uses, misappropriates, or sells the property of another person or the University.
3. Willfully or maliciously damages or destroys property owned or in the possession of another person or the University.
4. Obtains the property of another person by misrepresentation or fraudulent means.
5. Misuses, damages or alters any fire fighting or other safety equipment.
6. Enters the facilities or uses the property of another person or the University without proper consent or authorization.
7. Knowingly and without proper payment utilizes the services of the University which require payment.
8. Commits a theft of electronic information, or gains or attempts to gain unauthorized access to computer and other electronic resources.

## C. Offenses Against the Orderly Process of the University

An offense against the orderly process of the University is committed when:

1. A student intentionally 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.

2. A student or applicant knowingly furnishes false or misleading information to the University.
3. A student, applicant or former student forges, alters, misrepresents or misuses documents, records or instruments of identification.
4. A student interferes with, attempts to or improperly influences the established student discipline procedures of the University.
5. A student has possession or immediate control over a firearm, explosive, or weapon, in violation of the University's weapons policy. Full list of weapons is defined in <http://policy.ku.edu/provost/weapons-on-campus>

#### D. Offenses by an Organization.

Organizations through their officers, and/or individual members may be held responsible for conduct in accordance with guidelines established for individual students under Article 19. Organizations, their officers, and/or individual members may be held responsible for their conduct determined to be a recognized group activity regardless of location (on or off University premises), University supervision or sponsorship, officer knowledge, or official membership approval. Organizations, their officers, and/or individual members may be sanctioned in a manner suitable to the circumstances, similar to those outlined for individual students, under Article 19(E), (F), and (G).

#### E. Sanctions Defined

Listed in order of increasing severity are the sanctions that may be applied to offenses defined in A, B, C, and D. When appropriate, more than one sanction 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 disciplinary 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 case. 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 should report that 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 should report that the student or organization has not fulfilled the service requirements, the case will be reviewed as in Article 19(E)(4).
6. 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.
7. Organization Suspension: Exclusion from 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 reinstatement shall be stated in the order of suspension.
8. 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.
9. Removal of Organization Registration: Termination of registered organization status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of removal of registration.

#### F. Limitations

1. A student or organization alleged to have violated provisions of Article 22 is entitled to a hearing in accordance with procedures established by the Office of Student Affairs. Any appeal from such a hearing shall be directed to the University Judicial Board.
2. No sanctions or other disciplinary measures may be imposed against a student or organization by the University concerning non-academic conduct other than that (a) prescribed in this code, (b) prescribed in leases or contract terms willfully entered into by a student to obtain accommodations operated by Student Housing, or (c) prescribed in rules of non-academic conduct adopted by other University organizations pursuant to express authorization granted by the Student Senate.

3. No complaint may be filed with the Office of Student Affairs against a student or organization if more than six months has elapsed since the occurrence of the conduct in violation of University rules concerning non-academic misconduct, with the exception of Article 19 (C)(2), which shall have no statute of limitations.
4. After a complaint of a violation of University rules concerning non-academic misconduct is received by an Office of Student Affairs official, written notice of the allegations must be sent to the student or organization within thirty (30) calendar days (including orientation and final examination weeks).
5. Students or applicants who gain admission to the University through false information may have their admission revoked by the Director of Admissions or designees in consultation with the academic dean and the Director of Admissions or their designees.

#### G. Interim Suspension

Student may be immediately excluded from classes and 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 the student has an opportunity to show why his or her continued presence on campus does not constitute a danger, or threat of danger, to others, the student, or property.

#### **Authority**

**Art. 20.** The Office of Student Affairs has the authority to administer this Code of Student Rights and Responsibilities.

**Art. 21.** 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 V, Section 4, 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.

#### **Review, Approval & Change History**

Last revised by Student Senate May 7, 2014, revisions approved by Chancellor on July 22, 2014, effective on August 5, 2014.