

EXECUTIVE SUMMARY

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draft

INFORMATION ITEM: PROPOSED REVISIONS TO ABOR STUDENT CODE OF CONDUCT (ABOR POLICY 5-308) AND ABOR STUDENT DISCIPLINARY PROCEDURES (ABOR POLICIES 5-401 THROUGH 404) (FIRST READING)

ISSUE: The Board is asked to consider proposed revisions to the Student Code of Conduct (ABOR Policy 5-308) and the Student Disciplinary Procedures (ABOR Policy 5-401 through 5-404), which govern student conduct at the three universities.

BACKGROUND:

- The ABOR Student Code of Conduct (ABOR Policy 5-308) governs student conduct at all three universities. It describes the jurisdiction of the Board and the universities with regard to student conduct. It also describes prohibited conduct and sanctions for violations of the Student Code of Conduct.
- The ABOR Student Disciplinary Procedures (ABOR 5-401 through 5-404) describe the process for initiating a complaint of student misconduct and for providing due process for students accused of violating the Student Code of Conduct.
- The Student Code of Conduct and the Disciplinary Procedures were last updated in f 2000. The proposed revisions described in this summary are intended to update the policy to reflect best practices, to update the descriptions of prohibited conduct, to provide clearer guidance for students who are alleged to have violated the Student Code of Conduct, and to conform to Arizona law.
- If approved, the proposed revisions will become effective July 1, 2008.
- The Dean of Students' staff and attorney representatives from ASU, UA, and NAU, in consultation with the General Counsel for the University System have participated in a working group to develop these proposed updates to the Student Code of Conduct and the Student Disciplinary Procedures. Proposed revisions have been shared with representatives of the student government and faculty and staff organizations at each institution.

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- The proposed revisions to the Student Code of Conduct are set forth in the attached draft. Highlights of these revisions include:
  - Updates to extend jurisdiction for off-campus conduct (for students and recognized student organizations) to include any off-campus conduct that may present a danger to the safety of the university community or that may interfere with the protection of university interests or the pursuit of university objectives;
  - Addition of definitions of prohibited weapons, explosives and fireworks. (The current Student Code of Conduct does not include these definitions. Universities have been relying on definitions contained in university policies and the prior Code of Conduct.)
  - Updates to the definitions of gambling and hazing to reflect current Arizona law.
  - Updates to the descriptions of the following prohibited conduct: threatening behavior, discrimination (to incorporate university policies), surreptitious videotaping (new), weapons possession and related violations.
  
- The proposed revisions to the Student Disciplinary Procedures are set forth in the attached draft. Highlights of these revisions include:
  - Enhancement of the interim suspension provision, which permits the Dean of Students to restrict or suspend a student for an interim period prior to the resolution of a disciplinary proceeding if the Dean becomes aware of credible information that supports an allegation of misconduct, and determines that the continued presence of the student on the university campus or at university sponsored events poses a threat of harm or substantial disruption.
  - Change of the date that the notice of hearing is sent to the student from 10 days before the hearing to 20 days, to conform to the Arizona Administrative Procedures Act requirement (A.R.S. § 41-1061(A)).
  - Modifications to the pre-hearing procedures to clarify the rules and provide flexibility for the student, the Dean and the Hearing Board.

## RECOMMENDATION:

The proposed revisions to ABOR policies 5-308 and 5-401 through 5-404 are submitted for first reading.