

SENATE RESOLUTION #2083

Title: Urging Fairness and Clarity in the UW Student Code of Conduct

Date: March 26, 2004

Authors: Senators Carothers, Granum and Owens

Sponsors: Senators Carothers, Granum, Nakayama, Owens, Shah

1. WHEREAS, the University of Wyoming Division of Students Affairs is
2. developing a new Student Code of Conduct to guarantee the rights and
3. govern the behavior of students of the University of Wyoming; and
4. WHEREAS, ASUW supports this endeavor to protect student rights and
5. promote acceptable student conduct, but harbors reservations about the
6. current draft; and
7. WHEREAS, the current code, Draft Q, contains several instances of
8. ambiguous language about rights guaranteed to and responsibilities required
9. of individual students; and
10. WHEREAS, such ambiguous language could be used by future university
11. administrators to levy against individual students sanctions inconsistent with
12. the United State Constitution and generally accepted standards of due process.
13. THEREFORE, be it resolved that the Associated Students of the University of
14. Wyoming call upon UW administrators to make fundamental changes to the
15. current draft of the Student Code of Conduct before implementing that
16. code; and
17. THEREFORE, be it further resolved, members of the next ASUW body,
18. 2004-05, will seek delivery of these changes by personally lobbying the

19. proper administrators as encouraged by President Dubois during the last
20. senate meeting of 2003-2004; and
21. THEREFORE, be it further resolved that those changes should be consistent
22. with the recommendations detailed in Addendum A.

Referred to: Student Issues Committee

Date of passage: April 20, 2004

Signed:

Sabrina T. Baug
(ASUW Chairperson)

“Being enacted on 4-22-04, I do hereby sign my name hereto and
approve this Senate action.”

J. R. [Signature]
ASUW President

ADDENDUM A

I. Purpose

Remove the language concerning “social behavior consistent with the lawful purpose of the university.”

There is no social behavior consistent with the lawful purpose of the university. The Wyoming Constitution makes no mention of such “social behavior.” If the purpose of this language is to say students should not do illegal things, that sentiment is already covered in this section. The university should avoid vague, long-winded statements of principal, when shorter, clearer statements will do.

IV. Authority for Student Discipline

B. Jurisdiction of the University

Remove the language concerning “that occurs off university premises and adversely affects the university community and/or the pursuit of its objectives.”

First, the language about adversely affecting the university community is so vague as to be meaningless in protecting individuals’ expression rights. What adversely affects the university if it isn’t illegal conduct? Rooting for Colorado State? Calling UW students pariahs? If this language is intended to keep students from harming the property or legal rights of others while off campus, it should say as much.

Second, students are not required, nor should they be required, to support the university’s objectives. If students hold a rally, for instance, whether it is on campus or off, they should at all times feel free to exercise their First Amendment rights to criticize the objectives of the university. Such free expression is critical both to democracy and to the pedagogical notion of academic freedom. This vague statement does nothing to protect that principle and does everything to leave its protection suspect.

D. Students, Organizations and Guests

Protect the right of UW groups to hold conferences and competitions without fear that their group may be punished for the behavior of others.

While the intent of the language holding students and student groups responsible for their guests’ behavior is understandable, we wonder when such a provision would be enforced. If a group of students holds a science fair in which hundreds of high school students attend, will that group of UW students be held responsible for property damage caused by a couple of 13-year-olds? If so, what incentive do student groups have to host such important educational forums? We share this concern wherever the code mentions a person’s responsibilities for guests.

V. Prohibited Conduct

A. Offenses against the University Committee

5. Disorderly conduct...

Make sure that academic freedom isn't limited by the ban on "indecent or profane" speech.

We worry that this section would limit the expression of ideas that aren't politically correct. We don't want a university where harassment is seemingly invited, but we don't want a university that can't discuss the cultural origins of a "profane" word. These concerns also apply to Section B.1., which seeks to prevent a "climate of fear." We don't want the prohibition of such a climate to silence, for instance, someone's religious beliefs.

E. Abuse, misuse or theft of computer data, equipment, programs, time and/or violation of Information Technology policies, including but no limited to:

6. "Use of computing facilities for personal profit, other than authorized university business"

Remove the language prohibiting students from using computers for profit.

Some students at the University run and maintain their own businesses. We feel that if a student is using a computer to maintain or create website for their business they should be allowed to do so. As such we feel that this should be changed to say that "Use of computing facilities for illegal activity" Students that work for IT have to clock in and out using University computers; we feel that this could be construed as "personal profit." We feel that because of this vagueness the section should be changed.

VI. Judicial Policies

A. Procedural Standards and Protections

9. Student's Right – There should be a new section created for this issue, and all sections thereafter renumbered

Ensure that accused students are afforded the right to question witnesses during a disciplinary proceeding.

We feel that if hearing officers have the ability to question witnesses, students should be afforded that same right.

D. Informal Process — Disciplinary Conference.

1. Admission of responsibility.

Make sure that students have the right to appeal a sanction levied against them even if they have admitted responsibility for a prohibited action.

The code now takes all appeals away from students once they agree to a disciplinary conference. We worry that if the initial outcome is merely a finding

of guilt, a punishment arrived at later might be overly harsh. Students should have the right to appeal in such a case.