

UW REGULATION 229

Authority of University Officers regarding Administration of University Requirements

1. PURPOSE.

To clarify the authority of University Officers to take actions concerning students who have not complied with University requirements.

2. GENERAL INFORMATION.

Within the University, various requirements and standards of behavior exist which must be observed by students in order that University goals be accomplished. The failure of a student to observe duly established rules, codes or regulations requires corrective action by authorized persons. Such action may take the form of a determination that a student should be exempt from a particular requirement because of extenuating circumstances, or it may necessarily have to take the form of a disciplinary action. The association of the student with the University is voluntary, and any student (with the exception of a student with a pending UW judicial action) may withdraw from the University at any time it is felt that the responsibility of membership is disproportionate to the benefits derived. However, during the application for admission process and while enrolled, the student must observe applicable standards and be subject to delegated University authority which may involve the exercise of judgment and discretion by authorized persons.

University Officers are responsible for the performance of various functions pursuant to University standards and must participate in enforcement of them. Such persons are authorized to take the actions described hereafter, which should be considered along with informal corrective measures such as counseling, guidance or admonition.

3. UNIVERSITY OFFICERS.

Officers of the University designated in reference (a) (defined as: the President; Administrative Officers, to include the principal administrative officers of the University and the heads of their administrative subunits; and Academic Officers, to include Deans, Directors, Associate and Assistant Deans and Department and Division Heads) are charged with responsibility for the effective administration of functions assigned to them and must strive to assure compliance with published procedures, regulations, and duties related to the Officer's functions and responsibilities. It is incumbent upon University Officers to take action whenever they receive reports, observe or otherwise become cognizant of student conduct prohibited by governing regulations, or that University benefits, privileges, or rights have been obtained by students as a result of false information, forged documents, willful concealment of required information, failure to fulfill specific representations, administrative error, and other similar occurrences. Except

as may be otherwise provided by University Regulations, the following actions by University Officers are authorized.

A. Authorized Actions.

- (1) An Officer of the University acting within the area of designated responsibility, and after consultation with any other concerned Officers, may make exceptions or modifications to existing procedures, rules or regulations in individual cases involving extraordinary circumstances when the individual student has petitioned for such action and it appears in the discretion of the Officer that the request or a variation thereof, should be granted. Consideration should be given to all relevant factors such as:
 - (a) Maintenance of general academic standards.
 - (b) General principles of equal treatment of all students.
 - (c) Contribution to the student's problem by University faculty or staff members through misinformation or failure to properly perform duties or undertakings.
 - (d) Effect of denial of the petition.
- (2) In cases of negligent or willful failure of students to comply with requirements, regulations, or specific directives, or the commission of acts of dishonesty, the cognizant Officer may cancel any benefits, privileges and rights attained as a result thereof, and/or deny further benefits, privileges and rights within the designated area of responsibility. When appropriate to the conduct involved, such cancellation may extend to registration as a student, financial aid, use of facilities, etc. An Officer may impose any other form of University authorized disciplinary sanction if deemed appropriate for the conduct involved (see *Student Code of Conduct*). The Officer may impose informal corrective action in the form of counseling, guidance, and admonition, and should carefully consider use of such measures in any case.
- (3) Executive Director of Residence Life, Dining Services, and Wyoming Union. In addition to the authority to be exercised by a University Officer, the Executive Director of Residence Life, Dining Services, and Wyoming Union is specifically authorized to impose University disciplinary sanctions upon any student determined to be guilty of misconduct within University provided housing, cafeterias and areas related to such housing. Such disciplinary sanctions shall be in accordance with the rules and procedures outlined in the *Student Code of Conduct*

- (4) Director of Student Health Services. In addition to the authority to be exercised by an Officer, the Director of Student Health Services (in consultation with other Officers or acting upon the Director's medical judgment) is authorized to immediately impose a medical suspension from the University for any student whose state of health, mental or physical, poses a threat to the health or safety of the individual or other persons, or which directly contributes to the disruption of normal University activities. Such medical suspension shall be in accordance with the procedure and review process in the *Student Code of Conduct*.

B. Procedures.

When imposing sanctions (other than medical suspension or residence life and dining services violations) the Officer concerned shall:

- (1) Give written notice to the student of the specific conduct for which action adverse to the interests of the student is contemplated; the sanction that may be imposed; and the requirement, rule, regulation or directive which is alleged to have been violated.
- (2) Provide a hearing within thirty (30) calendar days of the written notice by the Officer or his appointed designee at which the student will hear the evidence against him and present evidence in defense.
- (3) In situations requiring immediate sanctions, for example student misconduct in class or in the gyms, the written notice in (1) above shall be electronically conveyed and mailed or personally delivered to the student within five (5) business days of the event requiring immediate sanction.

C. Record.

A written statement shall be prepared by the Officer concerned in every case where an action is taken which affects the student's continuance at the University or which is in the nature of a disciplinary action. Such statement shall contain a description of the conduct involved, the standard violated, and the action taken. A copy of such record shall be transmitted within five (5) business days to Dean of Students, for retention in the judicial record of the student. An additional copy shall be provided the Registrar if the action affects continued enrollment in the University.

D. Review.

The imposition of sanctions by University Officers, or the denial of a petition for an exception or modification to existing procedures, rules, or regulations, as herein authorized, may be appealed. Grounds for the appeal are limited to (a) failure to follow proper procedures or (b) newly discovered relevant facts. Such appeals shall be in the

form of a written request addressed to the University Officer's immediate superior Officer for a review of the action taken. The request shall include a statement of facts and circumstances asserted to justify reversal or modification of the action, and it shall include a copy of the action being appealed as well as a copy of the original petition seeking an exception. The superior Officer may reject the appeal on the basis of insufficient grounds; cause further hearing on the matter; set aside the action; mitigate the action taken; or approve the action. The decision of the reviewing officer shall be final. The appealing student shall be notified in writing of the reviewing Officer's decision and a copy shall be filed with Dean of Students.

E. Effective Date.

Actions taken by an Officer shall be effective from the time and date specified in written notification from the Officer to the student, which shall be no earlier in time than the time of the decision, except in situations requiring immediate sanctions where the Officer's decision shall be effective immediately subject to final decision in the hearing. The Officer may defer the effective date pending completion of review by a superior Officer if the student so requests; provided, however, the action will be effectuated if the Officer fails to receive a copy of the student's written request for review within five (5) business days. No action immediately terminating a student's enrollment (except a medical suspension) shall ever be effected until approved by the Dean of Students or appointed designee. A copy shall be filed with the Dean of Students.

F. Dispensation of Notice and Hearing Requirements.

The foregoing requirements for notice and hearing need not be observed in cases in which a student admits a violation to the Officer. No hearing need be held if the student fails to respond within a reasonable time to notices sent to his/her local address. If the student fails to appear at a hearing, the Officer may take action but a review will be afforded the student in any case in which the student desires to contest the action.

4. TIME LIMITATIONS ON APPEALS.

All appeals of decisions of University Officers will be reviewed by the superior University Officer when received within thirty (30) calendar days from the date of the decision. Any appeal received after such time may be dismissed and no further review or appeal shall be provided. Within the discretion of the superior Officer, the time for appeal may be waived whenever deemed warranted because of extenuating facts and circumstances presented by the appealing student; provided, however, no review may be conducted after the expiration of one year.

Source:

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