

# **Student Government Association of Western Carolina University**

## **Student Bill of Rights**

### **The Preamble**

This institution exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and expression are necessary for the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable in relation to academic freedom. The freedom to learn is dependent upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. All members of the academic community share the responsibility to secure and respect general conditions conducive to the freedom to learn.

As members of the academic community we do hereby ordain and establish this Student Bill of Rights to be what we believe are essential elements for student freedom to learn.

### **1. Article the First: Freedom of Access to Higher Education**

The admissions policies of this university shall make clear to the students the expectations it considers relevant to success in its program. Under no circumstances will a student be barred from this institution on the basis of race, color, national origin, religion, sex, age, handicap, or sexual orientation. The facilities and services of this university will be open to all its enrolled students.

### **2. Article the Second: In the Classroom**

The professor in the classroom and in conference shall encourage free discussion, inquiry, and expression. Students are to be evaluated solely on the basis of their academic performance, not on their opinions or conduct in matters unrelated to academic standards.

#### **Section A: Protection of Freedom of Expression**

Students are responsible for thoroughly learning the content of any course of study, but they are free to take a reasonable exception to the data or views offered, and to reserve judgment about matters of opinion.

#### **Section B: Protection Against Improper Academic Evaluation**

Students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled. At the same time, they will have protection through orderly procedures against prejudiced or capricious evaluation.

## **Section C: Protection Against Improper Disclosure**

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructor, advisors, counselors, etc. , shall be considered confidential. Protection against improper disclosure is a serious professional obligation.

## **3. Article the Third: Student Records**

This institution has a carefully considered policy concerning information which should be a part of the student's educational permanent record and to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records are kept separate, and the conditions of access to each are set forth in the following policy statement.

### **Section A: Conditions of Release**

The university shall not provide information to unauthorized persons. Academic information may not be released without the expressed written consent of the individual involved. Information contained within disciplinary files may be given only to or by authorized persons and then only with the consent, written and expressed of the individual concerned except under legal force or in cases where the safety and property of persons is involved.

### **Section B: Authorized Person**

"Authorized persons" are those deemed so by the Board of Trustees, the Chancellor of the University, the Vice Chancellor for Academic Affairs, or the Vice Chancellor for Student Affairs.

### **Section C: Release Forms**

A release form is provided to the student giving permission for the university to give full reports on an individual's college career, including personal records.

### **Section D: Content of Records**

No records shall be kept which reflect the political activities or beliefs of students, exclusive of voluntary indications of memberships in churches, political clubs, or organizations.

### **Section E: Student Access**

Access to records kept concerning the student shall be guaranteed to each student, subject only to reasonable regulations as to time, place, and supervision. Each student shall be guaranteed the right to insert rebuttal or explanatory information into any record, and to challenge the content of any file, the institution shall provide for an orderly and impartial hearing of grievances. A finding for the student shall strike the challenged information for the record.

### **Section F: Disciplinary Records**

Other than university expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential disciplinary record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than university suspension or university expulsion upon application to the Vice Chancellor. Cases involving the imposition of sanctions other than university suspension or university expulsion shall be expunged from the student's confidential record five years after the disposition of the case.

## **4. Article the Fourth: Student Affairs**

In Student Affairs, certain standards must be maintained if the freedom of students is to be preserved.

### **Section A: Freedom of Association**

Students bring to the campus a variety of interests and develop new ones. As members of the academic community, students are free to organize and join associations to promote their common interests, subject to the following and subscribed university procedures:

1. Each organization shall choose its own campus advisor. It is the responsibility of organizational advisors to advise and consult only. They shall not have the authority to control the policies or the organization. Advisors shall make their organizations aware of university policies.
2. Organizations shall be required to submit a statement of purpose, membership requirements, rules of procedures, and a current list of officers and members.
3. Students and student organizations are free to express publicly or privately their beliefs and views. They are also free to support causes by any orderly means which do not disrupt the regular and essential operation of the university.
4. Campus organizations shall be open to all students without respect to race, color, national origin, religion, sex, age, handicap, or sexual orientation.

### **Section B: Freedom of Inquiry and Expression**

1. Within limits of law and responsible behavior, as required by university regulations, students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions both publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operations of this institution. Student organizations shall make it clear that they speak only for themselves in their public expressions or demonstrations.
2. Students shall be allowed to invite and hear any person of their own choosing, subject to limitations by statutes of North Carolina law and university regulations. While the orderly scheduling of facilities may require the observance of routine procedures before a guest speaker is invited to appear on campus, institutional control of campus facilities shall never be used as a device of censorship. It is made clear to the academic and larger community that sponsorship of guest speakers does not imply approval or disapproval of the views expressed by either the sponsoring group or the institution.

### **Section C: Student Participation in Institutional Government**

As members of this academic community, students shall be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body shall have clearly defined regulations affecting student affairs. The role of the student government and its specific responsibilities shall be made explicit and the actions of the student government within the areas of its jurisdiction shall be free from arbitrary intervention.

### **Section D: Student Publications and Radio Service**

Student publications, the student press, and the university radio service are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They

are a means of bringing university concerns to the attention of the students, faculty, and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

1. The student press and radio service shall be free of censorship and advance approval of copy, and its editorial policies and news coverage shall be freely developed by the editors and general managers.
2. Editors and general managers should subscribe to the canons of responsible journalism. They shall be protected from arbitrary suspension or removal because of student, faculty, administrative, or public disapproval of editorial statement or policy. Only for proper and stated causes shall editors and general managers be subject to removal and then only by orderly and prescribed procedures.
3. The institution shall not in any way attempt to have an accredited representative of the college press violate a promise of confidentiality, nor to produce unpublished information.

## **5. Article the Fifth: Off-Campus Freedom of Students**

### **Section A: Exercise of Rights of Citizenship**

University students are both citizens and members of the academic community. As citizens, students enjoy the same freedom of speech, peaceful assembly, and the right to petition that other citizens enjoy. As members of the academic community, they shall be subject to the obligations which arise by virtue of this membership. Faculty members and administrative officials shall insure that the institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their off-campus activities and their exercise of the rights of citizenship.

### **Section B: Institutional Authority and Civil Penalties**

Activities of students may upon occasion result in violation of the law. In such cases, institutional officials shall be prepared to inform students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority shall never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved, should the special authority of the institution be asserted. The student who violates institutional regulations in the course of off-campus activity shall be subject to no greater penalty than would be normally imposed if the same incident occurred on campus.

## **6. Article the Sixth: Procedural Standards in Disciplinary Proceedings**

All organs of discipline of this university shall guarantee procedural fairness to an accused student. The jurisdictions of faculty or student judicial bodies, the disciplinary procedures, including the student's right to appeal a decision, shall be clearly formulated and communicated in advance.

In all situations, procedural fair play requires that students be informed of the nature of the charges against them, that they be given a fair opportunity to defend themselves, that the university not be arbitrary in its actions, and that there be provision for appeal of a decision.

### **Section A: Standards of Conduct Expected of a Student**

Disciplinary action shall be instituted only for violations of standards of conduct defined in advance and published through such means as the Student Handbook.

## **Section B: Standards for Search and Seizure**

The rights of students to be secure in their person, on-campus living quarters, papers, and effects against unreasonable searches and seizures shall not be violated. The institution shall not consent to nor institute a search of a student room without a properly executed search warrant. There may be entry without notice only in the case of emergencies where imminent danger to life, health, safety, or property is reasonably feared. Entry may be made without the student's presence for purposes of routine repair and maintenance. For premises such as residence halls controlled by the university, conditions are set forth in this explicit policy statement.

1. By delegated authority, residence hall directors are eligible to conduct a search. The Director of Housing shall be informed as to the necessity of such a search and made aware of the conditions which have provoked it.
2. The privilege of room search does not include the opening of any locked personal property in the room. Upon refusal of the owner to open any locked personal property, the property in question may be opened when a search warrant has been obtained.
3. Full reports shall be made on the search by the official conducting the search. Copies shall be forwarded to the Housing Office and the Vice Chancellor for Student Affairs.
4. Students detected or arrested in the course of serious violation of institutional regulations, or infractions of ordinary law shall be informed of their rights. No form of harassment shall be used by institutional authorities to coerce admission of guilt or information about conduct of other suspected persons.

## **7. Article the Seventh**

### **Section A**

The reporting of grades shall be considered a confidential matter between the academic institution and the student.

1. Grades shall be reported to the student at the address he directs.
2. Grades shall not be reported directly to the student's parents or legal guardian without the student's written permission.
3. Honor grades may be publicly recognized.

### **Section B**

A student's grade shall not be lowered as a punishment for misbehavior or other nonacademic reasons.

### **Section C**

A student shall not be denied a degree because of nonacademic misconduct if he has fulfilled all academic requirements for graduation.

## **8. Article the Eighth: Unenumerated Rights**

Enumeration of rights shall not be construed to deny or disparage others retained by students in their capacity as members of the student body or as citizens of the community at large.