

[Interim] Rule R6-400A: Student Civil Liberties Clarifications.

Revision 0. Effective date: August 1, 2019

I. Purpose and Scope

- A. Purpose: The purpose of this Interim Rule is to align certain sections of Policy 6-400 (Student Code) with the requirements of Regents Rules R780-800—Student Due Process and R780-900—Weapons on Campus. This Interim Rule will be replaced during the 2019/2020 academic year with a more comprehensive revision of Policy 6-400 currently underway.
- B. Scope: This Interim Rule applies for all persons and in all contexts governed by the relevant provisions of Policy 6-400 described here.

II. Definitions

The definitions of terms in Policy 6-400 apply for purposes of this Interim Rule, including the terms “Student,” “Behavioral Misconduct,” and “Professional Misconduct.”

III. Rule

A. Notice.

A student involved in a proceeding for Behavioral Misconduct (Section III) and/or Professional Misconduct (Section VI) under Policy 6-400, in which the alleged misconduct could result in imposition of a sanction of dismissal or a suspension greater than ten (10) days, shall receive notice of the allegations against them prior to being interviewed about the alleged misconduct. The notice shall inform the student of their right to have an advisor throughout the process and that the advisor may be an attorney.

B. Right to Active Participation of Advisor During Formal Disciplinary Hearings.

A student involved in a formal adjudicatory hearing for Behavioral Misconduct (Section III) and/or Professional Misconduct (Section VI), under Policy 6-400, in which the alleged misconduct could result in imposition of a sanction of dismissal or a suspension greater than ten (10) days, may have their advisor (including an attorney) participate in, and advocate on their behalf, during the hearing.

C. Firearms Possession or Use.

It shall not be a violation of Policy 6-400 Section III-A-7 (Standards of Behavior—possession or use of firearm) for a student to possess or use a firearm on University premises or at University activities unless such possession or use violates Utah law governing such possession or use.

IV. Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Policy 6-400: Code of Student Rights and Responsibilities.

V. References

- A. [Utah Code Ann. §53B-27-302](#): Student Civil Liberties Protection Act
B. Utah Administrative Code [Rule R780-800-1](#) *et seq.*: Student Due Process
C. Utah Administrative Code [Rule R780-900-1](#) *et seq.*: Weapons on Campus

VI. Contacts

The designated contact officials for this Regulation are:

- A. Policy Officer: Sr. Vice President for Academic Affairs and Sr. Vice President for Health Sciences. Vice President for Student Affairs
B. Policy Owner (primary contact person for questions and advice): Dean of Students

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

History: This Interim Rule was put into effect on August 7, 2019 by University President Ruth Watkins. The Interim Rule was required in order to comply with the Student Civil Liberties Protection Act and Utah Administrative Code Rules R780-800-1 et seq. and R780-900-1 et seq. It will remain in effect until a revision of Policy 6-400 is completed incorporating the substance of this Interim Rule.

[Legislative History](#)