

Rationale for the Revision Of GR XI - Student Affairs

Subsequent to the 2005 contested election for Student Government Association president, Interim Provost Smith charged an ad hoc committee with the task of reviewing and revising GR XI (Student Affairs) to clarify the relationship between the University and the Student Government Association (SGA). In addition, Provost Smith asked the ad hoc committee to recommend the jurisdictional authority the University Appeals Board should be given over decisions rendered by hearing bodies established by the SGA and other registered student organizations.

The ad hoc committee's work was guided by three principles:

- (1) To ensure the Student Government Association has sufficient autonomy to function as a representative and deliberative body;
- (2) To affirm the University's responsibility for and authority over SGA operations in matters related to fiscal affairs and adherence to the rules, policies and regulations of the University.
- (3) To incorporate within GR XI the definitional elements of the University Appeals Board, as prescribed by the *University Senate Rules* and the *Code of Student Conduct*, pertaining to the Board's jurisdiction, the appointment of its members, and the general procedures governing the Board's operation.

Provost Smith and Assistant Provost Greissman met with SGA President Rebecca Ellingsworth in December to review an earlier version of the document and made significant changes in response to SGA requests. The current version of the revised document [the version dated 12.20.05], has been forwarded to SGA and, to the best of our knowledge, adequately addresses all objections made on behalf of SGA to date.

GR XI Section A

The revised language in *Section A* clarifies the relationship of the SGA and the University, affirming on the one hand the relative autonomy of the SGA, and on the other hand establishing the University's authority over SGA operations in matters related to fiscal affairs and adherence to the rules, policies and regulations of the University.

GR XI Sections C-G

Sections C-G of the revised GR XI incorporate the language found in AR III-1.0-1 (University Appeals Board). Therefore, the ad hoc committee recommends that AR III-1.0.1 be deleted from the *Administrative Regulations* after the revised GR XI is adopted by the Board of Trustees. These sections also incorporate within GR XI the policy statements from the relevant sections of the *University Senate Rules* and the *Code of Student Conduct* that enumerate the University Appeals Board's jurisdiction, appointment of faculty and student members, and general procedures by which the Board operates.

The ad hoc committee recommended and Provost Smith accepted the following changes to the policies governing the University Appeals Board. A rationale for each policy change is provided.

(1) GRXI C.3(c)

RECOMMENDED CHANGE

The UAB shall have jurisdiction over final decisions of University hearing agencies in which a student alleges a violation of student rights. In a case involving a student election in which a candidate alleges that his or her student rights were violated, the UAB may affirm the decision of the Student Government Association appellate body, refer the matter back to the Student Government appellate body to correct the error identified by the UAB, or affirm or void the election. The jurisdiction of the UAB does not extend to the selection of the President of the Student Government Association.

RATIONALE

Whenever a student alleges his/her rights have been violated the University has a compelling interest to ensure that the aggrieved student is afforded the right of final appeal to a University appointed hearing agency, namely the University Appeals Board. The inclusion of language on student elections honors a request to the Provost by the SGA President that the decisions of the University Appeals Board not determine the final selection of the President of the Student Government Association.

(2) GR XI D.2/GR XI D.3

RECOMMENDED CHANGE

D.2 A hearing panel of the UAB shall consist of nine (9) members, at least five (5) of whom are faculty members, and a Hearing Officer, who shall be the chair.

D.3 A quorum for the conduct of business will be nine (9) members including the Hearing Officer, at least five faculty members (exclusive of the Hearing Officer) and at least one (1) student.

RATIONALE

To avoid tie votes, the number of members constituting a quorum should be an odd number.

(3) GR XI E.1

RECOMMENDED CHANGE

1. The Hearing Officer

The Hearing Officer shall be the Chair of the hearing panel and shall be a person with training in the law appointed by the President of the University for a three-year term, subject to reappointment.

RATIONALE

The learning curve for a hearing officer is measured in years and not a single year. Annual reappointment is counterproductive.

(4) GR XI E.3

RECOMMENDED CHANGE

3. The Faculty Members

Faculty members of the UAB shall be appointed to staggered three-year terms by the President of the University upon the recommendation of the University Senate Council. All terms shall begin on September 1 and end on August 31. To minimize the possibility of a conflict of interest, faculty members with primary administrative appointments (more than fifty percent of their assignment allotted to administration) shall not be appointed to the UAB.

RATIONALE

Most, if not all, appeals in cases pertaining to academic and non-academic matters are reviewed by deans and/or vice presidents before the appeals reach the University Appeals Board. Excluding deans and vice presidents from service on the University Appeals Board will eliminate the possibility of a conflict of interest.