

RESOLUTION

concerning

AMENDMENT TO THE GUIDELINES FOR STUDENT RIGHTS AND
RESPONSIBILITIES
AND JUDICIAL PROCEDURES

November 6, 1998

WHEREAS, The Board of Trustees of the Connecticut State University System has established Guidelines for Student Rights and Responsibilities and Judicial Procedures that include a list of student offenses and maximum penalties which are operable at all four universities of the Connecticut State University System, and

WHEREAS, The Board established in 1990, a student Offense #28, "Fighting Words" in the Proscribed Conduct Section A of the above referenced document as one aspect of these Guidelines, subsequently included in more recent revisions of the Guidelines, and

WHEREAS, The procedures and parameters constitutionally required to apply this Offense have made it too difficult to implement consistently, therefore be it

RESOLVED, That Offense #28 in the Student Rights and Responsibilities and Judicial Procedures, as most recently revised in BR#97-61 be removed and Offenses #28 and #29 be added to replace the "Fighting Words" Offense:

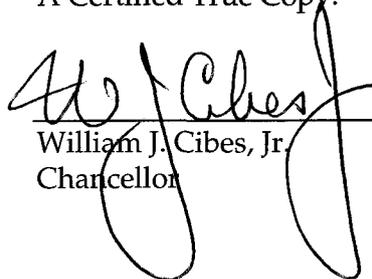
#28. Conduct harmful to others: Any conduct which is harmful to any person's health, safety, or personal well being, including physical abuse, verbal abuse, threats, intimidation, harassment, sexual misconduct, coercion or any other conduct which threatens or endangers the health or safety of any person.

#29. Conduct which violates federal, state, and/or municipal laws and/or ordinances.

and be it further,

RESOLVED, That the Board will continue to review the Guidelines for Student Rights and Responsibilities and Judicial Procedures, to ensure that all procedures, processes and offenses are amended to reflect current needs.

A Certified True Copy:



William J. Cibes, Jr.
Chancellor

ITEM

Amendment to the Guidelines for Student Rights and Responsibilities and Judicial Procedures

BACKGROUND

In 1989 and 1990, several incidents which appeared to be racially motivated occurred at Central Connecticut State University. The incidents resulted in charges between students, campus police and students, and faculty and students. The offense being charged in these instances was that the behavior and verbal abuse during the incidents were racially demeaning and offensive. The absence of an Offense to address these incidents was noted and the following Offense was developed by staff and approved by the Board of Trustees:

#28 Fighting Words: Personally abusive words or epithets (written or spoken) directed at an individual or individuals to harass such individual or individuals, which words or epithets, when directly addressed to any ordinary person are, in the context used and as a matter of common knowledge, inherently likely to provide an immediate violent reaction, whether or not they actually do so. Such words include, but are not limited to those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability, and other personal characteristics.

The above Offense required review and approval by the Connecticut Attorney General's office before being published and implemented.

On January 18, 1990, a response was provided regarding the "Fighting Words Doctrine" written by Mr. John R. Whelan, Assistant Attorney General. Mr. Whelan expressed concern and caution in implementing the "Fighting Words Doctrine" because the "practicalities of implementing the complicated and conflicting legal and policy considerations" in this issue "must give respect to the First Amendment and academic freedom." It was made very clear to the Universities that this policy would be closely monitored by the A.C.L.U. and that all related incidents to this Offense should be submitted to the Attorney General's office for review and advice.

ANALYSIS

In response to members of the Student Life Committee, Council of Student Affairs and the Student Advisory Board the entire CSU Guidelines for Students' Rights and Responsibilities and Judicial Procedures was reviewed by Attorney Naomi Stonberg, outside counsel to the Board. The "Fighting Words" offense was the first area of concern and discussion. Subsequent discussions with the Council of Student Affairs, the Student Advisory Board (10/15) and Attorney Jim Grady from the Attorney General's office resulted in the following recommendations:

- To Rescind: #28. Fighting Words (as stated above)
- To Replace it with the following two Offenses:

#28. Conduct harmful to others: Any conduct which is harmful to any person's health safety, or personal well being, including physical abuse, verbal abuse, threats, intimidation, harassment, sexual misconduct, coercion or any other conduct which threatens or endangers the health or safety of any person.

#29. Conduct which violates federal, state, and/or municipal laws and/or ordinances.

CHANCELLOR'S RECOMMENDATION

Approve the amendment to the Guidelines for Student Rights and Responsibilities and Judicial Procedures.