



FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

August 19, 2011

REGULATION TITLE:

Student Rights and Responsibilities

REGULATION NO.:

FGCU-PR4.001

SUMMARY:

This regulation is amended to address and update the student's rights and responsibility afforded to students.

Removes HIV/AIDS subject from the regulation. It will be replaced by an HIV/AIDS policy to reflect current University practices.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

§§1006.60, 1006.61, 1006.62, 1006.63, F.S.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

J. Michael Rollo, Vice President of Student Affairs

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

J. Michael Rollo, Vice President of Student Affairs

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Diane St. John, Administrative Assistant, gco@fgcu.edu; 239.590.7466 (Phone), 239.590.7470 (Facsimile); 10501 FGCU Blvd. S, Fort Myers, FL 33965-6565.

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE SEPTEMBER 6, 2011 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: AUGUST 19, 2011.



REGULATION: FGCU-PR4.001

Effective
Date of
Regulation:

06/15/04

Student Rights and Responsibilities

A. (1) — ~~GENERAL INTRODUCTION.~~

~~Upon enrollment, students are entitled to the following freedoms and/or rights provided the exercise thereof is accomplished in accordance with these University rules and does not result in disruption or disturbance as elsewhere described in the rules. This regulation provides a general statement of Student rights and responsibilities. These rights and responsibilities are further described in other University regulations and policies. A Student's exercise of those rights and responsibilities must be exercised in accordance with all University regulations and policies.~~

B. STUDENT RIGHTS.

1. a. — Participation in the ~~S~~student ~~G~~government and its elective processes.
2. b. — Membership in student organizations.
3. c. — Freedom of expression. ~~The basic freedom of students to hear, write, distribute, and act upon a variety of thoughts and beliefs is guaranteed. Freedom of expression carries with it the responsibility for seeing that the essential order of the University is preserved.~~
4. d. — Freedom to hold public forums. ~~The University desires to create a spirit of free inquiry and to promote the timely discussion of a wide variety of issues, provided the views expressed are stated openly and subject to critical evaluation. Restraints on free inquiry will be held to a minimum and will be consistent with preserving an organized society in which peaceful democratic means for change are available. Guest lecturers, or off campus speakers, sponsored by the student groups may appear on the FGCU campus after notification has been given to the Office of the Dean of Student Affairs, and the Division has scheduled the guest speaker so as to avoid potential disruptive conflicts.~~
5. e. — Freedom to hear, write, distribute and act upon a variety of thoughts and beliefs. ~~This freedom is subject to the following regulations:~~

- ~~1. Written materials identified by authorship and sponsorship may be distributed on campus within the guidelines of propriety and responsible journalism so long as they do not violate the provisions of obscene or objectionable literature as set forth in Chapter 847, F.S. The distribution of such material is permitted of student organizations provided steps have been taken to reserve the orderliness of the campus.~~
- ~~2. Non-University or off campus printed materials shall not be distributed or circulated by students or student organizations without first being date stamped by the Dean of Student Affairs or designee.~~
- ~~3. The distribution of materials or circulation of petitions to captive audiences such as those in classrooms, at registration, in study areas or in residential units will not be allowed without prior permission. Such permission may be requested from the pertinent University vice president, dean or director. Permission may be granted for the purposes of scholarly research, or for conducting business of an approved on-campus organization such as student government, clubs, and social and professional organizations.~~
- ~~f. Peaceful assembly. Existing procedures set forth in Section 870.02, F.S., shall be observed. Student gatherings must not disrupt or interfere with the orderly educational operation of the institution. Students found in violation will be subject to penalties as outlined in Section 1006.61, F.S.~~
6. g. Right to Fair and impartial hearing under the Student Code of Conduct and Student Conduct Review Process. ~~These matters shall include, but not be limited to:~~
 - ~~1. Disciplinary proceedings involving alleged violation of academic and nonacademic rules and regulations.~~
 - ~~2. Refunds and charges. The status of a student charged with a violation of University regulations shall not be affected pending final disposition of the charges except in the case of administrative action. For specific procedures and rights of students during the judicial process see Rule 6C10-4.002, F.A.C., Code of Conduct and The Judicial Process.~~
7. h. The Confidentiality of student education records according to . ~~Each University office and agency, which generates, collects, and disseminates information on students, must follow the guidelines for confidentiality of those records in their possession as outlined by the Federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. ss 1232g; 34 CFR Part 99), and Section 1006.52, F.S.~~

~~8. i. — Student grievances. Students have the right to bring complaints to the attention of the University through the . For further information, see Rule 6C10-4.004, F.A.C., Student Grievance Procedure Process.~~

C. (2) — STUDENT RESPONSIBILITIES.

The most basic responsibility of a student is to study and move forward in intellectual development while taking advantage of the many opportunities provided in a University environment for ~~all around~~ personal growth, development and maturation.

~~1. a. — Students and student organizations are responsible for the observation of must observe and comply with all University rules, regulations and policies. Compliance should follow awareness and understanding which helps to fulfill the objectives of better University government as well as the identification and acceptance of personal and social responsibilities.~~

2. The responsibility to respect the rights and privacy of others.

3. The responsibility to accept the consequences of one's actions.

4. The responsibility to maintain high standards of academic integrity and honor in all work submitted.

~~b. — Rights and freedoms in any environment are protected through exercised responsibilities and maintained through an established system for justice. The ideal balance of control for liberties is strongly weighted toward understanding and observing rules as acts of individual responsibility not always because of agreement, but because compliance also serves the best interests of all and helps in the completion of identified missions.~~

~~c. — The University has compiled student-governing information in this guidebook and distributed it to help provide direction and awareness for the academic community. It is each student's responsibility to become aware of, and learn its regulatory content and procedures for dealing with problems that may arise in the course of educational events.~~

~~d. — When University rules are judged as not serving the best interests of all, the consideration for change should be introduced through appropriate channels. In the case of students, this will most often be the Student Government or another student-governing group.~~

~~e. — Within the University, emphasis is placed on the development of each individual's recognition and acceptance of personal and social responsibilities. High ethical and moral standards of conduct are a part of the University's mission and its contribution to the well being of society.~~

~~(3) — Personal Health Responsibilities.~~

~~a. — Each student must assume a certain level of responsibility for his or her education and for the maintenance of health. Learning and education take place within a body. A drugged or mistreated body can neither absorb nor retain meaningful information.~~

~~b. — The University has published rules against the misuse of drugs and alcohol in Rules 6C10-4.002 and 6C10-9.002, F.A.C., and has designated penalties for violations. These efforts are in the interest of a minimum effort to serve students; the maximum effort is to encourage students to develop a lifestyle free of drug abuses and to understand the connections between life, learning, and proper functioning of the integrated body and mind.~~

~~c. — A broad range of student services provided through the Division of Student Affairs is available to assist students in solving problems, which negatively affect their performances. The Wellness Center which houses Student Health and Counseling and Psychological Services is designed to help students target health related problems and find solutions. Wellness encourages self-direction for a lifestyle, which addresses meaningful living, care enough to recognize problems, initiate action, and use available services.~~

~~(4) — AIDS Policy.~~

~~a. — It is the policy of the University to balance the rights of Acquired Immune Deficiency Syndrome (AIDS) victims to an education and employment against the rights of students and University employees to an environment in which they are protected from contracting the disease. In the belief that education can exercise some control over the spread of the disease, and help the public to respond in a reasoned manner, the University is committed to providing its community and the public at large with education on the nature and transmission of the disease and the legal rights of AIDS victims.~~

~~b. — The policy of the University is to treat cases of AIDS on a case by case basis. When the AIDS case comes to the attention of the University, whether student, faculty or staff member, the University AIDS Committee will assume responsibility for conducting a thorough review based upon the best medical and legal information available. Any actions taken will respect the rights of the individual to confidentiality as well as the individual's welfare and that of the University community. For additional information contact Student Health Services (in the Wellness Center). The University will maintain an Acquired Immune Deficiency Syndrome counselor.~~

Action by Florida Gulf Coast University Board of Trustees

Approved: _____

Law Implemented:

~~1001.74(10)~~, ~~§§~~ 1006.60, 1006.61, 1006.62, 1006.63 F.S.

History of Rule:

New 1/17/99; Amended 6/15/04

History of Regulation:

New 1/15/08; Amended _____

Effective Date of Regulation:

~~6/15/04~~ _____