

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – D

DATE: May 8-10, 2018

SUBJECT

BOR Policy 3:4 – Student Code of Conduct Revisions (First Reading)

CONTROLLING STATUTE, RULE, OR POLICY

BOR Policy 3:4 – Student Code of Conduct

BACKGROUND / DISCUSSION

As part of an ongoing review of policies that have free speech implications, Board Policy 3:4 contains a provision that contains ambiguous language that could be misinterpreted to restrict protected expression. This revision is intended to eliminate the ambiguity to ensure that the policy continues to fully comply with free speech protections, both as written and as applied.

Current Language – Section 3.C.7.e.

3. Prohibited Conduct

...

C. Misuse of Institutional resources or Property, or Personal Property of Others

...

7. Unauthorized use or abuse of technology, including but not limited to:

...

e. Use of technology to send Harassing or abusive messages;

Language Being Proposed in this Board Item – Section 3.C.7.e.

...

e. Use of an Institution’s technology to engage in Harassment;

IMPACT AND RECOMMENDATIONS

The Foundation for Individual Rights in Education (FIRE) has indicated that this revision addresses its concern with this policy. As a result, once the policy revisions are finalized, FIRE will change its assessment of the policy from a Yellow rating to a Green rating.

The Board staff recommendation is to approve this item.

ATTACHMENTS

Attachment I – Page 9 of BOR Policy 3:4 showing the proposed revisions

DRAFT MOTION 20180508_6-D:

I move to approve the first reading of the revisions to BOR Policy 3:4, as shown in Attachment I.

- b. Making false allegations;
- c. Attempting to discourage an individual's proper participation in, or use of, the Student conduct process;
- d. Harassment (verbal or physical) or intimidation of any person participating in the Student conduct process;
- e. Failure to comply with any conduct sanctions imposed pursuant to this Student Code.

C. Misuse of Institutional Resources or Property, or Personal Property of Others

- 1. Tampering with fire and life safety equipment including, without limitation, fire alarms, sprinkler systems, first aid equipment, and laboratory safety apparatus.
- 2. Unauthorized taking of, damage to, or possession of property belonging to the Institution, another Member of the Institutional Community, or another person.
- 3. Unauthorized possession, duplication, or use of keys, access cards, or access codes to any Institutional Premises.
- 4. Unauthorized entry into, or use of, Institutional Premises.
- 5. Unauthorized possession, entry into, or use of Institutional equipment, software systems, or information.
- 6. Possession of firearms, stun guns, tasers, BB guns, switchblade knives, fixed-blade knives with a blade length of five (5) inches or greater, or any item that is designed or used to injure or harm another person, fireworks, explosives, or dangerous chemicals on Institutional Premises or at Institutional events, except as explicitly permitted by a Board Policy or an Institutional Policy;
- 7. Unauthorized use or abuse of technology, including, but not limited to:
 - a. Unauthorized entry into a file or program to use, copy, read, delete, or change the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification or account;
 - d. Use of technology to interfere with the work of another Student, Faculty Member, or Institutional Official;
 - e. Use of an Institution's technology to ~~send-engage in Harassmenting or abusive messages;~~
 - f. Use of technology to engage in unlawful activities, including those involving uses that infringe intellectual property rights;
 - g. Use of technology to interfere with normal operation of an Institution's technology or other system;
 - h. Making, acquiring, or using unauthorized copies of computer files, violating terms of applicable software license agreements, or using the