

Part Six: Student Rights, Discipline, and Responsibilities

6.1 Student General Rights

- a. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their views is recognized. This right must be exercised in a manner which will not interfere with the same rights and freedoms of others in their enjoyment of the benefits of the programs offered by the University, or their lawful use of University facilities, including ingress and egress. Such rights may be exercised subject to applicable laws, rules, regulations, policies, and procedures.
- b. The right of freedom of peaceful assembly is recognized and shall be protected. Only those student gatherings that do not disrupt the orderly functioning of the University and related activities shall qualify as peaceful and therefore be protected. Meetings are included within the meaning of the terms assemblies and gatherings.
- c. Organized or prearranged outdoor student assemblies shall be registered at least twenty-four hours in advance in the Space Reservations Office located in the Office of Student Affairs.
- d. Registered student organizations or individual students may hold meetings inside University buildings, provided prior approval is granted by the Office of Student Affairs.
- e. The right to peacefully demonstrate is recognized within the law of the Kurdistan Region.
- f. Public address systems and other electrical amplification equipment may be utilized. All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.
- g. Students' right to write and distribute literature and to express thoughts and beliefs is recognized. Individual students-and registered student organizations may circulate literature, provided it is identified by authorship and sponsorship.
- h. Students may sell literature on campus after receiving approval from the Office of Student Affairs.
- i. Registered student organizations may invite persons from outside the university to speak to their memberships and the public. If university facilities are to be used for holding the meeting prior scheduling and space reservations approval shall be obtained from the Office of Student Affairs.
- j. Students have the right to celebrate their religious holy days, without missing a class.

6.2 Student Discipline

The disciplinary function at Komar University of Science and Technology is an integral part of the educational mission of the university. Since behavior which is not in keeping with standards acceptable to the university community is often symptomatic of attitudes, misconceptions, or emotional crises, the preferred treatment of these attitudes, misconceptions, and emotional crises through the opportunity for reeducation and rehabilitative activities is an essential element of the disciplinary process.

A humanistic approach to discipline is employed whenever possible. Severe disciplinary action against a student is considered and invoked only when other remedies fail to meet the needs of the University's mission.

The University, however, recognizes its responsibilities to all members of the academic community—students, faculty, and staff, and the protection of personal and institutional rights and property is a primary focus of the disciplinary process.

Students facing disciplinary action are counseled of such by the University's responsible officer of Student Affairs. An appeal of the officer's action may be made within a specified timeframe to a panel composed of a university administrator, faculty member, and student peer.

6.3 Student Code of Conduct

The Student Conduct Code applies the principles found in the Statement on Values and Moral Standards at Komar University of Science and Technology by promoting responsible freedom for all students. Responsible freedom is exercised when actions are directed by ethical standards. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Komar University of Science and Technology students. Moreover, the Code operates as a vehicle for informing students about their rights and responsibilities while reinforcing the development of ethical standards that make responsible freedom possible. The Statement of Values and Moral Standards at Komar University of Science and Technology is found in the current KUST Student Handbook, which is incorporated herein by reference.

6.3.A Definitions

- 1) Advisor. The term 'advisor' means any one person chosen by the charged student, victim, or witness to assist throughout the disciplinary process, unless service in this capacity would reasonably conflict with the fair application of the judicial process as determined by the Director (or designee) of the Office of Student Affairs and Registration.
- 2) Charged Student. The term 'charged student' means any student who has formally charged with an alleged violation of the Student Conduct Code.
- 3) Class day. The term 'class day' means any day that either classes or final exams are scheduled.
- 4) Hearing Body. The term 'hearing body' means any person or persons authorized by the Director of Student Affairs or Director of University Housing to conduct hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions.
- 5) On-Campus. The term 'on-campus' means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university, including adjacent streets, sidewalks, and parking lots.
- 6) Policy. The term 'policy' means the written statements of the university as found in, but not limited to, the Student Conduct Code, the General Bulletin, the Student Handbook, the Directory of Classes, the Guide to Residence Living and other written regulations and rules for departments, organizations, and clubs.

- 7) Preponderance of the Evidence. 'Preponderance of the evidence' means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within this Student Conduct Code.
- 8) Student. The term 'student' means any person who is admitted to and enrolled in any credit-bearing course or program at Komar University of Science and Technology. Any person who is admitted to the university and present on campus for being enrolled in any university course or program, including Orientation, or any person who has been enrolled in any credit-bearing course or program at the university; and continues to be associated with the university because the student has not completed the course or program in which the student was enrolled.
- 9) Student Defender. The term 'Student Defender' means any person provided by the Student Council, either through formal appointment or informal referral, to serve as a resource and advisor to the charged student under the authority of KUST.
- 10) Student Organization. The term 'student' also means any student
- 11) University. The term 'University' and 'University properties' means Komar University of Science and Technology, including the main campus, all property leased, used or controlled by the university, all branch campuses, facilities and university international programs. The Student Conduct Code applies to the university as defined herein. Non-substantive procedural modifications that reflect the particular circumstances of each campus and international program are permitted.
- 12) University Community. The term 'university community' includes any person who is a student, faculty member, university official, visitor, volunteer, representative of the university, or any other person employed by the university.
- 13) University Official. The term 'University official' means any person employed by the university to perform assigned teaching, research, administrative, professional or other responsibilities.

6.3.B Scope

Komar University of Science and Technology jurisdiction regarding discipline is generally limited to conduct of any student or registered student organization that occurs on the University premises. In addition, the University reserves the right to impose discipline based on any student conduct, regardless of location, when that conduct may adversely affect the University community or its international programs. The University further reserves the right to restrict contact with specified people.

The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by KUST. This Student Code of Conduct will not be used to discipline the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in university rules, regulations, or policies.

The processes for adjudicating violations of regional and federal law and violations of the Student Code of Conduct are separate and may be pursued independently and simultaneously.

6.3.C Authority

- 1) Authority for student discipline ultimately rests with the President, who delegates this authority either to the Vice Presidents, or dean, of student affairs. Under the direction of the President, the named administrators are responsible for implementing the student disciplinary system. Either the President, the Vice President, the Dean (or their designee), or resident directors/program leaders in international programs may take direct jurisdiction of any case due to the inability of the appointed hearing officer to serve, or when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the university. The Director of Student Affairs has the authority to designate individuals as hearing or appellate officers when appropriate.
- 2) The President (or designee) also has the authority to notify the person listed as the student's emergency contact (or other appropriate person) in case of an emergency involving that student.
- 3) All hearing bodies have the authority to consult with other appropriate university officials in order to resolve a Student Conduct Code case effectively.
- 4) Decisions of administrative hearing panels are made as recommendations to Dean or Deputy Dean.
- 5) Decisions of the Housing Judicial Board(s) are recommendations to the Assistant Director of Housing, or the designee of the Director of Housing.
- 6) All recommended disciplinary decisions must be approved in writing by the appropriate administrator (or designee) and only then will be communicated to the student. The appropriate administrator may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the administrator will confer with the appropriate hearing body. Upon approval, the recommended decision becomes a first-level disciplinary action.
- 7) Decisions of all other hearing bodies constitute first-level disciplinary actions.
- 8) If a first-level disciplinary action is not appealed, that decision becomes final agency action.
- 9) Appellate decisions are considered recommendations to the Director of Student Affairs and become final agency action upon approval by the President (or designee).

6.3.D Offenses

The following offenses, or the aiding, abetting, or inciting of, or attempting to commit these offenses, constitute violations of the Student Conduct Code.

- 1) Endangerment

- a. Physical violence towards another person or group.
- b. Action(s) that endanger the health, safety, or well-being of one's self or another person or group.
- c. Interference with the freedom of another person to move about in a lawful manner.
- d. Kidnapping.

2) Harassment

- a. Conduct, (not of a sexual nature), that creates an intimidating, hostile, or offensive environment for another person.
- b. Action(s) or statement(s) that threaten harm or intimidate another.
- c. Acts that invade the privacy of another person.
- d. Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.

3) Hazing

Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Hazing includes, but is not limited to:

- a. Interference with a student's academic performance.
- b. Forced consumption of food, alcohol, drugs, or any other substance.
- c. Forced physical activity, such as calisthenics.
- d. Deprivation of food or sleep.
- e. Any activity that would subject the individual to embarrassment or humiliation.

4) Fire and Safety

- a. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
- b. Illegal possession or removal of, damage to, or tampering with fire safety or other emergency warning equipment.
- c. Failure to evacuate a university building or facility when a fire alarm is sounded.
- d. Arson: defined as setting fire to property.
- e. Failure to follow the university safety regulations for specific area such as laboratories.

5) Property

- a. Damage or destruction of KUST property or private property of KUST's personnel.
- b. Theft - without authorization removes or uses the property or services of another person or of the university.

- c. Possession, sale, or purchase of property or services that are known or reasonably, under the circumstances, should have been known to have been stolen.
- d. Enters or uses the property or facilities of the university or of another person without the proper consent or authorization.

6) Disruption

- a. Failure to comply with a lawful order of a university official or any non-university law enforcement official.
- b. Provides false information to a university official or to a non-university law enforcement official.
- c. Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the university or the rights of other members of the university community. This may involve use of electronic or cellular equipment.
- d. Commercial solicitation on campus without prior approval from university officials.
- e. Acts that disrupt the university disciplinary process, including attempting to coerce or influence a person regarding their participation in any disciplinary proceeding.

7) Identification

- a. Permitting another person to use his or her identification.
- b. Inappropriate use of another person's identification.
- c. Impersonation or misrepresenting the authority to act on behalf of another or the university.
- d. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
- e. Manufacture, distribution, delivery, sale, purchase, possession, or use of false identification.

8) Computers

- a. Unauthorized access or entry into a computer, computer system, network, software, or data.
- b. Unauthorized alteration of computer equipment, software, network, or data.
- c. Unauthorized downloading, copying, or distribution of computer software or data.
- d. Any other act that violates Kurdistan Region law.

9) Alcohol and Illegal Drugs

- a. Possession or use of illegal drugs.
- b. Purchase, distribution, delivery, or sale of illegal drugs.
- c. Possession or use of drug paraphernalia.
- d. Driving while under the influence of alcohol or any illegal substances.
- e. Intoxicated behavior.

- f. Any other violation of the KUST Alcohol Policy.

10) Gambling

Engages in or offers games of chance for money or other gain in violation of the laws of Kurdistan.

11) Smoking inside University buildings or vehicles

12) Sexual Misconduct

- a. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
- b. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.
- c. Conduct of a sexual nature that creates an intimidating, hostile, or offensive environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based behaviors, actions, public writing, or comments.

13) Weapons

- a. Possession or use of firearms, explosives, or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns, or the use of any item as a weapon on-campus.
- b. Illegal possession or use of firearms, explosives, or other weapons or dangerous articles or substances off-campus.

14) Other Violations

- a. Violation of any Iraqi/Kurdish law.
- b. Violation of any other university regulation or policy as described in Ministry of the Higher Education and Scientific Research regulations and the KUST General Bulletin, University Housing contract, University Housing Publication - Graduate/Undergraduate, The Guide to Residence Living, other University Housing publications, the KUST Student Handbook, the official KUST Web site, Student Activities and Organizational Policies, all of which are hereby adopted by reference or other university policies directly related to departments, organizations or clubs.

6.3.E Rights of Students Under Discipline

Notice: Students will be given clear and complete written notice of the Student Conduct Code charge(s) and the allegations upon which the charge(s) is/are based.

Hearing: Students will be given an opportunity to present information, including witness testimony, during a fair and impartial hearing. (A more complete

description of the procedures utilized to implement these rights is found in Section (6), Procedures.)

6.3.F Procedures

The Office of Student Affairs and Registration is charged with implementing the Student Conduct Code in ways that are congruent with the KUST's Statement on Values and Moral Standards and with all appropriate laws and administrative rules. The procedures implemented this office will be consistent with all appropriate due process rights accorded to students in university disciplinary decisions.

6.3.F.1 Charges

A review for possible charges may be initiated in the following ways:

- a) Filing a police report with the KUSTs' security personal or requesting that a report from another law enforcement agency to be sent to the KUST security personal.
- b) Providing a signed statement to the Office of Student Affairs or University Housing. All information will then be reviewed by an appropriate staff member at in the Office of Student Affairs or University Housing to determine whether Student Conduct Code charges will be filed or if alternative action, including mediation, is appropriate. When possible, reports should be submitted to either law enforcement or the appropriate administrator in a timely manner.

6.3.F.2 Notice

The written notice given to any charged student will include the following:

- a) Sufficient detail to prepare a defense (including source of information, alleged offense, and specific Student Conduct Code charges).
- b) An invitation to attend an information session, during which the student will view all materials, related to the case, receive instruction regarding the disciplinary process and the student's rights, and confirm the forum in which the case will be heard.
- c) Notice of a formal hearing will occur at least five class days prior to the adjudication of the case. Informal hearings will be scheduled at the convenience of the charged student and the hearing body.
- d) Parent(s) of any student under the age of eighteen at the time of the alleged offense may also be notified of pending charges.
- e) The Office of Student Affairs or University Housing may place a judicial hold on the records and registration of any student who fails to address the Student Conduct Code charges in a timely manner. Any pending judicial matters must be resolved prior to a student's graduation, the release of transcripts, transfer of credits to another institution, or re-enrollment at the university.
- f) The address on file will be used for all disciplinary notices sent to the student.

6.3.F.3 Hearing

Hearings will follow these guidelines:

- a) All hearings will be fair and impartial and will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the evidence. A charged student may submit a challenge to the impartiality of any member of a hearing body to the Office of Student Affairs and Registration or the hearing body.
- b) A charged student will have the opportunity to present evidence on his or her behalf, including presenting witnesses and/or signed written statements.
- c) The charged student, victim, and any witnesses may be accompanied during the hearing by an advisor; the Student Defender may serve as an advisor. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. The charged student, victim, or any witnesses shall provide the advisor's name in writing to the Office of Student Affairs or University Housing two class days prior to the hearing. The advisor may not serve as a witness.
- d) A student may choose not to answer any and all questions posed by a hearing body. This protection from self-incrimination does not extend to student organizations.
- e) The burden of proof at a first-level hearing always rests with the University. The standard of proof will be the preponderance of the evidence, meaning that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.
- f) All individual hearings will be conducted in private. If the charged student wants to have the hearing open, the charged student must submit a written request for a public hearing to the Director of the Office of Student Affairs or University Housing at least three class days prior to the hearing. Charges involving alleged sexual misconduct will not be heard in public without prior written consent of all victims. After receiving the consent of all victims in the case, the Director of the Office of Student Affairs may open the hearing to the public.
- g) All hearings for student organizations will be public. The Director of Student Affairs (or designee) reserves the right to limit the number of attendees.
- h) All hearing decisions will be communicated in writing to the charged student and will include the findings of facts, determination of responsibility, and sanctions imposed (if applicable).
- i) Appropriate witnesses will be called by the university to all formal hearings. Those witnesses who appear may be cross-examined by the charged student. If called witnesses do not appear, their written or

taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Student Conduct Code. Appropriate witnesses may also be called by the charged student to all hearings.

- j) If the charged student fails to appear at the scheduled hearing (after proper notice), the hearing may be held in the charged student's absence.
- k) Prior records of disciplinary action and victim impact statements are considered by the hearing body only in the sanctioning phase of deliberations.
- l) The hearing body's determination of 'responsible' or 'not responsible' will base solely on the information presented at the hearing. However, when additional information that affects this determination is gathered outside the hearing, it may be used provided it is shared with the charged student and the student has an opportunity to respond to the information. In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).
- m) To request the cancellation of a previously scheduled formal hearing, the charged student must submit a written statement to the Office of Student Affairs five class days prior to the hearing date. At the discretion of the Director of Student Affairs and registration (or designee), the hearing may be rescheduled or conducted in the charged student's absence.

6.3.F.3.(a) Types of Hearings

Two distinct types of hearings (informal and formal) are provided for by the Student Conduct Code. Informal hearings typically can be scheduled more quickly than formal hearings and are usually better suited to cases involving fewer questions of fact. Formal hearings may be more appropriate for cases involving more serious alleged violations of the Student Conduct Code.

1. Formal Hearings

- a. Require the hearing body to call appropriate witnesses to provide information in support of the charges.
- b. Will be held no sooner than five class days after notice is received by the charged student. The student may submit a written request to hold the hearing before the five days. The request will be considered by the Office of Student Affairs.
- c. Will be audio recorded. This recording will serve as the official record of the proceedings.
- d. A formal decision letter will be sent to the student within ten class days from the conclusion of the hearing process. This time limit may be extended if additional consideration of evidence and deliberation is required.

- e. The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if necessary.

- 1) Presentation of formal charges.
- 2) Opening statement by the university, followed by the opening statement of the charged student.
- 3) Presentation of evidence and witnesses by the university, followed by questioning of those witnesses by the hearing body and the charged student. Witnesses are then dismissed.
- 4) Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses by the charged student and the hearing body. Witnesses are then dismissed.
- 5) Questions directed to the charged student by the hearing body.
- 6) Closing statement by the university, followed by the closing statement of the charged student.

2. Informal hearings

- a. The university does not automatically call witnesses to support the charges, although the hearing body may gather any additional information needed, including calling witnesses. The charged student will be informed of any additional information gathered by the hearing body. The charged student may call witnesses and present evidence.
- b. Are scheduled at the convenience of both the charged student and the hearing body.
- c. Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within ten class days of the hearing body's final meeting with the student. This time limit may be extended if additional consideration of evidence and deliberations are required.
- d. The hearing may be audio recorded at the discretion of the hearing body.
- e. Hearing Bodies and Authorities: Any specific procedures used by hearing bodies will comply with the requirements of this Student Conduct Code. The range of available hearing bodies may differ on branch campuses or International Programs.

- 1) The Director of Student Affairs (and designee(s)) may conduct both informal and formal hearings on individual or student organization cases.
- 2) A hearing officer designated by the Dean may conduct both informal and formal hearings on individual or student organization cases.
- 3) The Dean may conduct both informal and formal hearings on individual or student organization cases.

- 4) The Student Judicial Board may conduct both informal and formal hearings on individual or student organization cases.
- 5) An Administrative Hearing Panel may conduct formal hearings on individual or student organization cases. Panels are composed of one faculty member, one staff member, both designated by the Dean (or designee), and two Student Judicial Board members. In times of limited student availability, panels may proceed with one Student Judicial Board member.
- 6) University Housing hearing officers (Director, Associate Director, Assistant Directors and designees) may conduct both informal and formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.
- 7) University Housing Judicial Board(s) may conduct formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.

6.3.F.3.(b) Choice of hearing type and hearing body

Students may typically choose both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in (3.A) above. Further restrictions to that choice include:

- 1) When it is determined that a case requires a formal record of proceedings, a formal hearing may be chosen by the Dean (or designee).
- 2) When two or more individual cases stem from the same incident, those cases should typically be heard by the same hearing body. In such cases, the Director of Student Affairs (or designee) may either pre-select the hearing type and hearing body or consult with the students involved before making the decision.
- 3) The Dean or Director of University Housing (or designee) reserves the right to choose the appropriate hearing type and body for other administrative or case related reasons.
- 4) During time periods in which any of the hearing bodies are not officially constituted, the Dean or Director of University Housing (or designee) may choose an appropriate alternative as the hearing body.

6.3.G Grievances

Students who allege that academic regulations and procedures have been improperly applied in specific instances may have their grievances addressed through the general academic appeals process. In this process, the student brings a complaint first to the instructor, then to the department chair, and finally to the academic dean appropriate to the course involved, stopping at the level at which the complaint is resolved. If no resolution is reached, the student brings the complaint to the attention of the Dean for either resolution or referral to the

Student Academic Relations Committee of the Faculty Senate. The Student Academic Relations Committee has the authority to direct, through the President (or designee), that corrective action be taken when justified.

6.4 Student Organizations and Activities

Student groups may peacefully assemble and may express opinions publicly and privately. Students have the right to organize and join organizations to promote their common interests. These organizations are obligated to receive official recognition and follow the guidelines of the University Organizations Committee. Only approved organizations may enjoy the rights and privileges accorded by the University including the right to invite speakers to campus to address the group or student body. The University administration may cancel a speaker's reservation when there is a clear and present danger that the appearance would threaten the orderly operation of the University.

6.5 University Holidays

For the holidays and no class days students may refer to the annual academic calendar available on the University website.