

15-1 Bill of Rights and Responsibilities for All Members of the University

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1. **Purpose.** The purposes of this Bill of Rights and Responsibilities are to set forth the rights and responsibilities that form the relationship among Eastern New Mexico University (the University) and its various constituencies, and to provide the philosophical background of, and the policy basis for, the Statement on Governance of the University [AGP&P, 15-2].
2. **Policy.** Members of the University community have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. All members share the obligation to respect:
 - A. The fundamental rights of others as citizens,
 - B. The rights of others based upon the nature of the educational process,
 - C. The rights of the institution and
 - D. The rights of individuals to fair and equitable procedures for determining when and upon whom penalties for violation of campus regulations should be imposed.

Therefore, it is in the best interests of the University to enumerate the following.

Rights and Responsibilities

3. **Personal Rights and Responsibilities.** As citizens, members of the University community enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others as citizens.
 - A. Among the basic rights are:
 - (1) Freedom of speech;
 - (2) Freedom of the press;
 - (3) Freedom of peaceful assembly and association;
 - (4) Freedom of political beliefs and
 - (5) Freedom from personal force and violence, threats of violence and personal abuse.
 - B. Additionally,
 - (1) Each member of the University community has the right to organize his or her own personal life or behavior, so long as it does not violate the law or agreements

voluntarily entered into, and does not interfere with the rights of others or the educational process, and

(2) Admission to, employment by and promotion within the University community shall accord with the provisions against discrimination in the general law.

C. Regarding the personal responsibilities of members of the University, it must be understood that:

(1) Freedom of press implies the right to freedom from censorship in campus newspapers and other media, and the concomitant obligation to adhere to the canons of responsible journalism and the requirements of common decency. It should be made clear in writings or broadcasts that editorial opinions are not necessarily those of the institution or its members;

(2) The University is not a sanctuary from the general law and

(3) The University does not stand *in loco parentis* for its members.

4. Educational Rights and Responsibilities. All members of the University community have other responsibilities and rights based upon the nature of the educational process and the requirements of the search for truth and its free presentation. Those rights and responsibilities include:

A. The obligation to respect the freedom to teach, to learn and to conduct research and publish findings in the spirit of free inquiry;

B. The obligation to avoid institutional censorship and individual or group intolerance of the opinions of others inconsistent with this freedom;

C. The freedom to teach and to learn, which implies that teachers have the right to determine the specific content of their courses, within the established course definition, and the responsibility not to depart significantly from their areas of competence or to divert significant time to material extraneous to the subject matter of their courses;

D. Free inquiry, which implies that (except under conditions of national emergency) no research, the results of which are secret, is to be conducted within the University;

E. The obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement;

F. The obligation not to infringe upon the right of all other members of the University community to privacy in offices, laboratories and residence hall rooms and in the

keeping of personal papers, confidential records and effects, subject only to the general law and conditions voluntarily entered into;

- G. The obligation of the institution to limit records on members of the University community to information related only to the educational purposes of the institution and that these shall be open to the individual for inspection;
 - H. The obligation not to interfere with any member's freedom to hear and to study unpopular and controversial views on intellectual and public issues;
 - I. The right to identify oneself as a member of the campus and a concurrent obligation not to speak or act on behalf of the institution without authorization;
 - J. The right to hold public meetings in which members participate, to post notices and to engage in peaceful, orderly demonstrations;
 - K. The establishment of reasonable, impartially applied rules regulating time, place, manner and facility use for University activities while reflecting the educational purposes of the institution and protecting the safety of the University;
 - L. The right to recourse if another member of the University community is negligent or irresponsible in performance of his or her responsibilities or if another member of the University community represents the work of others as his or her own;
 - M. The right to be heard and considered at appropriate levels of the decision-making process about basic policy matters of direct concern;
 - N. The obligation of all members of the University community to maintain the highest standards in the performance of their responsibilities and
 - O. The obligation of all members of the University community to protect the integrity of the academic process from internal and external attacks.
- 5. Rights and Responsibilities of the University.** The University, and any division, agency or persons exercising direct or delegated authority for the University, has rights and responsibilities. The rights and responsibilities of the University include:
- A. The right and obligation to provide an open forum for members of the University community to present and debate public issues;
 - B. The right to prohibit individuals and groups who are not members of the University community from using its name, its finances or its physical and operating facilities for commercial or political activities;
 - C. The right to prohibit members of the University community from using its name, its finances or its physical and operating facilities for commercial activities;

- D. The right and obligation to provide members of the University community the use of meeting rooms under the rules of the University, including use for political purposes such as meetings of political clubs; to prohibit use of its rooms on a regular or prolonged basis by individual members or groups of members as free headquarters for political campaigns and to prohibit use of its name, its finances and its office equipment and supplies for any political purpose at any time;
 - E. The right and obligation not to take a position, as a University, in electoral politics or on public issues, except on those issues that directly affect its autonomy, the freedom of its members, its financial support and its academic functions;
 - F. The right and obligation to protect the members of the University community and visitors to it from physical harm, threats of harm or abuse; the University's property from damage and unauthorized use and its academic and administrative processes from interruption;
 - G. The right to set reasonable standards of conduct to safeguard the educational process and to provide for the safety of members of the University campus and the University's property and
 - H. The right to deny pay and academic credit to members of the University community who are on strike.
- 6. Fair and Equitable Process.** All members of the University community have a right to fair and equitable procedures that shall determine the validity of charges of violation of University regulations. The following should be included as features of such process:
- A. Clearly formatted procedures that facilitate the determination of the truth or falsity of charges, provide fairness to the parties involved and act as effective instruments for the maintenance of order.
 - B. Public and clear definition of procedures used in determining penalties for violations of University regulations and adequate cause for separation from the University community.
 - C. When infractions of regulations may lead to notation in permanent records or to more serious penalties such as suspension or expulsion, members of the University community have a right to formal procedures with adequate due process.

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