

University files for code change

By Chris Bouneff
Emerald Reporter

The University plans to amend its student conduct code regulations to correct a flaw in administrative rules mandating open hearings for academic dishonesty cases.

"When one carefully examines the cited text, it is not clear whether the hearings officer has the right to close the hearing... (and) protect the student," said Muriel Jackson, assistant vice president for administration.

The change was to go in effect Friday, but because of a clerical error, the amended rule will not be implemented for some time, Jackson said.

However, the University still plans to pursue a change in the rule in order to deal with pending student conduct code hearings, she said.

The University filed for a temporary change in the rule with the Secretary of State on Tuesday. A temporary amendment lasts for 180 days, which will provide enough time for the University to request a permanent alteration in the rule, Jackson said.

To change the administrative rule, which is equivalent to law, University Vice President for Administration Dan Williams had to provide a "statement of need" in addition to filing the temporary change order.

In his statement, Williams wrote that the University finds it necessary to make the change because "in cases now pending and scheduled for hearing, it appears that some or all of the charged students will explicitly" not waive their right of privacy.

The previous administrative rule mandated an open hearing for all cases contested under the student conduct code. These cases normally deal with the student's private academic records, which are protected from public disclosure by state and federal law.

The University's conduct code hearings process has been prosecuting students for several years in possible violation of these same laws protecting a student's academic records.

In a recent academic dishonesty case that exemplifies why the University filed for the change, a student's private records were discussed in an open hearing under the same rule being amended.

During the April 10 hearing, the defense counsel objected to the presence of third-year law student Willy Bils who successfully attended the hearing using the unchanged rule.

Bils has filed suit against the University and Law School Dean Maurice Holland for alleged privacy violations concerning his academic records, and said he attended the hearing as a disinterested party to challenge the conduct code procedure.

Not citing that state and federal privacy laws supersede administrative rule, defense counsel Lynn Beaton continued with the hearing instead of arguing the point further.

Beaton said that after deliberating with her client they decided against a continuance delaying the hearing until the afternoon, but the defendant maintains he never gave permission for Bils to be present, leaving questions of whether the defendant waived his rights in accordance with state law.

The major change in the rule cuts through this gray area by specifically stating that if prosecuted students do not waive their right to privacy in writing the hearings officer is required to close the hearing to the public.

"She asked me if it is OK to let (Bils) in and I said I didn't want him there," the defendant said in a recent interview.

The remainder of the hearing centered around the defendant's cheating on his final exam, the grade he received as punishment, and the sanctions he received for code violations - all items normally protected by state and federal law.

However, because the statute mandated an open hearing and the defense counsel did not follow up her objection, the hearings officer had to allow Bils to remain in the room.

"This is a very fine legal point being addressed," Jackson said. "The change is designed to protect the student."

Peter Swan, University law professor and legal adviser to President Paul Olum, declined to comment on the differences between public disclosure laws and the administrative rule.

"I don't know if this is a contradiction," Swan said. "I'm not going to comment on this."

The University has already been cited for the improper disclosure of student records under the federal Family Educational Rights and Privacy Act when they provided Bils' records to the Eugene Register Guard.

Connie Moore, FERPA office clerk, said the department has been studying the University's administrative rule to determine if it violated any privacy laws.

Program reaches out

Minority students from middle schools around the state and their parents will learn about ways to make the college dream come true during an all-day program at the University on Saturday.

The third annual "Reach for Success" program is aimed at increasing the number of Oregon minority students who go to college, said Marshall Saucedo, advising coordinator at the University Council for Minority Education. The CME is sponsoring the event.

About 300 people are expected to attend.

"We need to reach kids before they enter high school, because that's where they will establish the academic record they need to qualify for admission to college and the study habits they need to succeed," he said. "We hope we'll be competing with other colleges and universities for these students when they graduate from high school."

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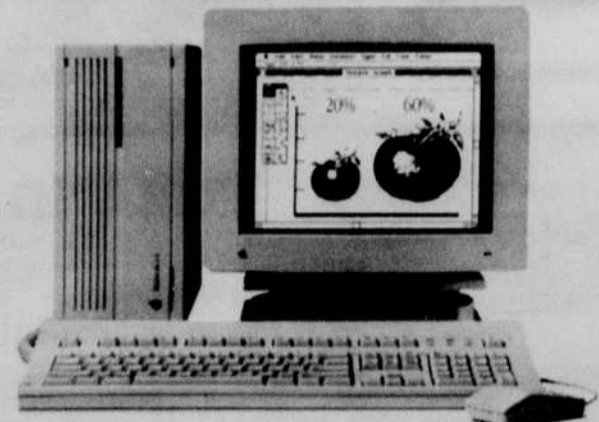


On her mind

In addition to its purpose as reading material, the Oregon Daily Emerald has a variety of other uses, as this student showed Thursday during an unexpected shower. Many students had to find rain gear of some sort or another as the unseasonably sunny skies gave way to more normal April weather.

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