

## II. Rights, Privileges and Immunities

The members of the university community, as individuals, shall enjoy all rights, privileges, and immunities guaranteed every citizen of the United States and the commonwealth of Virginia.

A. **Basic Rights:** Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly, and freedom from personal force and violence, threats of violence and personal abuse.

B. **Right to Freedom from Discrimination:** Each member of the university community has a right in his/her dealings with the institution, and with members of the university community in the performance of their official duties, to be free from discriminatory treatment with regard to race, creed, gender, religion, national origin, or political belief.

C. **Right to Organize:** Each member of the university community has the right to organize his/her own personal life and behavior insofar as it does not violate local, State, or Federal law, university regulations, or agreements voluntarily entered into, and does not interfere with the rights of others. The following specific rights apply:

1. The right to associate with any legally established group or to create such groups, professional or other, as serve legitimate interests.

a. The membership, policies, and actions of an organization shall be determined by vote of those who hold membership in that organization

b. Affiliation with an extramural organization shall not disqualify an organization from institutional recognition.

c. An organization shall be officially recognized after its constitution and bylaws have been approved by the appropriate body as designated by the President, or his/her delegated representative, and when consistent with the Bylaws of the Board of Visitors. A current list of officers, but not a membership list, may be required as a condition of recognition.

d. Officially recognized organizations, including those affiliated with an extramural organization, shall be open to all on a non-discriminatory basis with regard to race, religion, creed, national origin, gender, or political belief, provided however that, to the extent permitted by law, membership in social organizations may be restricted to members of the same gender, and membership in organizations whose primary purpose is political or religious may be restricted to those members of the university community who have similar beliefs.

2. The right to hold public meetings, to invite speakers of his/her own choosing to campus, to post notices, to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules designed by the President or his/her delegated representative, to reflect the educational purposes of the university, and to protect the safety of members of the university and community and others. The university may establish rules, therefore, regulating time, place, and manner of such activities and allocating the use of facilities, but these regulations shall

not be used as a means of censorship. In the event that there is a clear and present danger, as reasonably determined by the appropriate university authority designated by the President, to the health or safety of the members of the university community or to the educational process, such meeting or demonstration may be prohibited. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.

For more information refer to the university's Use of Campus Facilities Policy.

D. The right, when charged or convicted of violation of general law, to be free of university discipline for the same conduct, unless such discipline by the university community is determined to be for the protection of other members of the university community or the safeguarding of the educational process. Such determination shall be made by the appropriate university authority designated by the President.

E. **Right to Fair and Equitable Adjudication Procedures:** Each member of the university community has a right to fair and equitable procedures for the adjudication of charges of violations of nonacademic university regulations and the sanctions or penalties to be imposed, including, without limitation, the following specific rights:

1. **Right to Notice:** The right to have advance written notice of all institutional rules and regulations, including the ranges of penalties for violation of such rules and regulations.

2. **Right to Due Process:** The right, in the case of charges of infractions of regulations which may lead to serious penalties, to formal procedures with fundamental aspects of due process, including the right to be informed in writing of the charges and given a reasonable time to prepare a defense, to have written findings, and to appeal to higher authority. Minor infractions may be handled more informally by the appropriate individual or committee with the consent of the individual charged. In such instances, the right of appeal is still preserved.

3. **Right to be Present:** Right to be present on campus, participate in classes, and generally exercise all those rights and privileges associated with membership in the university community until found guilty of the charges, except in those instances when continued presence on the campus would constitute a threat to health or safety of the individual, other members of the community, or to the educational process. Such determination shall be made by the appropriate university authority as designated by the President.

F. **Right to Privacy:** Each member of the university community has a right to privacy in his/her dealings with the institution, including, without limitation:

1. **Search and Seizure:** The right to be free of searches and seizures except in accordance with law. Routine inspections, however, may be held periodically for the purpose of assuring fire protection, sanitation, safety and proper maintenance of the university's buildings.

2. **Privacy of Records:** The right to expect that all records of his/her association with the institution are treated as confidential.

a. *Release of Information:* Except as provided below, the institution may not release information about any aspect of an individual's association with the institution without the prior written consent of the individual concerned or under the compulsion of law. Within the institution, access to such records shall be restricted to authorized personnel for authorized reasons, as determined by the President or his/her delegated representative, and such others as are agreed to in writing by the individual concerned. To the extent permitted by law, the institution may

disclose, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), the results of any disciplinary proceeding conducted by the university against the alleged perpetrator of such crime with respect to such crime. The university may also release information about students which is defined as directory information under the Family Rights and Privacy Act of 1974, as amended, and information about other members of the university community which is a matter of public record (for more information on FERPA, please refer to the Registrar's web site at [www.wm.edu/registrar](http://www.wm.edu/registrar)).

b. *Inspection of Records:* Each member of the university community shall have the right to inspect the contents of his/her own records kept by the institution, other than information or records to which the member has specifically waived the right of access and letters of recommendation written by other members of the university community for the purpose of internal evaluation of a member for the award of a university honor, provided that such letters are not kept permanently by the institution and do not become a part of the official record, and may challenge any information included in the record which is believed to be inaccurate, inappropriate, or misleading. If an individual challenges any information contained in his/her records, the institution shall undertake to verify such information to the satisfaction of the individual concerned. Such decisions shall be made by the President or his/her designated representative. If the institution's decision is not satisfactory to the individual, the member has the right to place in his/her record a statement challenging the information. Subsequent authorized disclosure of the contents of the record shall indicate such challenge.

c. *Political and Religious Beliefs:* Records of the political and religious activities or beliefs of members of the university community may not be maintained except for purposes of official recognition of campus organizations as provided in Article I.C.1.c.

d. *Separation of Academic Records:* To minimize the risk of improper disclosure from records, the academic record shall be maintained separately from other necessary student records. Transcripts of academic records shall contain only data essential for personal identification and information about academic performance and status. All withdrawals, whether voluntary or involuntary, may be recorded on the transcript.

Each member of the university community shall have the responsibility to respect the aforesaid rights of his/her associates and refrain from using the institution as a sanctuary from the general law.