

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

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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 System (the System) and its various constituencies, and to provide the philosophical background of, and the policy basis for, the Statement on Governance of the System [AGP&P, 15-2].
2. **Policy.** Members of the System 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 System to enumerate the following.

Rights and Responsibilities

3. **Personal Rights and Responsibilities.** As citizens, members of the ENMU System 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 System 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 System shall accord with the provisions against discrimination in the general law.

C. Regarding the personal responsibilities of members of the System, 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 System is not a sanctuary from the general law and
- (3) The System does not stand *in loco parentis* for its members.

4. Educational Rights and Responsibilities. All members of the System 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 System;
- E. The obligation not to interfere with the freedom of members of the System 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 System 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 System 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 System 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 System activities while reflecting the educational purposes and protecting the safety of the System;
 - L. The right to recourse if another member of the System is negligent or irresponsible in performance of his or her responsibilities or if another member of the System 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 System to maintain the highest standards in the performance of their responsibilities and
 - O. The obligation of all members of the System to protect the integrity of the academic process from internal and external attacks.
- 5. Rights and Responsibilities of the ENMU System.** The System, and any division, agency or persons exercising direct or delegated authority for the System, has rights and responsibilities. The rights and responsibilities of the System include:
- A. The right and obligation to provide an open forum for members of the System to present and debate public issues;
 - B. The right to prohibit individuals and groups who are not members of the System 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 System 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 System the use of meeting rooms under the rules of the System, 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 System, 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 System and visitors to it from physical harm, threats of harm or abuse; the System'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 System and the System's property and
 - H. The right to deny pay and academic credit to members of the System who are on strike.
- 6. Fair and Equitable Process.** All members of the System have a right to fair and equitable procedures that shall determine the validity of charges of violation of System 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 System regulations and adequate cause for separation from the System.
- C. Members of the System have a right to formal procedures with adequate due process when infractions of regulations may lead to notation in permanent records or to more serious penalties such as suspension or expulsion.

Approved by Board of Regents on May 15, 1987.

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