

University of Montana

ScholarWorks at University of Montana

Senate Resolutions, 2007-Present

ASUM Student Government

Fall 2013

SB25-13/14: University of Montana Confidentiality Policy

Anita Green

Follow this and additional works at: https://scholarworks.umt.edu/asum_resolutions

Let us know how access to this document benefits you.

Recommended Citation

Green, Anita, "SB25-13/14: University of Montana Confidentiality Policy" (2013). *Senate Resolutions, 2007-Present*. 29.

https://scholarworks.umt.edu/asum_resolutions/29

This Institutional Document is brought to you for free and open access by the ASUM Student Government at ScholarWorks at University of Montana. It has been accepted for inclusion in Senate Resolutions, 2007-Present by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

1 **The Associated Students of The University of Montana**
2 **Resolution Regarding The University of Montana Confidentiality Policy**
3 **November 6, 2013**

4 **SB25-13/14**

5 **Authored by: Anita Green, ASUM Senator**
6 **Sponsored by: Mike Hopkins, Business Manager; Ashlynn Andersen, ASUM**
7 **Senator; Jacob Foster, ASUM Senator; Sam Thompson, ASUM Senator; Jan**
8 **Roddy, ASUM Senator**

9
10 Whereas, The Associated Students of The University of Montana (ASUM) Senate
11 supports victims;

12
13 Whereas, the ASUM Senate believes victims should be allowed to voice themselves
14 publicly;

15
16 Whereas, The University of Montana Student Conduct Code reads:

17
18 **“Rights to Confidentiality.** ... *[T]he identity(ies) of individual students involved*
19 *in the proceedings [of student conduct and disciplinary practices] will not be*
20 *disclosed.”;*

21
22 Whereas, certain information within court legal proceedings is disclosed to the public,
23 including but not limited to the identity(ies) of those involved;

24
25 Whereas, The University of Montana has obligations to protect certain privacy rights of
26 its students;

27
28 Whereas, The University of Montana abides by Montana Code Annotated 20-25-515 and
29 20-25-511 which read:

30
31 **“20-25-515. Release of student records.** *A university or college shall release a*
32 *student's academic record only when requested by the student or by a subpoena*
33 *issued by a court or tribunal of competent jurisdiction. A student's written*
34 *permission must be obtained before the university or college may release any*
35 *other kind of record unless such record shall have been subpoenaed by a court or*
36 *tribunal of competent jurisdiction.”*

37
38 **“20-25-511. Student's right of privacy -- legislative intent.** *It is the legislature's*
39 *intent that an institution of the university system of Montana is obligated to*
40 *respect a student's right of privacy. This obligation must be observed by*
41 *establishing procedures to safeguard the institution's activities that are necessary*
42 *to protect the health, safety, and privacy of a person's residence and the privacy*
43 *of the person's records. Intrusions by peace officers and other officials exercising*
44 *responsibility for law enforcement must be governed by standards and procedures*
45 *no less stringent than those applicable to intrusions on private quarters outside*

46 *the institutions. A student may not be subjected to discrimination by the use of*
47 *covert records.”;*

48

49 Whereas, Article II, Section 9, of the Montana Constitution states:

50

51 *“**RIGHT TO KNOW.** No person shall be deprived of the right to examine*
52 *documents or to observe the deliberations of all public bodies or agencies of state*
53 *government and its subdivisions, except in cases in which the demand of*
54 *individual privacy clearly exceeds the merits of public disclosure.”;*

55

56 Whereas, Article II, Section 10, of the Montana Constitution states:

57

58 *“**RIGHT OF PRIVACY.** The right of individual privacy is essential to the well-*
59 *being of a free society and shall not be infringed without the showing of a*
60 *compelling state interest.”;*

61

62 Therefore, Let It Be Resolved, that the ASUM Senate encourages The University of
63 Montana to not prevent or otherwise dissuade students from speaking openly and publicly
64 about their experiences;

65

66 Therefore, Let It Be Further Resolved, that the ASUM Senate encourages The University
67 of Montana to disclose information of the accused revealed in any confidential
68 proceedings after the University has reached a verdict of “guilty” of the accused if it
69 relates to violent or sexual misconduct, and if the offender or offenders has/have also
70 been found guilty in a court of law for said offences;

71

72 Therefore, Let It Be Further Resolved, that a copy of this resolution be sent to Rhondie
73 Voorhees, Dean of Students; Teresa Branch, Vice President of Student Affairs; Eric
74 Gutierrez, EO/AA Director; Sandy Schoonover, Director of Residence Life; Lucy France,
75 Chief Legal Counsel for The University of Montana; and Drew Colling, Executive
76 Director of SARC.

77

78 Passed by Committee: November 4, 2013

79

80 Passed by ASUM Senate: November 6, 2013

81

82

83

84 _____
85 Jan Roddy,
Relations and Affairs Chair

84 _____
85 Mariah Williams,
Chair of the Senate