

Questions and Answers  
about the  
University Appeals Board and the Appeal Process at UK

**Who appoints the University Appeals Board?**

The president of the University appoints the members, with the student members being recommended by the legislative branch of the Student Government Association. The Appeals Board consists of a pool of eighteen faculty members and twelve students, and a Hearing Officer who shall be the chair.

**Who appoints the chair of the Appeals Board?**

The President of the University appoints the Hearing Officer who shall be chair of the Appeals Board. This appointment is for a three-year term and the Chair may be reappointed. The term of appointment shall begin on September 1, and end August 31. The Hearing Officer and Chair of the hearing panel shall be a person with training in the law.

**What is its source of authority to do what it does?**

The jurisdiction of the Appeals Board is based on authority conferred by the University Senate Rules and the UK Code of Student Conduct.

**What is a quorum for conduct of a hearing?**

A quorum is eight members including the University Hearing Officer, not less than five of whom, exclusive of the Chair of the University Appeals Board (also known as the Hearing Officer), shall be faculty members.

**Does the Chair of the Board have a vote?**

The Hearing Officer has no authority to cast a tie breaking vote.

**What vote is required to decide a case?**

A simple majority vote is required to decide a case.

**What are bases for appeal to the Appeals Board?**

Allegations of unfair academic evaluations are the most common basis for appeals. Allegations of cheating or plagiarism may also be appealed.

**How are hearings scheduled?**

Upon receiving an appeal packet from the Academic Ombud, the Chair of the Appeals Board circulates a number of possible timeslots for conducting the hearing to the pool of members of the Appeals Board in an attempt to ascertain which would yield a quorum. When a suitable timeslot has been identified, the appealing student and the other parties to the appeal, e.g., involved faculty, department chair, etc., are notified of the date, time, and location.

### **What is the flow of an Appeals Board hearing?**

The appealing student is called first to describe what he or she is appealing and the basis for the appeal. An attempt is made to allow the student to complete this opening statement without interruption other than for clarifying questions. At the conclusion of the student's statement members of the Appeals Board are given an opportunity to direct questions to the student. When that phase of the hearing is concluded the faculty member is asked to provide his or her perspective on the matter, with questions from the Appeals Board following that. The final phase involves the student being called forward to answer additional questions and, customarily, to answer the question, "What is your preferred outcome or result from this process?" After that the hearing is adjourned and the Appeals Board goes into deliberations on that case, with a decision reached before calling the next case.

### **What are the possible outcomes of a grade appeal case?**

The appeal can be denied, in which case the grade originally awarded and being appealed stands. The appeal can be upheld, in which case the grade can be changed to another letter grade (A, B, C, D, E or F), or a grade of P or W can be assigned.

### **If the outcome is a grade of P how does that affect a student's GPA.**

It has no affect one way or the other on a student's GPA.

### **If the grade is changed to P will that 'count' toward graduation requirements?**

The general rule at UK is that a course required for one's degree curriculum cannot be taken on a pass/fail basis; only electives may be taken that way. However, if the grade of P was assigned by the University Appeals Board for a required course that will 'count' toward meeting graduation requirements.

### **How soon after the hearing will the student learn the decision of the Appeals Board?**

The Chair attempts to notify the appealing student the same day, by either telephone or email as the student may prefer. In due course an official decision letter will be mailed to the student with a copy to the faculty member.

### **May the student bring someone with along to the hearing?**

Yes, the student may be accompanied by a relative, representative, friend, or witnesses.

**May the student present witnesses who have direct knowledge of the situation being appealed?**

Yes, and the Hearing Officer should be informed of this at least two days in advance.

**What information will Appeals Board members receive in advance of the hearing?**

They will receive copies of the appeal packet assembled and forwarded by the Academic Ombud. The student and faculty member will also have received a copy of this same information from the Office of the Academic Ombud.

**Who has the “burden of proof” at an appeal hearing?**

The student has initiated the appeal and, as such, has the “burden of proof” in an appeal challenging a grade. The faculty member has the burden of proof in a case alleging cheating or plagiarism.

**Is the Academic Ombud required to forward a case to the Appeals Board for review?**

No. If after investigating a case the Academic Ombud concludes that the case lacks merit the student will be notified of that decision. In such circumstances the student has 30 days to appeal that determination to the Appeals Board, which then shall first address the issue of whether the case should be heard at all. The letter from the Academic Ombud spells out how that appeal should be prepared and where it should be sent.

**Must the Academic Ombud forward a case to the Appeals Board for consideration?**

Yes, if it is a case alleging an “academic offense”, i.e., cheating or plagiarism. No, if it is a case based on other factual situations. (See “lack of merit” discussion immediately above.)

**May the student or faculty member present documents to the Appeals Board during the hearing? If so, how many copies should be provided?**

Yes, this may be done. The student should bring fifteen copies.

**How far in advance of the hearing is the background material sent to the Appeals Board?**

The goal is to have the packets in the hands of the Appeals Board members at least one week in advance of the hearing with at least one weekend available for reviewing the materials.

**Are the materials for the case sent to all members of the Appeals Board or just to those who will be hearing the case?**

The appeal packets are sent only to the members of the Appeals Board who will actually be hearing the case.

**What happens to those materials after the hearing?**

The Hearing Officer retains one set for the University's official records. All other copies remain in the hearing room and are shredded immediately after the hearing.

**Are Appeals Board members from a variety of colleges and departments?**

Yes, members are recommended by the University Senate Council and are to be "broadly representative of the University community."

**Are hearings formal with "rules of evidence" and that sort of thing?**

No, the hearings are conducted in an informal fashion designed to facilitate getting at the facts of the matter without being unduly burdened with constraining rules.

**Is there a record maintained of what is said at the hearing?**

Yes, an audio tape recording is made of the testimonial phase of all hearings. The recorder is not turned on for the Board's deliberative discussions.

**May the faculty member direct questions to the student and the student to the faculty member during the hearing?**

No, all questions are to come from the Chair or members of the Appeals Board. If a student or faculty member wishes to recommend a question to be asked of the other, that suggestion can be written down and relayed to the Chair.

**If the result of the hearing is that a grade is to be changed how is that accomplished?**

The Chair sends a copy of the decision letter to the University Registrar with a request that the student's transcript be modified in accordance with the decision of the Appeals Board.

**When the student is notified of the decision who else is notified?**

Senate Rules require that, in addition to the student, the decision notice goes to the instructor, the department chair, the dean of the student's college, and the Provost. As a courtesy the Ombud is also advised of the decision because the referral came from that

office. If a modification to a student's transcript is required the University Registrar will also be notified.

**Where are hearings typically held?**

The hearings can be held anywhere on campus but during recent years the hearings have been held in the new College of Pharmacy building on campus at 789 South Limestone Street. For directions to that building and information about possible parking locations see <http://pharmacy.mc.uky.edu/directions.php>. The official notice will specify the room in which the hearing will be held.

**May the student or faculty member meet with the Chairman of the Appeals Board in advance to review the flow of the hearing and see the hearing room?**

Yes, and that is encouraged so the flow of the proceedings can be reviewed and the hearing location identified.

**If there are multiple cases being heard on a particular day who decides and how is it decided which case goes first?**

That decision is made by the Chair, the University Hearing Officer.

**If multiple cases are being heard on a particular day, how long will it be until a particular case is called if it is not the first one?**

That question defies answering. It is extremely difficult if not impossible to anticipate how long any particular hearing and the attendant deliberations will require.

**How long does a typical hearing run?**

A very inaccurate prognostication would be one hour.

**If a key question is raised during the hearing and information is not available to resolve it, can the hearing be continued?**

Yes, that is permitted.

**Would these hearings be classified as adversarial or fact-finding?**

The hearings are not adversarial like a court proceeding. Rather they are intentionally informal in order to facilitate fact-finding by the Appeals Board.

**Is there any appeal beyond the University Appeals Board?**

No, the University Appeals Board is the end of the line.

**Does the Appeals Board deal exclusively with academic appeals?**

There is a provision in the Code of Student Conduct that gives the University Appeals Board authority to hear appeals of certain grievances. In those cases the opening statement is made by a representative of the University to explain the evolution of the matter as well as prior administrative decisions and actions.

**Are Appeals Board Hearings open or closed?**

A hearing is closed unless the appealing student requests that it be open. Often the hearings involve matters of academic record or issues related to one's health that individuals would not necessarily like to have aired in a public forum.

**Must a grade appeal come through the Academic Ombud to reach the University Appeals Board?**

Yes.

**How is a decision made?**

Appeals Board members who hear the case discuss it, make a motion, and then vote on that motion. A simple majority is required to adopt the motion. Since a majority voting in the affirmative is required to adopt a motion, a final vote in the form of a tie rejects it.

**Is the decision final?**

Yes.

**What should the student and faculty member bring to the hearing?**

Parties at the hearing should bring with them any and all documents related to the issues – syllabi, copies of tests, quizzes, or course papers – as well as copies of email messages exchanged, etc. In short, anything and everything one thinks might have bearing on the issues.

**Should I get “dressed up” for this?**

No, in conformity with the informality prevailing during the hearings, it is not necessary to get ‘dressed up.’ Attire one would wear, say, for office work would be appropriate.

**Does the Appeals Board have an office on campus like the Academic Ombud does?**

No, it does not. All activities are conducted from the faculty office of the Hearing Officer who is Chair of the Appeals Board.

**May the student continue attending class while the appeal is pending?**

Yes, the rules specifically authorize that.

**The Appeals Board is authorized to adopt Procedural Rules related to conducting its activities. Has that been done?**

Yes. Those Rules appear here:

**University Appeals Board**  
**Procedural Rules**

UAB-1 Faculty responsible for teaching the course involved in the case should attend the hearing. If the faculty member chooses not to do so the hearing may proceed on the basis of any written information submitted by the faculty member.

UAB-2 If the students wish to bring others with them they must notify the Panel Chair two business days in advance of the hearing.

UAB-3 The student is free to submit written material to the Appeals Board through the Chair prior to the hearing. This should be done at least a week in advance if possible.

UAB-4 If students or faculty wish to submit written materials during the hearing twelve copies should be provided.

UAB-5 The student shall not be compelled to give testimony that might tend to be incriminating. Refusal to do so shall not be considered evidence of guilt.

UAB-6 The student shall receive written or electronic notice of the hearing date, time and location.

UAB-7 The student shall receive a written statement of the decision reached by the Appeals Board.

UAB-8 A record of Appeals Board proceedings shall be maintained.

UAB-9 Hearings may be open or closed, according to the student's choice, which shall be specified in writing two business days in advance. If not specified, it shall be closed.

UAB-10 The student may have an advisor of the student's own choice who may advise the student and speak on the student's behalf; however, neither the student nor the student's advisor may examine any witness or committee members unless permitted by the Chair. If the student desires to bring an advisor the Hearing Officer must be notified two business days prior to the hearing. Others may attend on a space-available basis.

UAB-11 The student shall have the opportunity to hear all witnesses. Any questions the student may wish to ask of witnesses shall be furnished to the Chair, to be asked by the Chair, at the Chair's discretion.

UAB-12 The Appeals Board Panel, after concluding the hearing and taking testimony and evidence, shall reconvene in executive session to decide the appeal.

UAB-13 The student shall go first at the hearing.

UAB-14 All comments by those testifying shall be directed to the members of the Appeals Board Panel, not to the student or the faculty member.

UAB-15 If the appeal is from a "no merit" determination by the Academic Ombud, the student does not attend the session at which the question of whether to hear the case is handled. If the Board decides to grant a hearing, the student will be notified so he or she can appear at a future session.

UAB-16 If a panel is assembled to hear a case and the hearing cannot be completed in one session that panel with the same members will hear the case through to conclusion, even if this means the hearing runs beyond expiration of the appointed terms of some of the members of the panel.

UAB-17 The appealing student and the involved faculty and administrators are invited to the hearing. If they cannot attend the hearing may proceed after they have been notified and given an opportunity to submit additional written comments, if appropriate in the view of the Chair.

UAB-18 The panel may, at its discretion, request or receive and review additional information in addition to that provided by the Academic Ombud, the student or the faculty member.

UAB-19 If the student will be accompanied by legal counsel, the Chair must be so notified in writing no less than seven calendar days prior to the date of the hearing. If present, legal counsel may make an opening or closing statement. Because hearings are administrative in nature, not legal proceedings, the panel is not bound by technical rules of evidence usually employed in legal proceedings but may consider any evidence it deems appropriate.

UAB-20 If a student requests a hearing and, without good cause, fails to appear or fails to advise the Chair in writing more than seven calendar days before the scheduled date of the hearing that he or she will not appear at the hearing, the student may forfeit his or her opportunity for a hearing, and the hearing panel may proceed with its deliberations in the matter.

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