



UNIVERSITY OF
KENTUCKY
Regulations

Administrative Regulation 4:10

Responsible Office: President / Provost /
Associate Vice Provost for Student and
Academic Life

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Code of Student Conduct (Approved by the Board of Trustees)

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I. Introduction

The University of Kentucky (UK) is committed to promoting a safe, healthy, student-centered, and inclusive community. UK strives to create an environment where students can engage in academic inquiry and campus life. The student conduct process supports UK's goals by:

1. Promoting personal responsibility and peer accountability;
2. Encouraging Students to consider the impact of their actions on themselves, their peers, and larger UK Community;
3. Empowering Students to address any conflict that may arise in a safe, respectful, and socially conscious manner;
4. Collaborating with Employees, Students, and the UK Community with regard to student conduct matters; and
5. Educating the UK Community about student rights and responsibilities related to the Code.

The student conduct process helps Students learn, mature, and develop greater self-awareness while balancing the needs of the UK community. When student behavior does not model UK's values, the student conduct process is used to uphold the standards of UK.

The Code of Student Conduct (Code) promotes the core values of the UK, including integrity, respect, responsibility and accountability, and sense of community. In doing so, the Code puts into practice the UK Creed.

- I *promise* to strive for academic excellence and freedom by promoting an environment of creativity and discovery.
- I *promise* to pursue all endeavors with integrity and compete with honesty.
- I *promise* to embrace diversity and inclusion and to respect the dignity and humanity of others.
- I *promise* to contribute to my University and community through leadership and service.
- I *promise* to fulfill my commitments and remain accountable to others.

Through the Code, UK affirms the rights and responsibilities of Students as part of the UK Community.

II. Authority

Ultimate authority for managing student conduct is vested in the UK Board of Trustees (Board) pursuant to [KRS 164.200](#). The Board has delegated this responsibility to the President, who has in turn delegated the management and oversight of the Code to the Associate Provost for Student and Academic Life (APSAL). The APSAL may delegate enforcement of this Code to the Dean of Students Office. Concerns about the management of the Code may be brought to the Dean of Students or APSAL.

III. Rights of UK Students

Consistent with the federal and state Constitutions and laws, Students have the following rights:

A. Right of Free Expression

A Student has the right to engage in discussion, to exchange thought and opinion, to speak, write, or print freely on any subject, and to join associations in accordance with the guarantees of federal or state Constitutions. Freedom of expression includes the right to picket or demonstrate for a cause, provided the Student:

1. Acts in an orderly and peaceful manner;
2. Does not interfere with normal UK operations;
3. Complies with UK's regulations governing the time, place, and manner of meetings, demonstrations, and other assemblies. (See [Administrative Regulation 9:1 Regulations Governing Time, Place, and Manner of Meetings, Demonstrations, and Other Assemblies](#))

Students shall not be disciplined for speech protected by the First Amendment to the U.S. Constitution. UK will endeavor, however, to balance students' rights to free speech with other students' rights to be free from threats and harassment.

B. Right to be Free from Discrimination/Harassment

1. UK complies with the federal and state Constitutions, and all applicable federal and state laws, regarding nondiscrimination. Students and applicants for admission to UK, or for financial aid or scholarship, will not be discriminated against because of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or whether the person is a smoker or nonsmoker, as long as the person complies with UK policy concerning smoking.
(See [Governing Regulation XIV.B.1, Ethical Principles and Code of Conduct](#))
2. Consistent with [Administrative Regulation 6.1, Policy on Discrimination and Harassment](#), Students have the right to be free from harassment, including sexual harassment, by UK Employees, and other Students. For purposes of the Code, harassment means conduct so severe, pervasive, and objectively offensive that it substantially interferes with the ability of a person to work, learn, live or participate in, or benefit from services, activities, or privileges provided by UK. Sexual harassment - a form of sex discrimination - includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical actions of a sexual nature when submission to such conduct is made explicitly or implicitly a term or condition of the Student's status in a course, program or activity; or is used as a basis for academic or other decisions affecting such Student; or when such conduct has the purpose or effect of substantially interfering with the Student's academic performance, or creates an intimidating, hostile, or offensive environment. This provision shall not be used to discipline students for speech protected by the First Amendment.

C. Right to Privacy in Student Records

1. UK maintains Student records in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and the guidelines for implementation. Directory information about a Student is released at the discretion of numerous UK departments upon receipt of a specific request for such information. Information which is Directory information under FERPA concerning a Student will not be released if the Student has filed a request, in writing, with the UK Registrar, stating the information is to be withheld. UK's definition of "Directory Information" can be found at: <http://www.uky.edu/registrar/FERPA-privacy>.
2. UK keeps a Student's disciplinary record separate and confidential unless the Student consents in writing to have it disclosed. However, the Dean of Students may disclose the Student's disciplinary record without the Student's consent if required by law or the safety of people or property is involved, or if the information is required by authorized UK personnel for official use at UK. In these circumstances, only the information pertinent to the inquiry may be revealed.
3. The Dean of Students may act without the Student's consent to have a statement of disciplinary suspension or disciplinary expulsion entered on the Student's academic record for the duration of the disciplinary sanction, which would prohibit the Student from registering.
4. A Student's test data and record in the Counseling Center will be kept in the Counseling Center, separate and confidential, unless the Student consents in writing to have it revealed to a designated person or for a designated purpose. Without consent, no information will be revealed

except to an appropriate authority and then only when there is a clear and imminent danger to an individual or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

D. Right to Privacy (Other)

1. A Student has the right to be free from unreasonable searches and seizures of person and possessions while on UK property unless said search and seizure is conducted in accordance with state and federal laws. In cases of imminent danger or when there are reasonable grounds upon which to believe it is necessary to conduct a search immediately in order to protect life or property, searches may be conducted in the presence of the Dean of Students or another University Official acting as the Dean of Students' authorized representative.
2. University Health Service medical, surgical, and mental health records and information are maintained in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Health records are strictly confidential and are not released to anyone without the Student's knowledge and signed authorization. Student mental health records are maintained separately in a confidential file. If it becomes apparent in the course of treatment that the Student is likely to cause injury to self or others, pertinent information regarding the specific situation to this extent may be revealed for protection of the Student or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

E. Right to a Free Student Press

Student publications are free to deal openly and responsibly with issues of interest and importance to the academic community. The editors have the right of editorial freedom without the prior approval of copy and will be protected against dismissal or suspension or other retribution, except for violations of law or UK regulations.

F. Rights of Students and Registered Student Organizations Involved in the Student Conduct Process

1. To be treated fairly in the student conduct process.
2. For Respondents, to be provided written notice of any allegation or formal charge of the misconduct, as well as a description of the alleged misconduct.
3. For Respondents, to be presumed not responsible for a violation until determined otherwise. The burden of proving a violation of the Code is on UK.
4. To review the information contained in the Student Conduct Report, with all personally identifying information of other Students removed (if appropriate), in advance of a meeting or hearing.
5. To have access to the recording of a hearing in which the Student is the Respondent or Complaining Witness.
6. To present relevant information verbally or in writing on their behalf.
7. To have up to two (2) Support Persons present at a meeting or hearing to provide emotional or other support.
8. To know the identity of persons speaking or providing written information for a Hearing Board or UAB.

9. To ask reasonable questions and challenge, either verbally or in writing, the allegation(s), formal charge(s), or information provided during a student conduct meeting.
10. To not speak or answer any question during a student conduct meeting. Refusal to do so is not considered admitting responsibility for an alleged violation.
11. To request that a member of a Hearing Board be removed from the hearing based on a conflict of interest or bias.
12. To provide an impact statement(s) for consideration during the restorative action phase of a formal hearing or during a restorative conference.
13. For Respondents, to appeal any decision of the Hearing Board to the UAB pursuant to certain sections of this Code.

IV. Definitions

- A. “Complaining Witness” means any person (or his or her proxy) alleging a violation(s) of the Code. UK may designate a Proxy Complaining Witness, or initiate student conduct proceedings without a formal complaint from the victim of an alleged violation of the Code.
- B. “Conduct Officer” means a UK Official, who has undergone specialized training, designated by the Dean of Students to determine outcomes in the student conduct process.
- C. “Registered Student Organization (RSO)” means a group of persons who have complied with registration requirements as determined by the Office of Student Involvement in accordance with [*Administrative Regulation 4:1, Registration of Student Organizations*](#). Groups that seek, but have not yet been granted registered status are also included.
- D. “Respondent” means a Student or Registered Student Organization alleged to have violated the Code.
- E. “Restorative Action” means any educational or disciplinary measure given in response to a Student’s policy violation. Restorative Actions are meant to encourage self-reflection and to deter future violations. Restorative Actions should be connected to the violation, tailored to meet the Respondent’s developmental needs, and intended to repair the harm done.
- F. “Student” means any person who is enrolled at UK and who has not completed a program of study in which he or she is enrolled. Student status continues whether or not UK’s academic programs are in session. Student status includes those taking courses for credit or non-credit at UK, either full-time or part-time, while pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Code or who are living in the residence halls, although not enrolled at UK, are also considered Students.
- G. “Student Conduct Hearing Board (Hearing Board)” means a hearing panel authorized to resolve alleged violations contained in this Code.
- H. “Student Conduct Report” means any document(s) that describes an alleged violation of the Code. Student Conduct Reports may include UK incident reports, investigative reports, police reports, or verbal, written, or electronic communication.

- I. "Support Person" means an individual who may attend an informal meeting or formal hearing to provide advice, support, or guidance to either the Respondent or the Complaining Witness. A Support Person may not represent, speak on behalf of, delay, disrupt, or otherwise interfere with a student conduct meeting or hearing. An attorney may serve as a Support Person, although the attorney's participation is limited to the role of Support Person as described herein.
- J. "UK Activity" means any activity on or off UK Premises that is aided, approved, sponsored, or supervised by UK or a Registered Student Organization.
- K. "University Appeals Board (UAB)" means the persons appointed by the President in accordance with [Governing Regulation XI](#) to consider appeals of a Hearing Board's finding. On appeal, the UAB determines questions as to: 1) whether a Student or Registered Student Organization has violated the Code; 2) specific Restorative Action(s) recommended by the Hearing Board (i.e., social suspension, disciplinary suspension, or disciplinary expulsion); or 3) interim measures imposed by the Associate Provost for Student and Academic Life (APSAL).
- L. "UK Community" means the Employees, Students, visitors, volunteers, and members of the public.
- M. "UK Official" means:
 - 1. Any faculty member;
 - 2. Any staff employee who acts as an academic advisor or has responsibility for students;
 - 3. Any other individual who has administrative responsibilities, including but not limited to, deans, directors, department heads, managers, and supervisors, and resident and assistant resident directors.
- N. "UK Property" means all property owned, leased, used, or controlled by UK, and includes adjacent streets and sidewalks.

V. Scope of Code

A. Timing

Each Student is responsible for his or her conduct from the time of enrollment at UK through the actual awarding of a degree. The Code applies to the times including times when UK is not conducting classes. UK may impose discipline for violations that occur before the degree is awarded but which are not discovered until after the degree is awarded. If a Student withdraws while a student conduct matter is pending, the student conduct matter must be resolved prior to reenrollment.

B. Location

The Code applies to behavior that occurs on or off UK Premises. The Code applies at off-campus facilities of Registered Student Organizations, at UK-sponsored or approved activities, and at non-UK activities. The Code applies at all UK locations, including where UK is extended to distance education, such as study abroad, service trips, experiential learning opportunities, and athletic, club sport, and other group travel. The Code may also be applied to behavior conducted online, via e-mail or through electronic mediums in cases where the behavior is not protected by freedom of expression. UK does not regularly search for online information but may take action if such information is brought to the attention of UK Officials.

C. Guests and Visitors

A Student may be held accountable for the behavior of his or her guests or visitors on UK Premises. Guests and visitors of UK may also initiate referrals for potential violations of the Code committed by Students against them.

D. Reporting Restrictions

There is no time limitation on reporting of violations. Those who are aware of an alleged violation(s) of the Code are encouraged to report it promptly to the Office of Student Conduct or UK Police if applicable.

E. Being in the Presence of Code Violations

In some circumstances, a Student who is present while other Students violate the Code and does not report the violation may also be charged with a Code violation.

F. Attempted Violations

In situations where a Student attempts to engage in action that would violate the Code, but fails to do so, UK may charge a Student with an attempted violation of the Code.

G. Amnesty

Student health and safety are of primary concern at UK. Students who seek emergency assistance on behalf of persons experiencing drug or alcohol-related emergencies will not be charged or sanctioned for violations of University drug or alcohol-related policies. UK will grant amnesty to Students who proactively seek medical help for themselves or others where the help-seeking Student may have been involved in underage drinking or other improper use of alcohol or illegal drugs at the time. For example, a Student who has been drinking underage might hesitate to seek help for another Student who is unable to respond due to alcohol or drug use, or who has been the victim of sexual misconduct. Amnesty will not be granted for other policy violations that may have occurred during the incident (e.g. drug distribution, arson, theft, etc.). Amnesty does not prevent any actions that may be taken by any law enforcement agency, including UK Police.

H. Registered Student Organizations (RSO)

The Code applies to both individual Students and Registered Student Organizations (See [Administrative Regulation 4:1, Registration of Student Organizations](#)). The following standards will be considered when deciding whether conduct is associated with a RSO:

1. The conduct is endorsed by the RSO or any of its officers (“endorsed by” includes, but is not limited to, the following: active or passive consent or support, having prior knowledge that the conduct was likely to occur, or helping to plan, advertise, or promote the conduct);
2. The conduct is committed during the course of an activity paid for by the RSO, or paid for as a result of one or more members of the RSO contributing personal funds in lieu of organizational funds to support the activity or conduct in question;
3. The conduct occurred on property owned, controlled, rented, leased, or used by the RSO or any of its members for an organizational event;

4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the RSO;
5. Non-members of the RSO learned of the activity through members, advertisements, or communications associated with the RSO, or otherwise formed a reasonable belief that the conduct or activity was affiliated with or endorsed by the RSO;
6. Members of the RSO attempted to conceal the activity or protect other members who were involved; or
7. One or more officer(s) of the RSO had prior knowledge or reasonably should have known that the conduct would take place.

I. University Housing Policies

1. Misconduct by Students living in UK owned or controlled residence halls, houses, and apartments is typically addressed by Conduct Officers in University Housing. The standards and regulations for UK owned or controlled residential facilities are contained in the written rental agreement between the Student and UK and in the University Housing Standards. University Housing investigates alleged violations of the rules and regulations outlined in the rental agreement. Management of such cases is conducted in accordance with established and published procedures. A compilation of all rules established under the rental agreement is available to all residents of the facility to which such rules apply.
2. If the behavior or conduct of the Respondent poses a health or safety risk to self or others or might result in suspension or dismissal from UK, the case will be referred directly to Office of Student Conduct. In cases where the alleged violation of the rental agreement might constitute a violation of the provisions of the Code, University Housing may refer the case to the Office of Student Conduct.

J. Instructional Setting Behavior

The primary responsibility for managing the instructional setting rests with the instructor. Students who engage in conduct that results in disruption of an instructional setting may be directed by the instructor to leave the class for the remainder of the instructional setting period. A student conduct meeting as outlined in this Code must precede longer separations from an instructional setting. Disruptive instructional setting behavior is any behavior that in the judgment of the instructor substantially interferes with the conduct of an instructional setting, including but not limited to:

1. Persistent late arrivals or leaving early in a manner that disrupts the regular flow of the instructional setting;
2. Talking while the instructor or other Students are talking or speaking in an instructional setting without first obtaining recognition and permission to speak; or
3. Use of electronic equipment such as cell phones, computers, etc., in a manner that disrupts the class or when such equipment is prohibited by the instructor as part of the course syllabus.

K. Academic Misconduct Decisions

Academic misconduct decisions are covered in the [Rules of the University Senate](#).

VI. Standards of Conduct

Students and Registered Student Organizations are responsible for modeling behavior that represents UK's core values and are expected to conduct themselves as responsible members of the UK Community. Students and Registered Student Organizations are subject to Restorative Actions for violations of laws, and published UK policies, rules, and regulations. The following conduct is contrary to UK values and is prohibited:

A. Abuse of the Student Conduct Process

Abuse of the Student Conduct Process includes, but is not limited to:

1. Falsifying or misrepresenting information;
2. Disrupting the orderly conduct of a student conduct meeting or hearing or UAB meeting;
3. Preventing or attempting to prevent an individual's proper participation in, or use of, the student conduct process;
4. Influencing the neutrality of a member of a Hearing Board or UAB prior to or during the course of a student conduct proceeding;
5. Harassing (verbal or physical) or intimidating a member of a Hearing Board or UAB prior to, during, or after a student conduct code proceeding;
6. Failing to comply with the restorative action(s) imposed by an assigned deadline; or
7. Influencing another person to commit an abuse of the student conduct system.

B. Bullying and Cyberbullying

Bullying, including Cyberbullying, is repeated or hostile behaviors that a reasonable person would find intimidating or that would harm or distress another person, but fall short of being harassment. This provision shall not be used to discipline Students for speech protected by the First Amendment.

C. Collusion

Collusion is any action or inaction with another one or more individual(s) to intentionally violate the Code

D. Damage and Destruction

Damage and Destruction is intentionally or negligently damaging or destroying public property or private property of another person.

E. Discrimination

Discrimination is any action or behavior violates that results in negative or different treatment of an individual based upon race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or

whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking. (See [Administrative Regulation 6:1, Policy on Discrimination and Harassment](#))

F. Harassment

Harassment is unwelcome conduct that is so severe, pervasive, and objectively offensive that it substantially interferes with the ability of a person to work, learn, live or participate in, or benefit from services, activities, or privileges provided by UK. This provision shall not be used to discipline students for speech protected by the First Amendment. (See [Administrative Regulation 6:1, Policy on Discrimination and Harassment](#))

G. Disruptive Behavior

Disruptive Behavior is any conduct that disrupts any teaching, research, administrative, disciplinary, or other UK activities. Disruptive Behavior may occur at functions on or off campus, or at other authorized non-UK activities when the conduct occurs on UK Premises.

H. Failure to Comply

Failure to Comply is deliberate noncompliance with directions of UK Officials or UK law enforcement officers acting in performance of their duties, including failure to properly identify oneself to these persons when requested to do so.

I. Falsification

Falsification includes providing or having false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments.

J. Financial Irresponsibility

Financial Irresponsibility is having recurring financial over-obligation and nonpayment of debts to UK.

K. Violation of UK Fire Safety Policies

Violations of [UK Fire Safety Policies](#) include, but are not limited to:

1. Failing to evacuate during a fire alarm;
2. Falsely reporting a fire-related emergency;
3. Tampering with or improperly engaging a fire alarm, smoke detector, or sprinkler system;
4. Improper use or possession of fire safety equipment; or
5. Intentionally or recklessly causing a fire, regardless of whether or not it damages UK or personal property or causes injury to any member of the UK Community.

L. Harm and Threat of Harm

Harm and Threat of Harm includes physical abuse, verbal abuse, threats, intimidation, harassment, force, or other conduct that causes injury or a reasonable expectation of injury to the physical or mental health or safety of another person.

M. Hazing

Hazing is any activity that violates [Administrative Regulation 6:10, UK Hazing Policy](#).

N. Misuse of Intellectual Property

Misuse of Intellectual Property includes the unapproved download, creation, sale, transfer, access, reproduction or distribution of trademarks, copyrighted material, or patented inventions. Unapproved materials may include, but are not limited to: audio, video, research materials, or course materials provided by the instructor, such as the instructor's notes or PowerPoint presentations, handouts, tests, outlines, and similar materials. (See [Administrative Regulation 7:6, Intellectual Property Disposition](#))

O. Invasion of Privacy

Invasion of Privacy is using electronic or other devices to make a photographic, audio, or video record of any person without their prior knowledge or consent when such a recording is likely to cause injury or distress.

P. Misuse of Alcohol

Misuse of Alcohol is using, possessing, or providing alcoholic beverages in violation of [Administrative Regulation 6:4, University Alcohol Policy](#). Alcoholic beverages may not, in any circumstance, be used by, possessed by, or given to any person under twenty-one (21) years of age.

Q. Misuse of Drugs

Misuse of Drugs is using, possessing, manufacturing, or distributing marijuana, heroin, narcotics, or other controlled substances except as permitted by law.

R. Misuse of UK Information Technology Resources (UK IT)

Misuse of UK IT is any activity that violates [Administrative Regulation 10:1, Policy Governing Access to and Use of University Information Technology Resources](#).

S. Misuse of Tobacco

Misuse of Tobacco is using any tobacco products on UK Property in violation of [Administrative Regulation 6:5, Tobacco Policy](#).

T. Public Exposure

Public Exposure is intentionally exposing private or intimate parts of the body in a lewd manner when the action may be readily observed by others.

U. Public Intoxication

Public Intoxication is intoxication due to use of alcohol or a controlled substance as defined by [KRS 222.202](#) or [KRS 525.100](#).

V. Sexual Misconduct

Sexual Misconduct includes any activity that violates [Administrative Regulation 6:2, Policy on Sexual Assault, Stalking, Dating Violence, and Domestic Violence](#). Allegations of sexual misconduct are managed under the procedures contained in AR 6:2.

UK expects and requires Students who initiate sexual activity to acquire affirmative consent before engaging in said activity. UK defines affirmative consent as a clear and voluntary expression of willingness, permission, or agreement to engage in specific sexual activity. Each person involved in the sexual activity is responsible for obtaining affirmative consent of the other to engage in the sexual activity. Consent cannot be inferred from the absence of a “no;” a clear “yes,” verbal or otherwise, is necessary. Consent cannot be granted by an individual who:

1. Is unable to respond due to alcohol, any drug, or intoxicant use;
2. Has been compelled by force or threat of force;
3. Is unaware that the act is being committed;
4. Is impaired because of a mental or physical condition;
5. Is coerced by supervisory or disciplinary authority; or
6. Is less than the statutory age of consent.

W. Unapproved Access

Unapproved Access includes the unapproved possession, duplication, or use of keys or access cards to any UK Property or unapproved entry to or use of UK Property.

X. Unapproved Fundraising or Soliciting

Unapproved Fundraising or Solicitation includes fundraising or soliciting on UK Property without approval and in violation of [Governing Regulation I, The University of Kentucky](#)

Y. Unapproved Possession of Deadly Weapons

Unapproved Possession of Deadly Weapons is possessing deadly weapons on UK Property in violation of [Administrative Regulation 6:6, Policy on Deadly Weapons](#).

Z. Unapproved Possession of Property

Unapproved Possession of Property is knowingly taking or possessing UK property, public property, or the personal property of another without permission. Unapproved possession includes having stolen property where the Student knows or should have known it was stolen.

AA. Violations of Law or other UK Policies

Violations of Law or other UK Policies includes any conduct or activity that violates a federal, state or local law, or other UK policy.

VII. Restorative Actions

The following restorative actions may be imposed upon any student or registered student organization found responsible for a violation of the Code, from least severe to most severe. More than one restorative action may be imposed for any single Code violation.

A. Informal Warning

An Informal Warning is an oral or written warning to the Student or Registered Student Organization found responsible for a violation of the Code when the circumstances and severity of actions do not warrant the development of an official student conduct record. No official record of an informal warning is maintained as part of the Student's or Registered Student Organization's conduct file.

B. Official Warning

An Official Warning is a written notice to the Student or Registered Student Organization found responsible for a violation of the Code or UK policy. A record of an official warning is maintained as part of the Student's or Registered Student Organization's conduct file.

C. Housing Probation

Housing Probation is a designated period of time in which a Student or members of a Registered Student Organization that is housed in facilities maintained by the University Housing are not considered in good standing with the University Housing. Subsequent policy violations may result in more severe restorative actions.

D. Suspension of Housing Contract

Suspension of Housing Contract is the separation of the Student or members of the Registered Student Organization from facilities maintained by University Housing for a temporary or definite period of time, after which the Student or Registered Student Organization is eligible to return. Conditions for readmission may be specified. Subsequent policy violations may result in cancellation of housing contract.

E. Cancellation of Housing Contract

Cancellation of Housing Contract is a permanent separation of the Student or Registered Student Organization from facilities maintained by the University Housing. Students or Registered Student Organizations dismissed from these facilities may not be eligible for readmission into any facilities maintained by University Housing.

F. Conduct Probation

Conduct Probation is a designated period of time in which a Student or Registered Student Organization is not considered in good standing with UK. Subsequent policy violations may result in more severe restorative actions, up to and including disciplinary suspension or expulsion from UK.

G. Educational Action

An Educational Action is a measure intended to educate the Student or members of the Registered Student Organization on their responsibilities to abide by the Code and learn from the violation in an

educational way. Examples of educational actions include, but are not limited to: writing reflective or research papers, attending educational activities or substance education workshops, completing a prescribed number of community service hours, undergoing a counseling assessment, or taking community education classes.

H. Restitution

Restitution is a measure intended to compensate for the loss, damage, or injury caused by the Student or members of Registered Student Organization. This action may take the form of appropriate service, monetary compensation, or material replacement.

I. Administrative Referral

An Administrative Referral is a mandatory referral to another campus office/department to address concerns regarding a particular behavior or need. For example, a Student may be referred to the UK Counseling Center, Disability Resource Center, Community of Concern, or Off-Campus Student Services for additional assessment or recommendations.

J. Parental Notification

FERPA permits UK to notify a student's parents if:

1. The Student is under the age of twenty-one (21) and has violated any law or UK policy related to alcohol or controlled substances; or
2. The Student is considered a threat to him/herself or to others, or there is a need to protect the health and safety of the Student.

K. Placement of Holds

A disciplinary hold on a Student's record may be applied when a Student:

1. Is not presently enrolled at UK and a conduct meeting or hearing is pending;
2. Has a pending conduct case that must be resolved prior to graduation;
3. Has failed to complete restorative actions by the assigned deadlines;
4. Is suspended or expelled from UK; or
5. Presents behavior that puts self or the UK Community at risk.

L. Withholding Degree

UK may withhold awarding a degree otherwise earned until the completion of the student conduct process, including the completion of all restorative actions imposed, if any.

M. Revocation of Admission and/or Degree

Admission to, or a degree awarded from, UK may be revoked for fraud, misrepresentation, or other violation of UK standards in gaining admission or obtaining the degree, or for other serious violations committed by a Student prior to graduation. A recommended action of revocation of a degree will be

referred to the Board of Trustees for final action. (See [KRS 164.240](#))

Note: Revocation of admission or a degree under this Code is a separate and distinct action from sanctions that may be imposed under the UK Senate Rules for academic misconduct, (e.g. cheating, plagiarism, etc.)

N. Revocation of Registered Student Organization Status

Revocation of Registered Student Organization Status is a designated period of time in which a Registered Student Organization is not recognized by UK and does not receive designated privileges defined by [Administrative Regulation 4:1, Registration of Student Organizations](#).

O. Social Suspension

Social Suspension is the loss of specified UK privileges or extracurricular institutional activities for a designated period of time, except for attendance in classes in which officially enrolled and privileges that are necessary or required (e.g. libraries, extracurricular lectures, work-study).

P. Interim Suspension

In certain circumstances, the APSAL may impose an interim suspension from UK Premises upon receiving a complaint and prior to the completion of the student conduct process. An interim suspension may be imposed to:

1. Ensure the safety and well-being of members of the UK Community or preserve UK property;
2. Ensure the Student's own physical or emotional safety and well-being; or
3. Ensure that normal operations of UK are not disrupted.

Q. Disciplinary Suspension

Disciplinary Suspension is the separation of the Student from UK for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

R. Disciplinary Expulsion

Disciplinary Expulsion is permanent separation of the Student from UK.

VIII. Code Interpretation, Revision, Procedures

A. Interpretation

Any question of interpretation or application of the Code will be referred to the General Counsel for final determination.

B. Review and Revision

The Code will be reviewed at least every five (5) years under the direction of the APSAL. The Code shall be amended only by final action of the Board of Trustees.

C. Procedures

The President, with the advice of the APSAL, is authorized to develop and adopt procedures for the management of the Code. (See Appendix)

References and Related Materials

KRS 164.200, Regulations for University – Physical Training and Discipline of Students
KRS 222.202, Offenses of Alcohol Intoxication or Drinking Alcoholic Beverages in a Public Place
KRS 525.100, Riot, Disorderly Conduct, and Related Offenses
GR XIV, Ethical Principles and Code of Conduct
AR 4:1, Registration of Student Organizations
AR 6:1, Policy on Discrimination and Harassment
AR 6:2, Policy on Sexual Assault, Stalking, Dating Violence, and Domestic Violence
AR 6:4, University Alcohol Policy
AR 6:5, Tobacco Policy
AR 6:6, Policy on Deadly Weapons
AR 6:10, University Hazing Policy
AR 10:1, Policy Governing Access to and Use of University Information Technology Resources

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For questions, contact: Office of Legal Counsel

Appendix NON-ACADEMIC STUDENT CONDUCT PROCEDURES

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I. INTRODUCTION

These procedures are designed to provide fair and unbiased management of the Code of Student Conduct (Code). The procedures outlined below cover the standards of conduct as described in the Code.

These procedures **do not apply** to cases involving [Administrative Regulation 6.2, Policy on Sexual Assault, Stalking, Dating Violence, and Domestic Violence](#). Procedures for complaints regarding violations of AR 6:2 can be found at: <http://www.uky.edu/regis/Administrative/ar6.2.htm> .

II. INITIATING THE STUDENT CONDUCT PROCESS

A. Reports and Investigations

1. The Office of Student Conduct accepts reports of alleged Code violations from any person. All referrals must be submitted in writing. The referral should contain as much information as possible to enable UK to address the complaint.
2. Reports of harassment or discrimination should be made directly to the Office of Institutional Equity and Equal Opportunity. (See [Administrative Regulation 6:1, Policy on Discrimination and Harassment](#))
3. Reports of sexual assault, stalking, dating violence, or domestic violence may be reported to UK Police or other appropriate law enforcement unit in the location where the violation occurred, the Violence Intervention and Prevention Center (VIP), the Dean of Students Office, the UK Title IX Coordinator (located in the Office of Institutional Equity and Equal Opportunity), or to any UK Official. (See [Administrative Regulation 6:2, Policy on Sexual Assault, Stalking, Dating Violence, and Domestic Violence](#))
4. Upon receipt of a report, the Director of Student Conduct (Director), or a Conduct Officer assigned to the case by the Director, will conduct an investigation to determine if there is enough information to support an alleged violation of the Code and, if so, which violations occurred.

5. The Director or Conduct Officer may ask the Respondent to appear at an investigative meeting to discuss the report or gather additional information.
6. If the Director or Conduct Officer decides the report lacks merit, the report will be dismissed. Appropriate parties will be informed in writing within two (2) calendar weeks of the dismissal or a timeline for determining the merit of the complaint.
7. Violations of the Code also may be violations of the law. UK encourages Complaining Witnesses to make reports to both local law enforcement agencies and UK. Because the standard of proof required in criminal law is different from the standard of proof required in the Code and UK policy, the result of any criminal investigation does not influence the student conduct process. A criminal investigation will not take the place of a UK investigation, although a criminal investigation may supplement a UK investigation. UK will not wait for the conclusion of a criminal investigation to begin conducting its own investigation or to take interim measures to protect UK or any member of the UK Community or when necessary to initiate hearing procedures as outlined below.
8. When a report could result in suspension or expulsion, or when a restorative conference is inappropriate, the Director or Conduct Officer may send the report directly to a Hearing Board for a formal hearing.

B. Notice and Administrative Measures

1. If a determination is made that a violation of the Code has occurred, the Director or Conduct Officer will notify the Respondent via a Notice of Alleged Code Violation (Notice). The Notice will include a summary of the complaint, the alleged policy violations, the date and time of the hearing, and any interim measures. The Notice will be sent to the Respondent no less than two (2) business days prior to a scheduled meeting.
2. Notices will be sent to the Respondent's official UK email address. For Registered Student Organizations, the Notice will be emailed to the organization's primary representative (typically the President on file with the Office of Student Involvement). Failure to read and comply with the Notice is not grounds for an appeal.
3. The Office of Student Conduct schedules meetings and formal hearings. The time and date of the meeting or formal hearing is determined by each party's class schedule and the availability of the Conduct Officer, Hearing Board members, and witnesses. A meeting or formal hearing will only be rescheduled for good cause as determined by the Director. Prior to any student conduct meeting or hearing, the Respondent and Complaining Witness may contact the assigned Conduct Officer or Director to arrange to review all information relevant to the allegations.

III. **INTERIM SUSPENSION**

A. Interim Suspension

In certain circumstances, the Associate Provost for Student and Academic Life (APSAL) may impose an interim suspension from UK Premises upon receiving a complaint and prior to the completion of the student conduct process. An interim suspension may be imposed to:

1. Ensure the safety and well-being of members of the UK Community or preserve UK property;
2. Ensure the Student's own physical or emotional safety and well-being; or
3. Ensure that normal operations of UK are not disrupted.

B. Notice of Interim Suspension

Upon taking such action, the APSAL or authorized representative will:

1. Immediately notify the Student in writing of the interim suspension, including the reasons for the interim suspension and appeal rights; and
2. Immediately notify the chair of the University Appeals Board (UAB) of the interim suspension.

C. Appeal of Interim Sanction

A Student may appeal the interim suspension to the UAB in writing within seven (7) business days. The interim suspension remains in effect during any appeal. If requested in the written appeal, a Student will be given an opportunity to appear personally before the UAB within three (3) business days of submitting the appeal. Only the following issues may be discussed at the appeal:

1. The reliability of the information concerning the Student's conduct, including the matter of his or her identity; or
2. Whether the conduct and surrounding circumstances reasonably indicate the continued presence of the Student on UK Premises poses a substantial and immediate threat to him or herself or to others, or to the stability and continuance of normal UK functions.

D. Prompt Disciplinary Hearing

A Student under interim suspension will be given an opportunity for a prompt disciplinary hearing within the UK student conduct process.

IV. INFORMAL RESOLUTION OPTIONS

A. Student Conduct Meeting

1. Respondents may be provided with an informal meeting to resolve the allegations. Meetings are closed meetings that permit the Respondent to discuss the referral informally with a Conduct Officer and others as appropriate. During the meeting, the Conduct Officer and the Respondent discuss the referral and determine whether it is more likely than not the Respondent violated the Code or any other UK policy.
2. After reviewing the referral and meeting with the Respondent, if the Conduct Officer determines sufficient information does not exist to prove an alleged violation, the Conduct Officer may dismiss the referral.

3. If the Conduct Officer determines sufficient information does exist to prove an alleged violation, and the Respondent **accepts responsibility** for the alleged violation, the Conduct Officer and the Respondent will discuss restorative actions. The Respondent can either:
 - a. Agree to fulfill the restorative action as discussed in the meeting; or
 - b. Disagree with the proposed restorative action and request a restorative conference or a formal hearing on the issue of appropriate restorative actions only.
4. If the Conduct Officer determines sufficient information does exist to prove an alleged violation, and the Respondent **does not accept responsibility**, the case will be referred for a formal hearing.
5. An agreement by the student as to either responsibility or the restorative action reached during the student conduct meeting may not be appealed.

B. Restorative Conference

1. A restorative conference provides an opportunity for interaction between the Respondent and any harmed party or Complaining Witness, but also may involve the community in the decision making process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone a voice in the process and bring understanding to all parties. Restorative conferences also allow for collaboration in deciding what is to be done about the incident in question and also to address any underlying problems that led to the incident.
 2. Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. Annual training for restorative conference facilitators is provided by the Office of Student Conduct. Restorative conferences may or may not result in additional restorative actions, depending on the outcome of the conference.
3. If a resolution is not met through the restorative conference, the student conduct process will resume and a formal hearing will be scheduled to determine restorative actions.

V. FORMAL RESOLUTION

A. Formal Hearings

If an informal resolution is not reached, or in cases where the Director or Conduct Officer referred the matter because potential outcomes include disciplinary suspension or expulsion from UK, the case will be scheduled for a formal hearing. Hearings are closed meetings that permit UK and the Respondent to address the alleged violation or restorative actions with a Hearing Board. Only individuals with a legitimate role in the hearing process are permitted to attend or participate in a hearing. The Hearing Board will determine if an individual has a legitimate role in the hearing process.

B. Hearing Boards

The Office of the APSAL solicits volunteers from employees and students to serve on Hearing Boards. Annual and ongoing training is provided by the Office of Student Conduct. When a student conduct matter is referred to a Hearing Board for a formal hearing, the Director will determine which Hearing Board will address the allegation(s). The Director will determine the appropriate Hearing Board based on the nature of the allegation(s), whether the allegation(s) is grounds for disciplinary suspension or expulsion, whether the allegation(s) is grounds for suspension or revocation of Registered Student Organization status, and other relevant factors. The Director will notify the Respondent, Complaining Witness(es), and Hearing Board members of the individuals selected for the Hearing Board at least 3 days in advance of the hearing.

1. UK Community Member Hearing Board

- a. The UK Community Hearing Board is a three (3) person Hearing Board composed of individuals selected by the Director from the employees, and students as follows:
 - i. One (1) faculty employee;
 - ii. One (1) staff employee; and
 - iii. One (1) undergraduate or graduate Student in good disciplinary standing and enrolled full-time. Students appointed to the UK Community Member Hearing Board are selected by an application and interview process. A Student member must be a full-time Student in good disciplinary standing with a cumulative grade point average of 2.5 or above and classified as a sophomore or above.
- b. Members serve one-year (1-year) terms, which may be renewed. The Director will designate one (1) member of the UK Community Member Hearing Board as Chair each time the Hearing Board is convened. The Chair is a voting member of the Hearing Board.

2. Registered Student Organization (RSO) Hearing Board

- a. The RSO Hearing Board is a five (5) person Hearing Board composed of undergraduate and graduate Students selected by an application and interview process overseen by the Office of Student Conduct. All members must be full-time students in good disciplinary standing with a cumulative grade point average of 2.5 or above, classified as a sophomore or above, and must be a current member of at least one (1) Registered Student Organization. All members serve one-year (1-year) terms, which may be renewed for one (1) additional year.
- b. Whether the RSO Hearing Board will address the allegation(s) is ultimately determined by the Director. The RSO Hearing Board is generally reserved for lower-level incidents of misconduct and those that do not include allegations of sexual misconduct, stalking, or relationship violence.
- c. The Director will appoint one (1) member of the RSO Hearing Board as Chair each time this board is convened. The Chair is a voting member of the Board.

C. Hearing Procedures

Hearings must be conducted by a Hearing Board according to the following procedures:

1. A party may request that a member(s) of a Hearing Board be excluded from the hearing based on a conflict of interest or bias. The request to exclude a member of a Hearing Board must be made in writing via email to the Director at least two (2) business days prior to the scheduled hearing. Requests must state the exact nature of the request and reason(s) the requestor believes the Hearing Board member cannot be impartial. The Director will decide if the Hearing Board member should be excluded, and if so assign a new Hearing Board member. The Director will notify the parties accordingly. The Complaining Witness, Respondent, and their support person(s) if any, are allowed to attend the entire portion of the hearing during which the Hearing Board receives information (excluding deliberations). Admission of any other individual to the hearing is at the discretion of the Chair of the Hearing Board.
2. A party may request to postpone the hearing for reasonable cause. A written request must be submitted to the Director, which includes the reason for the request, no later than two (2) days prior to the scheduled hearing unless unforeseen circumstances occur. The Director, in consultation with the Chair, may accept or deny the request after considering the nature of the request and the incident at hand.
3. At the discretion of the Director, in hearings involving more than one (1) Respondent the hearings concerning each Respondent may be conducted either separately or jointly. Joint hearings will only be conducted upon agreement of the Respondents and upon execution of an appropriate FERPA waiver.
4. The burden of proving a violation of the Code is on UK. The Respondent is presumed to be not responsible until determined otherwise.
5. The Hearing Board's determination will be made based on the preponderance of evidence standard. Preponderance of Evidence means that it is more likely than not (at least 50.1% certain) that the Respondent is responsible for the alleged act.
6. The Respondent is responsible for presenting his or her own information at the hearing. If the Respondent chooses not to participate, or fails to appear before a Hearing Board, the Hearing Board may review the available information and make a determination in the Respondent's absence.
7. The Office of Student Conduct will provide to the Hearing Board:
 - a. The Student Conduct Report;
 - b. A written summary detailing the meetings with both parties;
 - c. A written summary of the available information; and
 - d. The reason the case is before the Hearing Board.
8. In advance of the hearing, the Office of Student Conduct will provide to the Respondent:

- a. The Student Conduct Report;
 - b. A written summary detailing the meetings with both parties;
 - c. A written summary of the available information; and
 - d. The reason the case is before the Hearing Board.
9. The Conduct Officer responsible for the case will appear at the hearing to explain the Student Conduct Report and respond to questions from the Hearing Board.
 10. The Complaining Witness and the Respondent may be assisted by up to two (2) Support Person(s) of their choice and at their own expense. Support Persons(s) are not permitted to speak or to participate directly in the hearing. A Student should select a Support Person(s) whose schedule allows attendance at the scheduled date and time for the hearing. Delays of a meeting or hearing are not normally allowed because of the scheduling conflicts of a Support Person.
 11. The Office of Student Conduct is responsible for assisting the Hearing Board in arranging for witnesses who are members of the UK Community to present information during the hearing when reasonably possible. Arranging for the attendance of witnesses who are not members of the UK Community is the responsibility of the party who seeks the witness' testimony. Witnesses participate in a hearing to provide information to and answer questions from the Hearing Board regarding the personal knowledge they have of the incident at hand.
 12. The Office of Student Conduct will make reasonable accommodations to address concerns for the personal safety, well-being, or fears of confrontation of the Complaining Witness, Respondent, or other witness during the hearing. Accommodations include providing separate facilities, using a visual screen, or permitting participation by telephone, videophone, closed circuit television, video conferencing or other appropriate means as determined by the judgment of the Director.
 13. The parties may suggest questions to the Chair in writing to be answered by witnesses. The Chair will determine if the questions are relevant and appropriate. At the discretion of the Chair, the Hearing Board may accept pertinent records, exhibits, and written statements (including student impact statements) as information for consideration by the Hearing Board.
 14. The Chair is responsible for maintaining order and determining the sequence of events during a hearing. The Chair may direct any person who fails to comply with procedures during the hearing or disrupts/obstructs the hearing to leave the hearing.
 15. The Chair is responsible for making final decisions on all procedure or evidence questions, but may consult with the Conduct Officer or other appropriate UK Official before making a final decision.
 16. If Respondent has not accepted responsibility, after receiving all pertinent information, the Hearing Board will determine whether the Respondent has violated any Code section. If the Hearing Board determines the Respondent has violated the Code, the Hearing Board will

recommend restorative actions to the Dean of Students. The Chair will provide a written rationale for the decision and recommend appropriate restorative actions to the Dean of Students. If the Hearing Board determines the Respondent has not violated any Code section, the Hearing Board recommends to the Dean that no actions be taken and the case is dismissed.

17. If Respondent has previously accepted responsibility, after receiving all pertinent information, the Hearing Board will recommend restorative actions to the Dean of Students. The Chair will provide a written recommendation of any restorative actions and the rationale for the recommendation to the Dean of Students
18. The Hearing Board may reconvene a hearing at a later time or date to collect additional information before making a final determination regarding the outcome of any hearing, including recommended restorative actions.
19. The decision and restorative action(s) are ultimately determined and imposed by the Dean of Students; however, the Dean of Students must consider the recommendation of the Hearing Board in determining responsibility for the alleged policy violation and imposing restorative actions. The Dean of Students is not limited to the decision or restorative actions recommended by members of the Hearing Board and can accept, modify, or reject the recommended decision and, if applicable, restorative actions. The Dean of Students will provide a written outcome to the Respondent via the Student's UK email address no more than seven (7) business days following a hearing, unless circumstances exist that would delay issuance of the written outcome. The written outcome must describe the rationale for the decision and any restorative actions imposed.
20. The Dean of Students is not limited to the decision or restorative actions recommended by members of the Hearing Board.
21. All hearings will be recorded, with the exception of the deliberation portion. The record is the property of UK.

VI. APPEALS TO THE UNIVERSITY APPEALS BOARD (UAB)

A. Appeal

1. A Respondent may appeal the Hearing Board's decision and restorative action to the UAB if the restorative action is social suspension, disciplinary suspension, or disciplinary expulsion. (See [Governing Regulation XI](#))
2. A Respondent and his or her Support Persons have the right to review the hearing file, including any recording of the hearing, in preparation for filing an appeal.
3. The written appeal will be submitted to the Chair of the UAB or postmarked, if mailed to the Chair, within seven (7) business days of the receipt of the decision rendered by the Hearing Board.

B. Jurisdiction

The UAB has appellate jurisdiction over non-academic student conduct cases. The appeal is not a new hearing, but rather a review of the original hearing. The appeal is limited to the following issues:

1. Whether deviations in procedures were significantly prejudicial (i.e., would alter the outcome of the hearing). In such cases, the UAB will determine whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures providing UK a reasonable opportunity to prepare and to present information regarding the alleged Code violation, and providing the Respondent a reasonable opportunity to prepare and to present a response to those allegations.
2. Whether the restorative actions imposed (i.e., social suspension, disciplinary suspension, disciplinary expulsion) were appropriate for the violation.
3. Whether new information, or other relevant facts not presented at the hearing, would have altered the outcome of the hearing and if such information and/or facts were not known to the person appealing at the time of the original hearing.

C. Notification of Appeal

If the Respondent files an appeal, the Chair of the UAB will notify the Office of Student Conduct of the appeal and provide the Office of Student Conduct an opportunity to file a response. If the Office of Student Conduct files a response to the appeal, the response must be filed within five (5) business days of being notified of the appeal.

D. Appeal Record

In considering an appeal, the UAB will conduct a review of the existing documentary and verbatim record, including but not limited to:

1. The hearing file;
2. The written recommendations of the Hearing Board;
3. The recording or transcript of the formal hearing;
4. The letter of appeal; and
5. Written response from the Office of Student Conduct, if any.

E. UAB Decision

Upon review of all of the information, the UAB Chair and two (2) members of the UAB chosen by the Chair, have the authority to do one (1) of the following:

1. Uphold the findings and recommendations made by the Hearing Board;
2. In the cases of social suspension, disciplinary suspension, or disciplinary expulsion, modify

the restorative actions; or

3. Remand the case back to a Hearing Board.

F. Remanded Cases

An appeal can only be remanded to a Hearing Board due to procedural error or new information.

1. For issues of procedural error, the Director will appoint a new Hearing Board to reconsider the referral; or
2. For issues of new information, the Director will instruct the original Hearing Board to resume the hearing.

G. UAB Decision

The UAB Chair will communicate the outcome to the Respondent, the Director, the Dean of Students, and when appropriate, the Complaining Witness. The decision of the UAB is final and binding upon all involved.

VII. PROCEDURES FOR NONPAYMENT OF FINANCIAL OBLIGATIONS

- A. UK expects each Student to be financially responsible and not be delinquent in financial obligations to UK or to any department or division thereof, including housing payments to Registered Student Organizations.
- B. An office or a department of UK, with previous approval of the Executive Vice President for Finance and Administration, will notify a student twice of any unmet financial obligation owed to it. If not paid within sixty (60) business days, from date due, the office or department will notify Student Account Services that the student is delinquent.
- C. Once notified, Student Account Services will review the account and when appropriate notify the Registrar to not allow the Student to register, transfer credits, be readmitted to UK, or receive the graduation diploma which certifies degree earned until the Student Account Services notifies the Registrar that the obligation has been met or until the statute of limitations on collection applies.
- D. If there is a dispute as to whether or not a Student is legally liable for a financial obligation asserted by the UK, and the Student challenges such obligation by contacting the Office of the Executive Vice President for Finance and Administration in writing within seven (7) business days of receipt of a notice of financial delinquency, then the actions with respect to registration will not apply until final resolution of the dispute.