

PR 7

Office of the President
March 16, 2015

Members, Board of Trustees:

PROPOSED REVISION TO GOVERNING REGULATION:
AUTHORITY OF THE UNIVERSITY APPEALS BOARD

Recommendation: that the Board of Trustees receive and vote to accept for the first reading the attached revision to Governing Regulation (GR) XI, relating to the authority of the University Appeals Board (UAB). The revision is intended to clarify the role of the University Senate Rules for academic misconduct and the Student Code of Conduct for disciplinary offenses in informing the decisions of the UAB.

Background: This revision will clarify that, in making its decisions in student appeals of academic misconduct, the UAB operates within the *University Senate Rules* that define academic offenses, create a range of sanctions to be imposed upon a finding of guilt, and establish the standard of proof, subject only to the limitations imposed by the U.S. and Kentucky Constitutions. Further, the revision will clarify that, in making its decisions in student appeals of disciplinary offenses, the UAB operates within the *Code of Student Conduct* that define conduct offenses, create a range of sanctions to be imposed upon a finding of responsibility, and establish the standard of proof, subject only to the limitations imposed by the U.S. and Kentucky Constitutions.

In accordance with Governing Regulation XIII, the University Senate, Staff Senate and Student Government Association have reviewed and support the proposed revision.

A copy of the Governing Regulation showing the proposed revision is attached.

Action taken: Approved Disapproved Other _____



UNIVERSITY OF KENTUCKY®

Regulations

Governing Regulation, Part XI

Responsible Office: Board of Trustees

Date Effective: 3/7/2006DRAFT

Supersedes Version: 3/7/2006, 6/14/2005

Student Affairs

Major Topics

[Student-University Relationships](#)

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A. Student Government Association

The University of Kentucky Student Government Association is recognized by the Board of Trustees, administration, the Staff Senate and the University Senate as the official representative of the student body in University matters to ensure a maximum of self-government and to foster mutual respect, collaboration and cooperation between students and the faculty, staff and administration. It shall develop rules for its composition and procedures, and provide services to the students, staff, faculty, and administration of the University. These rules shall be consistent with the vision, mission and values of the University and shall be governed by the University's written policies and procedures, including those prescribed in the *Governing Regulations*, *Administrative Regulations* and *University Senate Rules*. Copies of the Student Government Association rules and approved changes shall be provided to all members of the student body of the University, the Secretary of the Staff Senate, the Secretary of the University Senate, Vice President for Student Affairs, the President, and the Secretary of the Board of Trustees.

The President of the Student Government Association shall be considered to be the President of the student body of the University as specified in KRS 164.131.

The Student Government Association may have additional responsibilities delegated to it by the President or the Office of the Vice President for Student Affairs. The Vice President for Student Affairs shall have administrative oversight of the Student Government Association in matters pertaining to the expenditure of university funds. The Vice President for Student Affairs shall also ensure that any action taken by the Student Government Association is consistent with University written policies and procedures, including those prescribed in the *Governing Regulations*, *Administrative Regulations* and *University Senate Rules*. An appeal of a decision of the Vice President for Student Affairs in any of the above matters may be made to the Provost. The Vice President for Student Affairs shall assign a university advisor to the Student Government Association, whose duties shall be to counsel and advise the organization and its officers as to their roles and responsibilities. The Student Government Association advisor shall review all proposed changes to the Student Government Association Constitution and By-Laws as well as rules for its

composition and procedures and advise the Student Government Association concerning the consistency or inconsistency with University policies and procedures, including but not limited to the *Governing Regulations, Administrative Regulations, University Senate Rules* and the *Code of Student Conduct*.

Pursuant to KRS 61.810, the meetings of the Student Government Association are open meetings. Through the respective presiding officer, any person may request the privilege of the floor to address all meetings of the Student Government Association.

B. Student-University Relationships

The non-academic relationships between University students and the University are articulated in the document entitled, *Student Rights and Responsibilities: Part I - Code of Student Conduct: Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships*, which has been adopted by the Board of Trustees and may be amended only by that body.

The academic relationships between University students and the University are incorporated in the document entitled, *Student Rights and Responsibilities: Part II - Selected Rules of the University Senate Governing Academic Relationships*. The rules in Part II have been adopted by the University Senate and may be amended only by that body.

Copies of the document, *Student Rights and Responsibilities: Parts I and II*, shall be made available to all students. The *Student Rights and Responsibilities: Parts I and II* are also available at www.uky.edu/StudentAffairs/Code. Registration by the student constitutes acceptance of the policies in the *Student Rights and Responsibilities* governing student-University relationships. In no case, however, shall this acceptance preclude legitimate efforts to obtain amendments to this document covering these relationships.

C. The University Appeals Board - Jurisdiction

There shall be a University Appeals Board (hereinafter UAB) with specific jurisdiction over student matters. The UAB shall be assigned either original or appellate jurisdiction over various students, as established by this *Governing Regulation*, as follows:

1. Disciplinary Offenses

In cases of disciplinary offenses (outlined in the *Code of Student Conduct*, Article II) where the student is sanctioned with social suspension, disciplinary suspension, or expulsion, the UAB shall have appellate jurisdiction.

2. Academic Offenses

(a) In cases of academic offenses (outlined in the *University Senate Rules*, Section 6.3) where the student contests guilt, the UAB shall have original jurisdiction.

(b) In cases of academic offenses (outlined in the *University Senate Rules*, Section 6.3) where the only issue is the severity of the sanction, the UAB shall have appellate jurisdiction.

3. Violation of Student Rights

(a) In cases where a student claims a violation of student rights (outlined in the *Code of Student Conduct*, Article I), the UAB shall hear any case referred to it by the Dean of Students and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students.

(b) Registered student organizations that receive the majority of their regular operating budgets from allocations of student fee monies and/or University allocation shall have a hearing process which shall include final appeal to the UAB.

(c) The UAB shall have jurisdiction over final decisions of University hearing agencies in which a student alleges a violation of student rights. In a case involving a student election in which a candidate alleges that his or her student rights were violated, the UAB may affirm the decision of the Student Government Association appellate body, refer the matter back to the Student Government appellate body to correct the error identified by the UAB, or affirm or void the election. The jurisdiction of the UAB does not extend to the selection of the President of the Student Government Association.

4. Violation of Academic Rights

In cases where a student claims a violation of academic rights (outlined in the *University Senate Rules*, Section 6.1), the UAB shall have original jurisdiction.

5. College Honor Code Offenses

The UAB shall hold appellate jurisdiction over the decisions of college honor councils or committees, except that if the hearing panel, by majority of those present, decides the student's rights have been substantially violated, the hearing panel has original jurisdiction on the issue of guilt.

6. Cases of Temporary Sanctions

When the Vice President for Student Affairs imposes temporary sanctions on a student, the UAB shall have appellate jurisdiction.

D. Composition of the University Appeals Board

1. The UAB shall consist of thirty (30) members, eighteen (18) faculty members and twelve (12) full-time students, and a Hearing Officer who shall be the Chair.
2. A hearing panel of the UAB shall consist of nine (9) members, at least five (5) of whom are faculty members, at least one (1) of whom is a student, and a Hearing Officer, who shall be the chair.
3. A quorum of the hearing panel for the conduct of business will be nine (9), including the Hearing Officer, at least five (5) faculty members (exclusive of the Hearing Officer) and at least one (1) student.

E. Appointments to the University Appeals Board

1. The Hearing Officer

The Hearing Officer shall be the Chair of the hearing panel and shall be a person with training in the law appointed by the President of the University for a three-year term, subject to reappointment. The term shall begin on September 1, and end August 31. The Hearing Officer shall convene and preside at all meetings of the hearing panel, but does not vote as a member of the Board or have the authority to cast a tie breaking vote. All questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the Hearing Officer. The Hearing Officer shall have the authority to exclude any hearing panel member that the Hearing Officer determines has a conflict of interest or the appearance of a conflict of interest with a case. If the Hearing Officer cannot serve when needed, the President or, in the President's absence, the Provost shall appoint a temporary substitute.

2. The Student Members

- (a) The student membership of the UAB shall be appointed to one-year terms, subject to reappointment. Their terms shall begin September 1 and end August 31.
- (b) The student membership shall consist of four (4) graduate or professional students and eight (8) undergraduate students. The undergraduates must be full-time students and either sophomores, juniors or seniors in good standing. The graduate or professional student must be a full-time student, have been in residence at least one year and be in good standing.
- (c) The President shall appoint student members to the UAB from the recommendations submitted by the Student Government Association and the college deans. Six (6) student members shall be appointed from those names submitted by the Student Government Association and six (6) members from those names submitted by the college deans, totaling twelve (12) student members.

3. The Faculty Members

Faculty members of the UAB shall be appointed to staggered three-year terms by the President of the University upon the recommendation of the University Senate Council. All terms shall begin on September 1 and end on August 31. To minimize the possibility of a conflict of interest, faculty members with primary administrative appointments (more than fifty percent of their assignment allotted to administration) shall not be appointed to the UAB.

4. Temporary Appointments

- (a) If a sufficient number of the members of the UAB are not present or have been determined by the Hearing Officer to have a conflict of interest or the appearance of a conflict of interest at any time when that Board has duties to perform, the President of the University or, in the President's absence, the Provost, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. However, in no case shall a faculty member replace a student member or a student member replace a faculty member.
- (b) If, at any time, in the judgment of the Hearing Officer, there are sufficient cases pending before UAB that it is unlikely that the pending cases can be processed within the time prescribed, the Hearing Officer shall notify the President of that fact. The President may, in accordance with the above provisions of GR XI Section E, activate additional boards and appoint a Hearing Officer for each such additional board, or appoint additional boards and hearing officers for designated cases and time periods.
- (c) The authority, jurisdiction, and range of possible actions of, and the guaranteed rights of an accused person before any special board or panel appointed or activated under the terms of (a) or (b) above shall be the same as those applicable to the regularly constituted board or panel.

F. Procedures of the University Appeals Board

Additional procedures of the UAB shall be those prescribed by *University Senate Rules* for academic cases, the *Code of Student Conduct* for non-academic cases, or by the UAB to effectuate the orderly conduct of its functions.

G. Disposition of Cases – Authority

~~The authority of the UAB over the disposition of academic cases is provided in the *University Senate Rules* for academic cases and in the *Code of Student Conduct* for non-academic cases. Decisions of the UAB are final.~~

The University Appeals Board has authority to decide appeals of both academic and non-academic cases. With respect to the UAB's resolution of academic cases arising under either its original or appellate jurisdiction, the UAB operates within *University Senate Rules* that define academic offenses, create a range of sanctions to be imposed upon a finding of guilt, and establish the standard of proof, subject only to the limitations imposed by the Constitutions and statutes. With respect to non-academic cases, the range of sanctions and standard of proof are set out in the *Code of Student Conduct*, subject only to the limitations imposed by the Constitutions and statutes. The decisions of the UAB are final.

References and Related Materials

Kentucky Revised Statutes (KRS): 61.820 Schedule of regular meetings to be made available; 164.131 Board of Trustees of University of Kentucky, Membership, Terms; 161.810 Continuance of status in case of annexation or consolidation of schools

University Senate Rules: Sections 6.1 and 6.3

Student Rights and Responsibilities: Part I - Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships; Part II - Selected Rules of the University Senate Governing Academic Relationships

Revision History

12/11/2001, 6/14/2005, 3/7/2006

For questions, contact: [Office of Legal Counsel](#)