

## **6.5.0 UNIVERSITY APPEALS BOARD**

### **6.5.1 FUNCTIONS OF THE UNIVERSITY APPEALS BOARD**

#### **6.5.1.1 Cases of Academic Offenses** [see Section 6.4.4, above; US: 3/10/86; US: 12/12/05]

#### **6.5.1.2 Cases of Student Academic Rights** [US: 12/8/86]

After hearing a case involving a violation of student academic rights as set forth herein, the Appeals Board may select from the following remedies:

**A.** The Appeals Board may direct that a student be informed about the content, grading standards, and procedures of a course when a violation of the pertinent rules has been proved.

**B.** When an academic evaluation based upon anything other than a good-faith judgment of a student has been proved, the Board may direct that a student's grade in a course be changed to a W (Withdrawal) or a P (Passing, credit toward graduation but not toward grade point standing), or, if such determination can be made, to an appropriate letter grade. (See Section 5.1.3) If the Appeals Board awards a student a P in the course, it shall appear on his or her record regardless of the fact that the student's college or academic unit does not normally recognize P grades. The academic unit must accept that course just as if the student had passed the course in the normal manner, except that the P grade is not used in calculating the student's GPA. [RC: 11/20/87]

**C.** The Appeals Board may take any other reasonable action calculated to guarantee the rights stated herein.

### **6.5.2 COMPOSITION OF THE UNIVERSITY APPEALS BOARD**

The University Appeals Board shall be composed of a membership of faculty and students as prescribed by GR XI.C. All members of the Appeals Board shall be expected to meet within 48 hours after notice from the chair. [US: 4/10/00]

#### **6.5.2.1 The Hearing Officer**

The Hearing Officer shall be the chair of the Appeals Board (GR XI). He/she shall be a person with training in the law appointed by the President of the University for a one-year term, beginning September 1 and ending on August 31. He/she shall convene and preside at all meetings of the Appeals Board.

When the Appeals Board is exercising original jurisdiction, all questions of law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the Hearing Officer. If the Hearing Officer is not present for any case, the President shall appoint a temporary substitute, as per GR XI.C. The Hearing Officer does not participate in the Board's deliberations and has no power to cast a tie breaking vote.

#### **6.5.2.2 The Student Membership**

The student membership shall consist of four graduate or professional students, four male undergraduate students and four female undergraduate students. The undergraduate students must be sophomores, juniors or seniors in good academic standing and the graduate or professional students must have been in residence at least one year and be in good standing in their respective colleges. They shall be appointed to one-year terms, subject to reappointment. Their terms shall begin September 1 and end August 31. Members shall be broadly representative of the University community, including the Medical Center, Lexington Community College, and the Lexington Campus, and shall be chosen by the President of the University from the recommendations of the legislative branch of the Student Government Association. [US: 4/10/00]

### **6.5.2.3 The Faculty Membership**

The faculty members shall be broadly representative of the University community and 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. [US: 4/10/00]

### **6.5.2.4 Other Procedural Rules**

Normally nine members, exclusive of the Hearing Officer, shall sit to decide a case. A quorum for the conduct of business will be eight members including the Hearing Officer, not less than five of whom, exclusive of the Hearing Officer, shall be faculty members. The Appeals Board shall establish such procedural rules, not inconsistent with the provisions of the Rules of the University Senate. A decision of the Appeals Board is null and void when the Board is constituted in violation of this Rule and when the improper constitution is likely to have affected the case's outcome, in the opinion of the University Appeals Board. When a student claims a violation of his/her rights, a tie vote sustains the action being appealed. [US: 4/10/00]

## **6.6.0 HONOR CODE**

Any school, college, or program may establish, with the approval of the Senate, an honor code or comparable system governed by the students with approval by and/or appeal to the faculty of such a college. When such an honor code or comparable system has been established by a college, the code shall apply, and the procedures for disposition of cases of academic offenses described in Section 6.4 shall not apply, only to suspected offenses by students enrolled in that school, college, or program, regardless of whether the offenses are committed in courses offered by the same or a different college.

An honor code that applies to students enrolled in a program or curriculum of the Graduate School must be approved by the Graduate Faculty and the dean of the Graduate School.

A student found guilty of committing an offense subject to an Honor Code may appeal that finding through the Academic Ombud to the Appeals Board. The Appeals Board, however, shall not normally sit as a de novo fact finding body, but shall limit its review to ensuring that the college's academic honors board or committee adequately followed its own written procedures in determining guilt or innocence and that the finding of guilt is supported by the preponderance of evidence. If the honor code is not student governed, as determined by the Senate during the approval process of the honor code, the affected student reserves the right to appeal the case to the Appeals Board and be heard de novo. [US: 2/13/95, US: 2/10/03]

However, if the Board, by the majority of those present, believes the student's rights under the University Senate Rules and the applicable rules of the academic unit governing academic relationships have been substantially violated, the Board may conduct a de novo hearing on the issue of guilt. [US: 2/13/95]

If the Board, by majority of those present, believes the findings or determination of the Honors Council are not supported by the preponderance of the evidence, the Board may reverse the finding of guilt and there shall be no further proceedings in the case. [US: 2/13/95]

College academic honor councils or committees shall maintain a verbatim record of their proceedings to ensure that the Appeals Board is able to perform this function. [US: 2/13/95]

The punishment meted out to a student governed by such a system shall be as designated thereby except that actual suspension, dismissal or expulsion shall be imposed only with the recommendation of the dean of the college and upon approval by the President of the University. [US: 2/13/95]

Note: The Dentistry, Law, Medicine, and Pharmacy colleges have adopted honor codes. Copies are available in the deans' offices of these colleges.

Note: The Senate recognizes that the College of Law Honor Code is not student governed. [US: 2/10/03]