

## 6.0 Section VI Student Academic Affairs

### 6.1.0 ACADEMIC RIGHTS OF STUDENTS

#### 6.1.1 Information about Course Content

A student has the right to expect the course to correspond generally to the description in the official *Bulletin* of the University of Kentucky and the right to be informed in writing (in the course syllabus) at the first or second class meeting about the nature of the course--the content, the activities to be evaluated, and the grading practice to be followed. Whenever factors such as absences or late papers will be weighed in determining grades, a student shall be informed. All students must be informed in writing of the course content and other matters listed in this rule at no cost to the student. Thus all students officially enrolled in a course must be provided a copy of the course syllabus free of charge. Syllabi may be posted electronically. However, this must be done by the first class day of the semester in such a manner that the students can have access to it in a printable form [US:2/11/80; RC: 11/20/87]

#### 6.1.2 CONTRARY OPINION

A student has the right to take reasoned exception to the data or views offered in the classroom without being penalized.

#### 6.1.3 ACADEMIC EVALUATION (US: 12/5/83)

- A Students have the right to receive grades based only upon fair and just evaluation of their performance in a course as measured by the standards announced by their instructor(s) in the written course syllabus at the first or second class meeting.
- B Students have the right to receive a fair and just academic evaluation of their performance in a program. In addition to the student's overall academic record, evaluation may include the assessment of such activities as research and/or laboratory performance, qualifying examinations, professional board examinations, studio work or performance activities, behavior in professional situations, or interviews to determine continuation in a program. The program faculty and/or relevant administrative officer must inform the student as to which activities will be included in the academic assessment no later than the beginning of the activity to be evaluated.
- C Evaluations determined by anything other than a good faith judgment based on explicit statements of the above standards are improper. Among irrelevant considerations are, as per GR I.D (06/20/05) sex, sexual orientation, race, ethnic origin, national origin, color, creed, religion, age, or political belief, Vietnam-era veteran status or disabled veteran status, physical or mental disability in regard to any position for which the student is qualified, being a smoker or nonsmoker as long as the person complies with any workplace policy concerning smoking, being an applicant for or in the service of the United States Uniformed Services or any activities outside the classroom that are unrelated to the course work or program requirements. (US: 2/11/85; US 10/12/98)

One form of sex discrimination is sexual harassment. It is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of an intimidating, hostile, or offensive nature, when submission to such conduct is made either explicitly or implicitly a term or condition of the student's status in a course, program, or activity, as a basis for academic or other decisions affecting such student, or substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive working or academic environment. (US:4/11/83)

#### **6.1.4 ACADEMIC RECORDS**

Students have the right to have their academic records kept separate and confidential unless they consent in writing to have them revealed. However, the University Registrar or the University Registrar's designee may disclose a student's academic record without that student's consent if the information is required by authorized University personnel for official use, such as advising students, writing recommendations, or selecting candidates for honorary organizations.

#### **6.1.5 EVALUATION OF STUDENT CHARACTER AND ABILITY**

Students have the right to have their character and ability evaluated only by individuals with a personal knowledge of them, and upon request, to be informed that such evaluations have been or will be made. Records containing information about a student's character and ability shall indicate when the information was provided, by whom, and the position of this individual.

#### **6.1.6 STUDENT PARTICIPATION IN ACADEMIC AFFAIRS**

Pursuant to GR VII.A.4(c), the faculty of each college within the University and the faculty of the Graduate School shall establish some form of Student Advisory Council (SAC) to represent student opinion to the college faculty and administration on educational policy matters pertinent to that college or school. (US 4/10/00)

The form for each SAC, as well as the areas of responsibility, shall be determined by the faculty of the college or school (GR VII.A.4(c) and prescribed in its college Rules document (GR VII.A.4(b)). Students themselves shall be responsible for the selection of SAC members by democratic process. Each Student Advisory Council shall keep records of its proceedings. The dean of each college or school shall forward the college faculty Rules on form and of areas of responsibility of the college's SAC to the Provost. Pursuant to GR VII.A.4(b), these college Rules documents are filed with the Senate Council Office by the Provost when approved as being consistent with the *University Senate Rules*, which the Senate Council will confirm or otherwise be available to assist the Provost in making such determination.

Pursuant to GR VII.A.4(a), the faculty of each college or school may extend membership in the college faculty body, with or without voting privileges, to a student recommended by the college's Student Advisory Council, who who may also be extended the privilege to vote with the college's faculty council or equivalent body on academic affairs. On matters that reach the University Senate or Senate Council for its action, for which the University Senate Rules require prior voting action by a college faculty or faculty council, that prior college faculty voting exercise shall provide for the inclusion of the vote of the above student representative. (US 4/10/00)

#### **6.1.7 ATTENDANCE AND PARTICIPATION DURING APPEAL**

Students shall have the right to attend classes, to pursue their academic programs, and to participate in University functions during the consideration of any appeal. (US:4/11/83)

Those students who have patient contact in clinical practicum courses will not be able to continue patient contact in the courses during an appeal, if the appeal relates to clinical competence in regard to performance. Insofar as practicable, such appeals shall be expedited. (US: 4/25/88; US 4/10/00)

Attendance and participation may be limited

a) when outside agencies are used as part of the student's educational experience. In this situation, precedence will be given to the terms of any agreement(s) which have been negotiated between the University and the agency.

b) when patient/client contact is involved in the student's educational experience. In this situation, only patient/client contact will be limited or excluded at the discretion of program faculty. (US 4/10/00)

## **6.2.0 THE ACADEMIC OMBUD**

The Academic Ombud is the officer of the university charged with consideration of student grievances in connection with academic affairs. (US 4/10/00)

### **6.2.1 FUNCTIONS, JURISDICTION, AND PROCEDURES OF THE OFFICE**

**6.2.1.1 Functions** The Office of the Ombud shall provide a mechanism for handling issues for which no established procedure exists or for which established procedures have not yielded a satisfactory solution. They are not intended to supplant the normal processes of problem resolution. In some cases where there is a clear need to achieve a solution more quickly than normal procedures provide, the Ombud may seek to expedite the normal processes of resolution.

**6.2.1.2 Jurisdiction** The authority of the Academic Ombud is restricted to issues of an academic nature involving students on the one hand and faculty or administrative staff on the other, explicitly governed by Sections IV, V, VI, VII of the *Rules of the University Senate*. However, the Ombud may refer issues falling outside his/her jurisdiction to appropriate offices charged with the responsibility for dealing with them, such as the Vice President for Student Affairs, or the Associate Vice President for ??????.[RC:11/20/87]

When a problem falls partly within the Ombud's jurisdiction and partly within the jurisdiction of some other office, the Ombud shall cooperate with the relevant other office in seeking a solution. However, the Ombud's authority in effecting a solution shall extend only to those aspects of the issue falling within the jurisdiction of that office as defined in the *University Senate Rules*.

Jurisdictional disputes involving an Academic Ombud and other offices which cannot be resolved through negotiations shall be referred to the Provost.

**6.2.1.3 Decision to Accept a Case** When an issue to be resolved is brought to the Academic Ombud, the Ombud shall first determine if the issue falls within his or her jurisdiction, as defined by the *University Senate Rules*. If it does not, the Ombud shall refer the person presenting the issue to the proper authority to deal with it. If the issue does fall within his or her jurisdiction, the Ombud shall determine if efforts have been made to

adjudicate the issue through normal channels and procedures. Where such channels and procedures exist and have not been utilized, the Ombud shall recommend their use, unless there is compelling evidence that they will not effectively resolve the issue.

The Academic Ombud shall investigate each issue falling within his or her jurisdiction to determine:

- A whether it contains merit;
- B whether it is deserving of extended attention; and
- C the priority of attention which it should be accorded by the Ombud's office.

The Academic Ombud shall notify the student directly that an issue does not contain merit. The student then has the right to appeal within 30 days to the University Appeals Board. Upon receipt of the written appeal, the chair of the Appeals Board shall notify the Academic Ombud to forward all reports and evidence concerning the case. The Appeals Board may then by majority vote agree to hear the student's case or to allow the Academic Ombud's decision to be final.

**6.2.1.4 Statute of Limitations** The Academic Ombud is empowered to hear only those grievances directed to their attention within 180 days subsequent to the conclusion of the academic term in which the problem occurred. However, the Ombud may agree to hear a grievance otherwise barred by the Statute of Limitations in those instances where (1) the Ombud believes that extreme hardship including but not limited to illness, injury, and serious financial or personal problems gave rise to the delay or (2) all parties to the dispute agree to proceed. (US:2/11/80; US 4/10/00)

**6.2.1.5 Procedures** When the Academic Ombud determines that an issue merits his or her attention, the Ombud shall contact the parties involved to determine the background of the issue and areas of disagreement. With this information in hand, the Ombud shall seek to determine alternative means of achieving an equitable resolution and propose to the conflicting parties those solutions which appear to offer the greatest promise of mutual satisfaction. Normally the investigatory and mediation activities shall be conducted informally and need not involve confrontation of the conflicting parties. However, the more formal procedures and direct confrontation of the parties involved may be utilized if circumstances dictate that these will produce a more effective resolution.

If the mediation efforts are unsuccessful, the Academic Ombud shall refer the case to the University Appeals Board in writing if the complainant wishes to pursue the issue. At the request of the Appeals Board, the Ombud shall appear before it to offer testimony or shall prepare a written report of the case.

**6.2.1.6 Liaison** The Academic Ombud shall maintain close liaison with the Vice President for Student Affairs, the ???? and other such officials who have responsibility and concern for the academic governance of students. However, the Ombud shall not violate the rights of students or other parties involved in cases brought to the Ombud through the disclosure of any information communicated in confidence.

**6.2.1.7 Records and Reports** (see 6.4.9 this Section) The Academic Ombud shall retain a record of all cases which are accepted. In cases involving discrimination (including sexual

harassment), a summary of the case shall be sent to the ??????. (US:4/11/83) The Ombud shall review all files at the end of the term of office and should destroy any file of a case which has been resolved which is five years of age or older. If not destroyed, then all names should be removed. The decision not to destroy a file ought to be based on criteria such as resolution which might serve as a precedent for similar cases in the future. All unresolved cases which are more than one year old and which were never forwarded to the Appeals Board shall be destroyed. The Ombud shall present annually a report of activities to the University Senate, the Student Government Association and the Provost of the University and may offer recommendations for changes in rules, practices or procedures to the end of achieving more harmonious and effective governance of student academic affairs. (US: 2/14/94)

At the request of the Senate Council, the Ombud shall prepare reports or submit recommendations on specific matters.

The Ombud may report directly to the Senate Council or the Provost, Student Government Association, Deans, Department Chairs, or other appropriate persons on problems which the Ombud feel deserve their early attention.

### **6.2.2 QUALIFICATIONS OF THE ACADEMIC OMBUD**

As established by the *University Senate Rules*, the Academic Ombud must be tenured members of the University Faculty or members of the emeriti faculty. (US: 4/9/90) Beyond this the qualifications should be those which will permit the Academic Ombud to perform the functions of the office with fairness, discretion and efficiency. It is important that the person be regarded by students as one who is genuinely interested in their welfare and sympathetic to their problems. It is equally important that the person be temperate in judgment, judicious in action, and persistent in seeking to achieve prompt and equitable solutions to the problems which are brought to him or her. Frequently the success of the Ombud depends upon his/her ability to utilize informal channels of communication and action; therefore, that person should be one able to develop and maintain cordial personal relations with a wide variety of students, faculty and members of the administrative staff. Above all, the person must be one of unquestionable integrity and resolute commitment to justice.

### **6.2.3 SELECTION PROCEDURE**

- A The Chair of the Senate Council, with the advice of the Senate Council members, shall appoint a Search Committee consisting of the following members: 1) two University Faculty members; 2) three students, two undergraduates and one a graduate or professional student, chosen by the Student Government Association; and, 3) a member designated by the Provost who shall serve as Chair of the Search Committee. Committee members shall be broadly representative of the University community. [US: 4/10/00]
- B The Search Committee shall solicit nominations from students, faculty and administrators, and shall nominate no more than three to the Provost [US: 4/10/00]
- C Should the office of the Academic Ombud be vacated prior to the expiration of the normal term of office, a new appointment shall be made to fill the unexpired term using the same procedures as described above. [US: 4/10/00]

- D The Academic Ombud may be reappointed to a second term without reference to the above selection procedures if the affected Ombud, the Provost, and the Senate Council all concur. Reappointment to a third term shall go through the normal search process as outlined above. [US: 4/12/04]

#### **6.2.4 CONDITIONS OF EMPLOYMENT**

- A The term of office for the Academic Ombud shall be twelve months beginning July 1.
- B The regular academic duties shall be reduced during each Ombud's period in office, normally by one-half; but the exact proportion may be more or less, as agreed upon by each Ombud and his/her department chair.
- C The portion of service devoted to the duties of Academic Ombud shall be separately evaluated from his/her other academic duties for purposes of merit evaluation by the Provost and shall be proportionately weighed in assigning an over-all merit rating.
- D The conditions of employment will be negotiated through the Office of the Provost or through other channels designated by the Provost.

#### **6.3.0 ACADEMIC OFFENSES AND PROCEDURES**

Students shall not plagiarize, cheat, or falsify or misuse academic records. (US: 3/7/88; 3/20/89)

If the academic offense involves research and/or extramural funding the administrative rule for handling the offense is outlined in Administrative Regulation II - 4.0.2. [US: 2/10/97]

#### **6.3.1 PLAGIARISM**

All academic work, written or otherwise, submitted by students to their instructors or other academic supervisors, is expected to be the result of their own thought, research, or self-expression. In cases where students feel unsure about a question of plagiarism involving their work, they are obliged to consult their instructors on the matter before submission.

When students submit work purporting to be their own, but which in any way borrows ideas, organization, wording or anything else from another source without appropriate acknowledgment of the fact, the students are guilty of plagiarism.

Plagiarism includes reproducing someone else's work, whether it be published article, chapter of a book, a paper from a friend or some file, or whatever. Plagiarism also includes the practice of employing or allowing another person to alter or revise the work which a student submits as his/her own, whoever that other person may be. Students may discuss assignments among themselves or with an instructor or tutor, but when the actual work is done, it must be done by the student, and the student alone.

When a student's assignment involves research in outside sources or information, the student must carefully acknowledge exactly what, where and how he/she has employed them. If the words of someone else are used, the student must put quotation marks around the passage in question and add an appropriate indication of its origin. Making simple changes while leaving the organization, content and phraseology intact is plagiaristic. However, nothing in these *Rules* shall apply to those ideas which are so generally and freely circulated as to be a part of the public domain.

**6.3.2 CHEATING**

Cheating is defined by its general usage. It includes, but is not limited to, the wrongfully giving, taking, or presenting any information or material by a student with the intent of aiding himself/herself or another on any academic work which is considered in any way in the determination of the final grade. Any question of definition shall be referred to the University Appeals Board.

**6.3.3 FALSIFICATION OR MISUSE OF ACADEMIC RECORDS [US: 3/20/89; US 4/10/00]**

Maintaining the integrity, accuracy, and appropriate privacy of student academic records is an essential administrative function of the University and a basic protection of all students. Accordingly, the actual or attempted falsification, theft, misrepresentation or other alteration or misuse of any official academic record of the University, specifically including knowingly having unauthorized access to such records or the unauthorized disclosure of information contained in such records, is a serious academic offense. As used in this context, "academic record" includes all paper and electronic versions of the partial or complete permanent academic record, all official and unofficial academic transcripts, application documents and admission credentials, and all academic record transaction documents. The minimum sanction for falsification, including the omission of information, or attempted falsification or other misuse of academic records as described in this section is suspension for one semester.

**6.4.0 DISPOSITION OF CASES OF ACADEMIC OFFENSES**

(US: 3/10/86; US: 3/7/88)

**6.4.1 RESPONSIBILITY OF INSTRUCTOR AND CHAIR**

An instructor who suspects that a student has committed an academic offense shall consult with the chair, or the designee of the chair, as soon as practical after the instructor develops the suspicion. If the instructor is also the chair, he or she shall consult with the Dean or the college's designee or the President of Lexington Community College. Prior to consultation, however, the instructor may take action to prove or detect an academic offense or preserve evidence of same. In taking such action the instructor should minimize disruption and embarrassment to the student(s). (US 4/10/00)

The instructor and chair shall review the evidence of an academic offense, ask the dean of their college or President of Lexington Community College to inquire of the University (or LCC) Registrar concerning prior academic offenses, and decide on an appropriate course of action. (See 6.4.9 and 6.4.10) If the evidence warrants an accusation of an academic offense, the student shall be invited to meet with the instructor and chair. The student shall be informed of the charge and given an opportunity to state his or her case. The student shall be informed of the possible penalties that may be imposed or recommended. If the student is not reasonably available or fails to attend the meeting, the instructor, with the approval of the chair, shall inform the student in person (preferably in the presence of a witness or a signed receipt from the student) or by certified mail (to the local address as contained in the University (or LCC) Registrar's Office) of the evidence, charges, and possible penalties. (US: 3/7/88)

- \* The term "chair" includes directors of programs and deans of colleges without a departmental structure. (RC: 9/27/80)

The instructor and chair shall decide on an appropriate penalty. If there is disagreement the chair shall prevail. The instructor and chair may impose one or more of the following penalties in the event they determine an academic offense has occurred. (US 4/10/00)

- A Assign a grade of E for the course in which the offense occurred (the minimum penalty).
  - \* The instructor may award a grade of E to a student who is enrolled in a course on a pass-fail basis. (RC: 1/28/00)
- B Recommend to the Dean of their college or to the Dean of the Graduate School, if appropriate, or the President of Lexington Community College that the student be suspended, dismissed or expelled. (US 4/10/00)

The determination or recommendation of the instructor and chair shall be made within 7 working days after the accusation is made, unless the student consents in writing to an extension of this time. The determination or recommendation shall be made in writing to their dean or to the Dean of the Graduate School, if appropriate, or the President of Lexington Community College, with copies to the student and the dean of the student's college, if he or she is enrolled in another college. The student shall be notified in person (preferably in the presence of a witness or a signed receipt from the student) or by certified mail (to the local address as contained in the University (or LCC) Registrar's Office). If the offense also involves a violation of Part I, Code of Student Conduct, the report shall also be sent to the Dean of Students. (US 4/10/00)

#### **6.4.2 RESPONSIBILITY: DEAN OF COLLEGE OR THE PRESIDENT OF LEXINGTON COMMUNITY COLLEGE OR DEAN OF THE GRADUATE SCHOOL**

Responsibility of the Dean of the College where the Offense Occurred, or the President of Lexington Community College or of the Dean of the Graduate School, as appropriate.

**6.4.2.1 Cases Initiated by a Department** After reviewing the file or report from the chair, the Dean or the Dean's designee or the President of Lexington Community College shall make his or her own decision about the appropriate sanction and take one or both of the actions specified in 6.4.2.3. (US: 3/7/88; US 4/10/00)

Academic offenses involving graduate students in 600 and 700 level courses or relating to master's examinations, doctoral qualifying examinations, master's theses and doctoral dissertations, or other work related to fulfilling requirements for a graduate degree shall be considered to occur in the Graduate School and shall be reported to the Dean of the Graduate School or the Dean's designee.

When a violation of Part I, Code of Student Conduct, Section 1.21 c,d,e,f,g,h,i,m,o,q, or r and a violation of Part II, Selected Rules of the University Senate Governing Academic Relationships, Section on Academic Offenses and Procedures, has allegedly been committed in the same set of circumstances or facts, the Dean of Students shall first consult with the dean of the college or the President of Lexington Community College where the offense occurred. They shall determine whether the Dean of Students, the dean of the college where the offense occurred or the President of Lexington Community College, the Dean of the Graduate School, or all three will investigate and pursue the case in accordance

with appropriate procedure(s) and authority(ies) as set forth in Part I or Part II of *Student Rights and Responsibilities*. (US 4/10/00)

**6.4.2.2 Cases Initiated by the Dean or the President of Lexington Community College**

When it is the dean or the President of Lexington Community College who initially finds that a student has committed an academic offense, the dean or the President of Lexington Community College should first consult with the instructor and chair, if available, and then arrange a personal conference with the student and do the following: present the evidence with respect to the offense; give the student an opportunity to state his/her case; and make known to the student the charges, if any, and the possible sanctions which may be recommended. If the student is not reasonably available for or fails to attend such a conference, the chair shall proceed to inform the student of the nature of the evidence, charges and possible sanctions in person (preferably in the presence of a witness or a signed receipt from the student) or by certified mail (to the local address as contained in the University (or LCC) Registrar's Office). Within 7 days of formally charging the student as set out above, the Dean or the Dean's designee or the President of Lexington Community College shall take one or both of the actions listed in Section 6.4.2.3. (US 4/10/00)

**6.4.2.3 Actions to be Taken by the Dean or the President of Lexington Community College** After following the procedure outlined in Section 6.4.2.1 or 6.4.2.2, the Dean or the Dean's designee or the President of Lexington Community College shall take one or both of the following actions: (US: 3/7/88; US 4/10/00)

- A impose the minimum penalty of E for the course in which the offense occurred;
- B forward the file to the Provost recommending a sanction of suspension, dismissal or expulsion.

Notice of such action shall immediately be sent by the Dean or the dean's designee or the President of Lexington Community College, to the student in person (preferably in the presence of a witness or a signed receipt from the student) or by certified mail (to the local address as contained in the University (or LCC) Registrar's Office) with copies to the instructor, and the department where the offense occurred, dean of the student's college or the President of Lexington Community College, University (or LCC) Registrar and an Academic Ombud. If the student is enrolled in a college in a different sector, notice of action shall also be sent to the Provost. (US 4/10/00)

**6.4.2.4 Offenses Occurring in Independent Study Courses** (US: 3/8/99) If the offense occurs in a course offered through the Independent Study Program, the responsible Dean or President of the Lexington Community College for purposes of Rules 6.4.2.1 through 6.4.2.3 shall be determined according to this rule. (US 4/10/00)

- A In the case of students not enrolled in the University, the responsible Dean shall be the Dean of University Extension. The Dean of University Extension shall, however, notify the dean of the College where the offense occurred or the President of Lexington Community College, of the proceeding and the nature of the offense. (US 4/10/00)
- B In the case of students enrolled in the University, the responsible Dean shall be the Dean of University Extension if the Dean of the College where the

offense occurred or the President of Lexington Community College or the Dean of the Graduate School, upon notification, declines responsibility for the case. (US 4/10/00)

- C. Students in Independent Study courses not regularly enrolled in the University shall be entitled to the same rights involving academic offenses as those of students who are enrolled in the University.

#### **6.4.3 DISPOSITION - FALSIFICATION OR MISUSE OF ACADEMIC RECORDS**

In all cases involving falsification, attempted falsification, or other misuse of academic records the University (or LCC) Registrar is the institutional official responsible for investigation, review, and recommendation of sanctions. All complaints of possible falsification or misuse of academic records, whether from academic or non-academic personnel or offices, should be reported to the University (or LCC) Registrar either directly or through the appropriate chair, dean, President of Lexington Community College, or director. In the event that an allegation of falsification, attempted falsification, or other misuse seems warranted, the University (or LCC) Registrar shall notify the student to that effect in writing and invite the student to discuss the allegation within seven days of the notice. Following notification and subsequent discussion with the student (which the student may decline), the University (or LCC) Registrar shall determine whether falsification, attempted falsification or other misuse by the student has occurred. Upon determination that such has occurred, the University (or LCC) Registrar shall forward to the Provost a statement of the case and a specific recommendation for suspension or dismissal, with written notice of the recommendation to the student and an Academic Ombud. (US: 3/20/89; US 4/10/00)

#### **6.4.4 RESPONSIBILITY OF THE PROVOST**

After the student has been notified of action, the Provost will wait 10 working days to give the student an opportunity to exercise the right of appeal to an Academic Ombud and then will proceed **promptly** as follows: (US 4/10/00)

- A if the student does not appeal the President of Lexington Community College or the dean's recommendation of suspension, dismissal or expulsion within the specified period, the Provost shall review the file, and may approve and implement or disapprove the recommended sanction; (US 4/10/00)
- B if the student appeals the President of Lexington Community College or dean's recommendation of suspension, dismissal or expulsion within the specified period, the Provost takes no action unless the University Appeals Board subsequently recommends that the sanction of suspension, dismissal or expulsion be imposed and implemented. If such a recommendation is received from the University Appeals Board, the Provost shall review the file, and may approve and implement or disapprove the recommended sanction. (US 4/10/00)

Notice of action taken under a. or b. must be sent by the Provost to the student in person (preferably in the presence of a witness or a signed receipt from the student) or by certified mail (to the local address as contained in the University (or LCC) Registrar's Office) with copies to the instructor, chair and dean of the college where the offense occurred or President of Lexington Community College, dean of student's college or President of Lexington Community College, University (or LCC) Registrar, an Academic Ombud and

chair of the University Appeals Board. In the case of international students, a copy should also be sent to the Associate Provost for International Student Affairs. (US 4/10/00)

#### **6.4.5 RIGHTS OF THE STUDENT (US: 3/7/88)**

The student may appeal: (1) the determination of his/her guilt; (2) the severity of the sanction if the sanction is more than the minimum sanction is recommended. The appeal must be filed in writing with an Academic Ombud within 10 working days after the date that the student receives notification of the sanction. (US 4/10/00)

The student shall have the right of class participation and attendance during the consideration of any appeal.

#### **6.4.6 ROLE OF THE DEAN OF THE STUDENT'S COLLEGE or PRESIDENT OF LEXINGTON COMMUNITY COLLEGE**

When the student involved is not enrolled in the college in which the offense occurred, the dean of his or her college or the President of Lexington Community College, shall be informed by copy of all official correspondence pertaining to the sanctions being recommended. Should the student appeal to the University Appeals Board, the dean of the student's college or the President of Lexington Community College may appear on his or her behalf. (US 4/10/00)

#### **6.4.7 RESPONSIBILITY OF AN ACADEMIC OMBUD**

An Academic Ombud shall, within a reasonable time, preferably within 20 working days of receiving the student's written appeal, attempt to resolve the case to the satisfaction of the student and of the instructor or dean or the President of Lexington Community College, imposing or recommending the sanction. If an Academic Ombud cannot within 20 working days of receiving the student's written appeal satisfactorily resolve the case, he/she shall forward a written report to the University Appeals Board with copies to the student, and to the person who instituted the charge. However, the period may be extended to permit more time for investigation with written approval of the student. The report should include copies of the student's appeal and report of the incident, and any reports submitted by the accuser. (US 4/10/00)

#### **6.4.8 RESPONSIBILITY OF THE UNIVERSITY APPEALS BOARD**

The Hearing Officer of the University Appeals Board shall schedule a hearing in any case of cheating, plagiarism, or falsification or misuse of academic records reported by an Ombud, the hearing to be held within 20 working days of the receipt by the Hearing Officer of an Ombud's report, unless the student consents to an extension of time for the hearing. The student may withdraw the appeal at any time. Notices to the student will be sent by certified mail to the address on file with an Ombud; failure of a student to apprise an Ombud of a change of address shall be cause of dismissal of the appeal. (US 4/10/00)

In cases of academic offenses where the student contests guilt, the Appeals Board shall sit as a fact finding body and determine whether or not the student cheated, plagiarized, or falsified or misused academic records from such evidence as is brought before the Board (including testimony under oath, written statements, exhibits, and a view of the classroom where the cheating occurred if this be an issue). The Board may call witnesses on its own initiative and may continue the hearing for this purpose. Unless the Board believes, by majority vote of those present and by a preponderance of the evidence, that the student cheated, plagiarized or falsified or misused academic records it shall acquit the student.

In cases where the only issue is the severity of the sanction, the Board shall sit as an appeals board and shall concur in the recommended sanction unless it believes, by a majority vote of those present and by a preponderance of the evidence, that the sanction is too severe. The Board may hear witnesses and consider written statements and exhibits in reaching its decision concerning the severity of the sanction. The Board may impose the minimum penalty of an E in the course or may recommend to the Provost the imposition of a penalty of suspension or dismissal less severe than that recommended by the dean of the student's college.

Within five days of the decision of the Appeals Board the Hearing Officer of the Board shall notify the student, the instructor, the chair, the dean of the student's college or the President of Lexington Community College and the Provost of the action of the Board. In addition, if the decision of the Board is to impose a penalty of E in the course the Hearing Officer shall notify the University (or LCC) Registrar of that act. (US 4/10/00)

In all cases involving academic offenses the student shall have the rights set out in Section 2.3 of the Code of Student Conduct. (*Student Rights and Responsibilities*, Part I). [See also Rule VI - 6.6.5.2.]

- \* The requirement that the Hearing Officer shall schedule a hearing within 20 working days does not mean that the Appeals Board must reach a decision within that time. If the hearing is held near the end of the 20 day period, and if difficult issues are raised that require more time, the Appeals Board may find it necessary to hold additional meetings, stretching the hearings process beyond the 20 day limit. However, the Appeals Board should seek to render a decision as soon as is reasonably possible so that the student may plan his or her further academic work. (RC: 5/6/86)

#### **6.4.9 REPORTING ACADEMIC OFFENSES**

All final decisions of guilt of an academic offense shall be reported in writing to the (or LCC) Registrar by the dean of the college in which the offense occurred, or the President of Lexington Community College, with the following information: (1) name of the student; (2) student identification number; (3) student's college; (4) course and section number; (5) approximate date of offense; (6) brief description of offense; (7) sanction imposed; and (8) date of imposition of sanction. (US 4/10/00)

#### **6.4.10 RESPONSIBILITY OF THE UNIVERSITY (OR LCC) REGISTRAR (US: 3/7/88)**

The University (or LCC) Registrar shall keep a record of all final decisions of guilt of an academic offense with the following information: 1) name of student; 2) student identification number; 3) student's college; 4) course name and number and section number; 5) approximate date of offense; 6) brief description of offense; 7) sanction imposed; and 8) date of imposition of sanction. Information regarding the academic offense other than the fact and term of any mandatory restriction on the student's eligibility for continued enrollment may be released only with the written consent of the student, or in response to an inquiry from the President of Lexington Community College, a dean of the University of Kentucky, or a dean's designee, or an Academic Ombud of the University of Kentucky. A record shall be maintained by the University (or LCC) Registrar of every instance in which information is released under this provision.

**6.4.11 PENALTIES FOR ACADEMIC OFFENSES**

The minimum penalty for an academic offense is an E in the course in which the offense took place. The repeat option may not be used to remove an E given for an academic offense. If a prior academic offense has been recorded in the University (or LCC) Registrar's Office, the minimum penalty shall be suspension for one semester (or a minimum of four months in those colleges in the Medical Center where the semester system is not in use). Penalties more severe than the minimum may be imposed where warranted by the circumstances:

- A Suspension:** forced withdrawal from the University for a specified period of time, including exclusion from classes, termination of student status and all related privileges and activities. If a student while on suspension violates any of the terms set forth in the nature of suspension he or she shall be subject to further discipline in the form of dismissal. The penalty of suspension shall normally apply to semesters (or other academic terms as appropriate) following imposition of the penalty by the Provost. With the consent of the student and the dean of the college in which the offense occurred, the Provost may fix an earlier date for suspension. In any case in which the suspension is imposed by the last day to drop a course with no record, it shall apply to that semester. In case of any student who is graduating, the suspension shall apply to the final semester before scheduled graduation. Suspension for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts for a period of three years beyond the conclusion of the suspension. (US: 3/7/88)
- B Dismissal:** termination of student status subject to the student's readmission. The conditions for readmission will be specified at the time of dismissal. The student may be readmitted to the University only with the specified approval of the Provost upon recommendation of the Appeals Board. Dismissal for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts for a period of three years from the student's readmission to the University. (US: 3/7/88)
- C Expulsion:** permanent termination of student status, without possibility of readmission except upon showing that the findings of fact which formed the basis of the action were clearly erroneous. (To be invoked only in unusual circumstances and when the offense committed is of such serious nature as to raise the question of the student's fitness to remain a member of the academic community.) Expulsion for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts permanently. (US: 3/7/88)

**6.5.0 UNIVERSITY APPEALS BOARD****6.5.1 FUNCTIONS OF THE UNIVERSITY APPEALS BOARD****6.5.1.1 Cases of Academic Offenses** ( see Rule 6.4.4.

**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 V., 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 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..

**6.5.2.4 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. 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 or college 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, the procedures for disposition of cases of academic offenses described above shall not apply to the extent that the offenses are subject to the Honor Code and committed by a student subject to the Code.

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)

Changes to section 6.6.0 recently adopted by the University Senate:

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.