INTRODUCTION

PART I

Code of Student Conduct

PART II

Selected Rules Governing Academic Relationships

PART III

Meetings, Demonstrations, & Other Assemblies

PART IV

Alcohol Policy

PART V

Student Records

UNIVERSITY OF KENTUCKY

STUDENT RIGHTS & RESPONSIBILITIES

PART I CODE OF STUDENT CONDUCT

Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships

Introduction

The University is empowered by Kentucky Law K.R.S. 164.200 to establish a disciplinary system to govern the campus. The statute provides:

"The Board of Trustees may establish proper regulations for the government of the University and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the University."

By this publication of the rules governing student conduct, the University recognizes that students have the right to know the circumstances and manner in which this disciplinary power will be exercised and advises students that disciplinary rules will be enforced.

The Code does not cover decisions of the faculty of a professional school as to character, moral or ethical, required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate, similarly, the Code does not cover decisions of the University Administration which are made concerning a contractual agreement between the University and a student. Therefore, such decisions are not subject to review within the procedures established herein.

ARTICLE I--THE UNIVERSITY JUDICIAL SYSTEM

- 1.1 Authority of the President of the University
- 1.11 Pursuant to the provisions of K.R.S. 164.200, 164.210 and 164.220, the Board of Trustees hereby delegates the responsibility for student discipline to the President of the University.
- 1.2 Disciplinary Offenses
- 1.21 Offenses as defined below are punishable disciplinary offenses. a. Interference, coercion or disruption which impedes, impairs or disrupts University missions, processes or functions or interferes with the rights of others on University property. (Examples of conduct falling within this section are described under Section 6.32.);
- b. Use, possession, or distribution on University property of narcotic or dangerous drugs, such as marijuana and lysergic acid diethylamide (LSD), except as expressly permitted by law;
- c. Abusive, drunken, violent or excessively noisy behavior or expression upon University property;
- d. Indecent or obscene behavior or the distribution of obscene matter upon University property. (See Definition Section following 1.21.);
- e. The threat or commission of physical violence against self or other persons present on University property;
- f. The commission of acts which constitute a violation of local, state or federal law upon University property;
- g. Unauthorized entry or use of University facilities or any violation of University rules regarding the use of University property. Where entry to or occupation of premises or facilities was initially authorized, opportunity to comply with a lawful order to leave the premises must be given;
- h. Failure to comply with directions of University officials acting in the performance of their duties;
- i. The threat or commission of physical violence against any University employee for the purpose of influencing the employee's official actions;

- j. Falsifying, altering or forging any official University records or documents, employing official University documents or records for purposes of misrepresentation, or causing any official University documents or records to be falsified by means of any misrepresentation;
- k. Hazing by any action taken or situation created, intentionally or recklessly, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such abusive activities and situations may include, but are not limited to the following: illegal or harmful use and/or forced consumption of food, alcohol or drugs; paddling in any form; creation of fatigue; personal servitude; physical and/or psychological shocks; wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; degrading or humiliating games and activities; sleep or food deprivation; any meetings which unreasonably interfere with scholastic activities; and/or any other activities which are not consistent with the regulations and policies of the University of Kentucky.
- 1. Knowingly passing a worthless check or money order to the University or to a member of the University community acting in an official capacity;
- m. Stealing any item of tangible or intangible public or private property upon University property;
- n. Possessing stolen property upon University property;
- o. Possessing a deadly weapon on University property without authorization of the Dean of Students;
- p. Defacing, disfiguring, damaging or destroying public or private property upon University property;
- q. Lifting, taking or acquiring possession of, without permission, any academic material (tests, information, research papers, notes, books, periodicals, etc.) from a member of the University community;
- r. Giving false testimony or other evidence at any official hearing of the University or giving false information to any faculty or staff members acting in the performance of their duties;
- s. Bribing any University employee;

- t. Harassing anyone present on University property;
- u. Unauthorized access to or misuse of University computers, computing programs or services;
- v. Providing information to individuals involved in organized gambling activities concerning intercollegiate athletics competition; or participating in any gambling activity that involves intercollegiate athletics or amateur athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.
- w. An attempt to violate subsections g, j, m, p, q, or s;
- x. Violation of the University's policy on alcohol;
- y. Violation of conditions imposed in connection with one or more of the sanctions enumerated in Section 1.81 through 1.87.

Definition Section

"Obscene" means: to the average person, applying contemporary university-community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and the matter depicts or describes the sexual conduct in a patently offensive way; and the matter taken as a whole, lacks serious literary, artistic, political, or scientific value.

"Obscene behavior" means: behavior or conduct in public, which to the average person, applying contemporary university-community standards, would be found to have the predominant effect of arousing in other persons prurient interest in sexual conduct; and the public behavior is patently offensive sexual conduct or publicly depicts sexual conduct in a patently offensive way; and the behavior as a whole, lacks serious literary, artistic, political, or scientific value.

"Sexual conduct" means: acts of masturbation, bestiality, sexual intercourse, or acts of sexual gratification involving the sex organs of one person and the mouth or anus of another; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification.

"Matter" means: any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation of any statue or other figure, or any recording, transcription, or mechanical, chemical, electrical reproduction or any other articles, equipment, machines, or materials.

"Indecent behavior" means: intentional exposure of one's genitals or intentional exposure of a model of genitals when one knows or should know that his or her conduct is likely to cause affront or alarm.

Note 1: As used in the offenses specified in subsections a. through t. herein, University property is defined as all property owned, or leased to, and operated exclusively by the University, and all such property leased to or operated by student and non-student organizations which are under the control and regulation of the Board of Trustees of the University of Kentucky.

Note 2: In addition to the offenses defined above, certain other disciplinary offenses involving conduct which is destructive of academic freedom, the rights of others and the orderly operation of the University are set out in Section 6.3.

Note 3: Lack of intent may be asserted as an affirmative defense by any student charged with an offense listed above.

- 1.3 University Policy on the Student and Local Authorities
- 1.31 The minimum standards of individual conduct required by the penal statues are both expected and required of every student attending the University. Further, while the institution does not desire to act as a policing authority for the activities of the student off University property, and while it cannot serve as a sentencing authority for a student's violations of federal, state or local law, the University may take appropriate action where necessary as provided under Sections 1.21(a), 1.21(f), 1.7 or Article VI of the Code of Student Conduct.
- 1.32 The University will not undertake to act as a collection agency for landlords, retail stores, magazine and book companies, etc.
- 1.33 The University cannot accept remand of students charged or convicted of violations of federal, state or local law for the purpose of imposing disciplinary sanction. However, a University representative may accept court appointment of probation of a student to the representative's care and may impose appropriate requirements. If such student violates these requirements, the student must be returned to court for such further proceedings as the court shall determine, but not for University disciplinary sanction.
- 1.34 A student charged with violation of federal, state or local law may request assistance from the Dean of Students Office. After receipt of the student's request and a review of the charge(s) and circumstances surrounding the incident, a

member of the Dean of Students staff may be made available to counsel and assist the student.

- 1.35 For off-campus violations of the law, University authority shall not be used merely to duplicate the function of the general laws but will be asserted only when the University's interests as an educational community are affected.
- 1.4 The Role of the Office of the Dean of Students
- 1.41 When the dean, after investigation into an alleged violation of the disciplinary rules, believes a student has committed a disciplinary offense defined in Section 1.2 or 6.3, the dean shall notify and charge the student with said offense. Thereafter, the dean shall first notify the student of The Rights of the Accused' (see Section 2.3), after which the dean may solicit a plea of guilty or not guilty, which shall be in writing and notarized. When a violation of Section 1.21 c, d, e, f, g, h, i, m, n, o, q, s, u, or w and a violation of Part II: Selected Rules of the University Senate governing Academic Relationships, subsection 1 and/or 2 of Academic Offenses and Procedures, have allegedly been committed in the same set of circumstances or facts, the Dean of Students shall first consult with the dean of the College in which the offense occurred. When a violation of Section 1.21 c, d, e, f, g, h, i, m, n, o, q, s, u, or w and a violation of the Health Sciences Student Professional Behavior Code have allegedly been committed in the same set of circumstances or facts, the Dean of Students shall first consult with the dean of the College in which the student is enrolled. The Dean of Students and the specified aforementioned dean shall determine which of them, or both, will investigate and pursue the case in accordance with the appropriate procedure(s) and authority(ies) as set forth in Part I and Part II of Student Rights and Responsibilities.
- 1.42 When a student enters a plea of guilty, the dean shall confer with the student and outline proposed disciplinary action as defined in Section 1.8 and/or counseling. Any information obtained from the student during a counseling session is strictly confidential and inadmissible in any judicial proceeding of the University except in cases where the student withdraws from the counseling process or refuses to comply with the conditions of the counseling process.
- 1.43 If the student enters a plea of not guilty or withdraws from or refuses to comply with the conditions of the counseling process, the dean shall forward the reports and evidence concerning the cases to the office of University Counsel for evaluation and possible prosecution before the appropriate University judicial agency. The dean is thereafter concerned with furnishing testimony as requested by University Counsel, keeping the records of the appropriate University judicial

agency and in aiding the student in complying with any sanction decreed by the judicial agency.

- 1.44 The accused shall enjoy the right to choose an adviser to assist during all preliminary conferences and judicial hearings and shall be informed of this right. However, the student is not entitled to an adviser during any counseling session except at the request of the dean.
- 1.45 All student grievances involving rights stated herein shall be reported to the Dean of Students within 30 days of their occurrence. Grievances reported after this period or which otherwise come to the attention of the Dean of Students may be acted upon according to the dean's determination of the circumstances.
- 1.46 The Dean of Students shall investigate each student grievance to determine whether it contains merit.
- a. If the dean decides that it does, the dean shall use moral suasion, negotiation, personal appeal, and the prestige of the dean's office to settle the case to the dean's satisfaction and that of the student.
- b. When the dean is unable to satisfy the grievance to the satisfaction of the student or when the dean has notified the student that the grievance does not contain merit, the student has the right to appeal within 30 days to the University Appeals Boards.
- 1.47 The Dean of Students shall have broad investigatory powers in the nonacademic cases and the dean shall receive prompt and full cooperation from students, student organizations, faculty and administrators. The dean may recommend policies or practices that should be terminated, modified, or initiated to the Student Government Association, the Senate Council, deans, department heads, or other appropriate persons.
- 1.48 It is expected that all students will cooperate with the investigation or adjudication of alleged offenses. However, if a student fails to appear, respond or otherwise communicate to a request for a meeting with the Dean of Students, the dean, after proper notification to the student of the consequences of failure to respond, will notify the Registrar. (Proper notification will usually consist of at least two documented efforts to communicate with the student.) Upon receiving this notification, the Registrar shall prohibit the student from registering. In the case of a graduating student, the diploma will be withheld. At the time the student responds to the dean's request, the dean will notify the Registrar who will lift the imposed restriction. If the student disputes the appropriateness of the

dean's action, an appeal may be made to the Vice Chancellor for Student Affairs. Upon the filing of the appeal and meeting with the Vice Chancellor, the Vice Chancellor may inform the Registrar's Office that the student may register.

1.5 The University Judicial Board

1.51 There shall be a University Judicial Board, hereinafter referred to as the U. J-Board, with appellate jurisdiction over the decisions of any residence judicial body and original jurisdiction over cases involving alleged violations by students of the University disciplinary offenses defined in Section 1.2.

1.52 Authority

- a. The U. J-Board shall receive appeals by accused students from decisions of any residence judicial body established pursuant to Section 4.3 of this document, and shall have the authority to reverse the decision of any such residence judicial body regarding the student's guilt or to mitigate, but not to increase, the sanction imposed by any such residence judicial body.
- b. The U. J-Board shall have the sole authority to determine the issue of guilt in those cases referred to it pursuant to Section 1.43. It shall have the sole authority to impose sanction(s) short of actual suspension or dismissal upon any student found guilty of a violation of University disciplinary rules defined in Section 1.2. If the U. J-Board believes that actual suspension or dismissal is the appropriate remedy, it shall recommend such actions to the Vice Chancellor for Student Affairs, Lexington Campus.
- c. If a student is subjected to criminal prosecution and the University Judicial Process for an offense which is a violation of both this code and federal, state, or local law, the U. J-Board may direct that disciplinary sanction imposed by the University be mitigated by any penalty imposed by off-campus authorities.

1.53 Composition

The U. J-Board shall consist of twenty-eight persons and a Hearing Officer.

a. The Hearing Officer shall be the Chair of the Board and shall convene meetings of the Board at such times and places as necessary to carry out its duties. The Hearing Officer shall be a non-voting member of the Board as to the issue of guilt or innocence and as to the sanction, but shall decide and rule upon all questions of law, whether substantive or procedural. The Hearing officer shall neither sit in on or take part in the Board's deliberation of the issue of innocence

or guilt or of sanction. The Hearing Officer shall be available to advise upon procedural questions arising under this Code.

- b. In notifying representatives of the University and an accused student that a hearing date has been established, the Hearing Officer will also indicate a date, time and place at which a Board of seven members shall be randomly selected from the pool of twenty-eight names arrived at through the selection process set for under 1.55. The date for Board selection by the Hearing Officer shall be at least forty-eight hours prior to the established date of hearing, and representatives of the University administration and the accused may observe the selection process.
- c. In order to insure the availability of a seven person Board, the Hearing Officer will draw all twenty-eight names and number them according to their order of selection. The first seven chosen shall comprise the Board and the remaining twenty-one shall stand as alternates who shall ascend to Board service according to the ascending numerical order of their selection.
- d. In any proceedings of the Board, seven members of the Board, in addition to the Hearing Officer, must be present to hear the case. Any decision of the U. J-Board must be by majority of the voting members of the Board sitting on the case.

1.54 Eligibility Requirements

- a. All members of the U. J-Board, except the Hearing Officer, must be students enrolled at the University of Kentucky on the Lexington campus, in the Medical Center, or in the Lexington Community College. They must be in good disciplinary standing with the University.
- b. The Hearing Officer shall be a person with training in the law, possessing at least the degree of Bachelor of Laws or its equivalent.

1.55 The Selection Process

a. The selection process for members of the U. J-Board, with the exception of the Hearing Officer, will be conducted jointly by the Dean of Students and the President of the Student Government Association or their designated representatives. For the purpose of arriving at the composition of the U. J-Board, a pool of names will be selected by accepted computerized random sampling methods from data representing all students enrolled for the current semester in the University of Kentucky on the Lexington campus, in the Medical Center, or

in the Lexington Community College. Every reasonable means will be employed to contact the eligible students at their last known address as to their willingness to serve. A U. J-Board will be constituted of the first twenty-eight students affirmatively responding in the order of original selection.

- b. The Hearing Officer shall be appointed by the President of the University. The President or, in the President's absence, the Vice President for Administration may appoint a substitute for the Hearing Officer at any time that officer is unavailable to serve when needed.
- c. Any member of the U. J-Board is obligated to withdraw from participation in a hearing when the member feels unable to hear the case fairly and objectively and to decide its outcome impartially on the basis of evidence adduced.
- d. Representatives of the University administration and the accused shall have the right to challenge, for cause, any member of the U. J-Board, except the Hearing Officer. Any challenge(s) shall be submitted in writing to the Hearing Officer no later than twenty-four hours prior to the established date of the hearing. Any challenge(s) shall be sustained or denied by the Hearing Officer. Should such challenge(s) be sustained, the alternate(s) shall ascend to the U. J-Board as delineated in 1.53c.

1.56 Terms of Office

The Hearing Officer and the student members shall be appointed to one-year terms. All terms are to begin November 1 and end on October 31.

1.57 Absences

Any unexcused absence during the term of office shall result in automatic dismissal from the U. J-Board. The U. J-Board, acting as a unit may make such additional regulations regarding excused absences as it may deem appropriate. All requests for excused absences shall be made to the Hearing Officer. The decision of the Hearing Officer may be appealed to the University Appeals Board in writing within thirty days of the Hearing Officer's decision. However, such appeal shall not suspend the action of the Hearing Officer.

1.6 The University Appeals Board

1.61 There shall be a University Appeals Board with appellate jurisdiction over decisions of the University Judicial Board and over decisions and/or recommendations of any faculty members and administrators on matters of

University academic offenses. The Appeals Board shall exercise original jurisdiction with regard to the offenses described in Section 6.3 hereof.

1.62 Jurisdiction in Cases of Disciplinary Offenses

Within 30 days after receipt of the decision of the U. J-Board any accused student may appeal in writing to the Chair of the University Appeals Board for a review by the Appeals Board of the U. J-Board's findings of guilt or for a review of the nature or severity of the sanction imposed or recommended.

- 1.63 Disposition of Cases of Disciplinary Offenses
- a. If the student appeals on the issue of fact regarding commission of the offense, the Appeals Board shall review the evidence and its decision shall be final.
- b. If the student request a review of the sanction, the Appeals Boards shall recommend what it believes to be the appropriate sanction to the Chancellor of the academic sector in which the student is enrolled, who shall set the sanction.
- c. Any decision and/or recommendation by the Appeals Board must be by a majority of those members sitting on the case.
- 1.64 Jurisdiction Over Cases Involving Student Rights Specified in Article II
- a. The Appeals Board shall hear any case referred to it by the Dean of Students and/or by the Academic Ombud and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students and/or the Academic Ombud. This written appeal must be submitted within 30 days after the dean and/or the Academic Ombud has communicated to the Appeals Board and to the student that the case is without merit or the grievance cannot be satisfactorily terminated.
- b. Upon receipt of the written appeal, the Chair of the Appeals Board shall notify the Dean of Students and/or the Academic Ombud to forward all reports and evidence concerning the case.
- c. The Appeals Board may then, by majority vote, agree to hear the student's case, decline to hear a case if it finds that it is being processed through other appropriate University channels, or allow the dean's and/or the Academic Ombud's decision to be final.
- 1.65 Disposition of Cases of Student Rights

After hearing a case and deciding that a violation of student rights has been proved, the Appeals Board may select from the following remedies:

- a. The Board may request the Dean of Admissions to admit an applicant denied admission in violation of Section 2.11.
- b. The Board may request the Vice Chancellor for Student Affairs, Lexington Campus to give an applicant a scholarship, or financial aid, when such have been denied or withdrawn in violation of Section 2.12.
- c. The Board may request the Vice Chancellor for Student Affairs, Lexington Campus to make available University facilities and services on a fair and equitable basis when a violation of Section 2.13 has been approved.
- d. The Board may request the Vice Chancellor for Student Affairs, Lexington Campus to have any papers, property or personal effects, taken from a student's person or premises in violation of Section 2.21, returned to the student.
- e. The Board may request the appropriate University official to direct compliance with Section 2.22, 2.23 or 2.24 when a violation of the rights stated therein has been proved.
- f. The Board may request the appropriate University official to direct compliance with Section 2.29.
- g. The Board may request the appropriate University official to grant whatever other relief the Board deems proper.

Note: The detailed provisions relating to jurisdiction and disposition of cases involving coercion, interference and disruption are contained in Article VI.

1.66 Composition of the University Appeals Board

The University Appeals Board shall consist of ten members, three full-time students and six faculty members, and a Hearing Officer who shall be the Chair. In addition, there shall be three student alternates and six faculty alternates who shall be selected on the same basis and with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall be expected to meet within 48 hours after notice from the Chair.

a. The Hearing Officer

The Hearing Officer shall be the Chair of the Board and shall be a person with training in the law appointed by the President of the University for a one-year term beginning on September 1, and ending August 31. The Hearing Officer shall convene and preside at all meetings of the Board, with the exception of the Board's deliberations on questions concerning innocence or guilt or sanction. When the Board is exercising original jurisdiction, all questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the Hearing Officer. If the Hearing Officer cannot serve when needed, the President or, in the President's absence, the Vice President for Administration shall appoint a temporary substitute.

b. The Student Members

The student membership shall consist of a graduate or professional student and two undergraduate students. The undergraduates must be either juniors or seniors in good academic standing and the graduate or professional student must have been in residence at least one year and be in good academic standing. They shall be appointed to one-year terms, subject to reappointment. Their terms shall begin September 1 and end August 31. Members shall be appointed by the President of the University from the recommendations of the legislative branch of the Student Government Association.

c. The Faculty Members

The faculty members 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.

d. Other Procedural Rules

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 and at least one student of like status to the student in issue. The Appeals Board shall establish such other procedural rules, not inconsistent with the provisions of the Code, as will effectuate the orderly conduct of its functions.

1.67 Temporary Appointments

If a sufficient number of the members of the U. J-Board are not present at any time when that Board has duties to perform, the President of the Student

Government Association, with the advice and consent of the Vice Chancellor for Student Affairs, Lexington Campus, shall make such temporary appointments as are necessary to insure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. If a sufficient number of the members of the Appeals Board are not present at any time when that Board has duties to perform, the President of the University or, in the President's absence, the Vice President for Administration, shall make such temporary appointments as are necessary to insure 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.

If at any time, in the judgment of the Hearing Officer of the affected board, there are sufficient cases pending before either the U. J-Board or the Appeals Board that it is unlikely that the pending cases can be processed within sixty days, or within the time prescribed otherwise in the Code, whichever is the shorter period, the Hearing Officer shall notify the President of that fact. The President may then take one or all of the following steps: (a) activation of additional boards from those persons already appointed (to the 28 member panel in the case of the U. J-Board or to alternate status in the case of the Appeals Board) and appointment of a Hearing Officer for each such additional board in conformity with Sections 1.53a., 1.54c., 155d., and 1.66a.; (b) appointment of additional boards, for designated cases and time periods, of the size and general composition as provided in Sections 1.53, 1.54, 1.55 and 1.66 and appointment of a Hearing Officer for each such additional board in conformity with Sections 1.53a., 1.54c., 1.55d., and 1.66a.; (c) appointment of three-person hearing panels for designated cases and time periods. In making the appointments to such three-person hearing panels the President of the University should, if reasonably possible consult with the President of the Student Government Association. 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), (b), or (c) above shall be the same as those applicable to the Parent board supplemented by such appointment or activation.

1.7 Temporary Sanctions

1.71 In the event that the Vice Chancellor for Student Affairs, Lexington Campus, has reasonable cause to believe that a student's presence may result in injury to self or others or University property, or in the event that the student has been charged with a crime so serious as to threaten the welfare of the University community, the Vice Chancellor may impose such temporary sanctions as the Vice Chancellor considers necessary to protect the individual or, members of the

University community or its property, including exclusion from University property. Upon taking such action, the Vice Chancellor shall notify the University Appeals Board. The student may appeal the Vice Chancellor's decision to the University Appeals Board in writing within 30 days. If requested in the written appeal, the Chair will call a meeting of the Board to hear the case within 72 hours. The Board shall consider the student's academic needs to attend class, to use the library, and to fulfill any other academic responsibilities in making its recommendation. This Board may recommend to the Chancellor of the academic sector in which the student is enrolled, changes or extension of the Vice Chancellor's action. The Chancellor then shall determine the sanctions to be imposed. Such temporary sanctions shall be enforced only for such time as the conditions requiring them exist. Accordingly, the University official who made the final determination of the sanction to be imposed shall have jurisdiction for the purpose of reconsidering this sanction in the light of new circumstances.

Alternatively, the circumstances shall be reviewed by the Board whenever there are indications that they have been changed and upon an appeal in writing from the student involved.

1.8 Sanctions

1.81 Warning

The Dean of Students or the dean's authorized representative may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action. A warning, unless imposed by the U. J-Board, is not appealable.

1.82 Reprimand

A written admonition shall become a part of the student's disciplinary record.

1.83 Probation

Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of probation for a specified period of time, with the exception of defined privileges which are necessary and required. If a student, while on probation, violates any of the terms set forth in the notice of probation or violates the Code of Student Conduct, as determined after the opportunity for a hearing, the student shall be subject to further discipline in the form of undated suspension, suspension or dismissal.

1.84 Undated Suspension

Exclusion from participation in any and all privileges or extracurricular University activities except for attendance in classes in which officially enrolled, with the exception of defined privileges which are necessary and required, for a specified period of time. If a student, while on undated suspension, violates any of the terms set forth in the notice of undated suspension, or violates the Code of Student conduct, as determined after the opportunity for a hearing, the student shall be subject to further discipline in the form of suspension or dismissal.

1.85 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, and exclusion from the campus if set forth in the notice of suspension. If a student, while on suspension, violates any of the terms set forth in the notice of suspension or violates the Code of Student Conduct while on a campus of the University, or in relation to a University sponsored activity, as determined after the opportunity for a hearing, the student shall be subject to further discipline in the form of dismissal.

1.86 Dismissal

Exclusion from the campus and termination of student status for an indefinite period. The conditions of reconsideration 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 Chancellor of the academic sector in which the student is enrolled upon recommendations of the Appeals Board.

1.87 Monetary Reimbursement

A monetary penalty, public or community service and/or compulsory attendance at education programs, may be imposed in appropriate circumstances. In cases where personal or public property has been stolen, defaced, disfigured, damaged or destroyed, the disciplinary sanction shall also include an appropriate monetary reimbursement for compensatory damages.

ARTICLE II-UNIVERSITY RIGHTS OF STUDENTS

Section

2.1 Right of Admission and Access

2.11 Admission Policy

An applicant for admission to the University shall not be discriminated against because of race, color, religion, sex, marital status, sexual orientation, national origin, age or beliefs. Moreover, no otherwise qualified person with a disability will be denied admission solely because of the person's disability.

2.12 Scholarships, Grants-In-Aid, and Financial Aid

An applicant for, or a recipient of, University financial aid, a University grant-inaid, or a University scholarship, shall not be discriminated against because of race, color, religion, sex, marital status, sexual orientation, national origin, age or beliefs. Moreover, no otherwise qualified person with a disability will be denied financial aid solely because of the person's disability.

2.13 Use of Facilities and Services

The University may delineate the purpose for which students may use certain facilities and shall make them available on a fair and equitable basis. However, the University may restrict its facilities and services when their use would interfere with normal University operations.

2.14 Discrimination in the Community

The University will use its influence to secure equal access for all student to public facilities in the local community.

2.2 Right of Privacy

2.21 Person and Property

A student shall be free from searches and seizures of person and possessions while on University 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 member of the dean's staff acting as the dean's authorized representative.

2.22 Disciplinary Records

A student's disciplinary record shall be kept separate and confidential unless the student consents in writing to have it revealed. However, the Dean of Students may disclose the student's disciplinary record without the student's consent if legal compulsion or the safety of people or property is involved, or if the information is required by authorized University personnel for official use at the University of Kentucky. In these circumstances, only the information pertinent to the inquiry may be revealed. The dean may also act without the student's consent to have a statement of suspension or dismissal entered on the student's academic record for the time that this disciplinary sanction would prohibit the student from registering. Written notice of this statement shall be sent to the student.

2.23 Counseling Records

A student's test data and record in the counseling Center shall be kept in the Center, separate and confidential, unless the student consents in writing to have it revealed to a designated person and for a designated purpose. Without such release, 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 to society, and such information will be limited to that which is directly pertinent to the reduction of that danger.

2.24 Student Health Service Records

Student Health Service medical, surgical and mental health records and information 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 to this extent may be revealed for protection of the student or others.

2.25 Dean of Students Records

Official records and information maintained by the Dean of Students Office are treated in a confidential manner. A student has the right to view disciplinary records maintained on the student. Disciplinary and judicial records and the information contained therein will not be released except with the written authorization of the student.

General information, such as the student's name, address, telephone listing, college classification, and the major field of student is released at the discretion

of the Dean of Students upon receipt of a specific request for such information.

General information about a student will not be released if the student has filed with the Registrar of the University, in writing, a request stating the information to be withheld.

2.26 Evaluation of Student Character and Ability

A student's character and ability shall be evaluated only by those with personal knowledge of the student. Records containing such evaluations shall indicate when the information was acquired, by whom, and the position of the individual. Upon a student's request to an individual faculty member or administrator, that student should be informed of all inquiries about that student directed to the faculty member or administrator and that judgments have been or will be given.

2.27 Subpoenaed Information

If presented with a subpoena to produce information about specific students and/or campus organizations, the recipient shall notify immediately the Dean of Students and forward to that office a copy of the subpoena. The Dean of Students shall immediately notify the students or student organizations involved or use his/her best effort to do so, and forward to them a copy of the subpoena by certified mail, addressed to their last known address.

2.28 Non-Academic Information

Information about a student's or a student organization's political or social views or beliefs which faculty, staff or administrators acquire in the course of their work as instructors, advisers, counselors or supervisors is to be kept confidential.

Students may waive the protection of this section by granting express permission to the relevant faculty, staff or administrator.

2.29 Sexual Harassment

A student shall be free of sexual harassment by University faculty, staff, supervisors and employees. 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 academic environment.

2.3 Rights of the Accused

The student shall be guaranteed the following rights in all proceedings of the University Judicial System:

- 2.31 All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies.
- 2.32 No student shall be compelled to give testimony which might tend to be self-incriminating and refusal to do so shall not be considered evidence of guilt.
- 2.33 The accused student shall be informed in writing of the reasons for appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing.
- 2.34 The accused shall be entitled to receive upon request a copy of all rules and procedures governing the judicial agency at least 72 hours prior to appearance before the agency.
- 2.35 The accused student shall enjoy the right to hear and question all witnesses and to present witnesses of the student's choice.
- 2.36 The accused may choose an adviser to assist in all processes of the University Judicial System.
- 2.37 Only impartial members of the judicial agency shall sit in judgment of any case.
- 2.38 The accused shall have access to a permanent verbal or written transcript of every hearing of every judicial agency.
- 2.39 The accused student shall have the right to either an open or closed hearing. All hearings before any judicial agency shall be closed unless the accused student requests that said hearing be open. If a student desires an open hearing, the student must file a written request with the Hearing Officer at least 24 hours prior to the time set for the hearing. The Hearing Officer will then admit to the hearing, in addition to those admitted to closed hearings: one properly identified member of the working press from the student newspaper and from each established newspaper, magazine, television station or radio station requesting

- admission; four persons invited by the accused student; and four persons invited by the University Counsel. The Hearing Officer may order the removal of any disruptive person from the hearing.
- 2.310 Evidence obtained in violation of Section 2.21, as a direct or indirect result of a violation of Section 2.21, in the course of a counseling session, or through other improper means shall not be admissible in any proceeding of the University Judicial System or Residence Halls Judicial System.
- 2.311 Failure to adhere to the procedures contained in this Code or a violation of rights of students contained in this Code shall be sufficient basis for reconsideration of the case by the appropriate judicial body.
- 2.4 Right of Free Expression
- 2.41 A student has the right to freedom of expression, which includes the right to picket or demonstrate for a cause, subject to the following conditions:
- a. The student must act in an orderly and peaceful manner. b. The student must not in any way interfere with the proper functioning of the University.
- c. The student must obey the University's regulations as to time, place and manner. (See PART III of this publication.)
- 2.5 Right to a Free Student Press
- 2.51 Student publications must be free to deal openly, fearlessly and responsibly with issues of interest and importance to the academic community. Student publications will avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deception of its readers, unnecessary harassment and innuendo, and other violations of individual rights. The editors shall have the right to editorial freedom without the prior approval of copy and will be protected against dismissal or suspension, except for violations of policies established by the Board of Student Publications. Such policies shall be in accordance with the guarantees contained herein.
- 2.6 Right of Student Access to Meetings of Registered Student Organizations
- 2.61 The University affirms the right of all students, including members of the student press, to attend meetings of registered student organizations that receive the majority of their regular operating budgets from allocations of student fees money and/or University allocations.

Exceptions to the foregoing right include:

- a. deliberations of election boards and selection committees;
- b. contract negotiations of student organizations and private contractors;
- c. discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee's, member's or student's right to a public hearing if requested, provided that this exception is not designed to protect the reputation of individual persons and shall not be interpreted to permit discussion of general personnel matters in secret.

"Meeting" means any gathering of quorum of the members, regardless of where the meeting is held, whether a regular or special meeting, including any informational or casual gathering held in anticipation of or in conjunction with a regular or special meeting.

ARTICLE III--THE UNIVERSITY AS A SUPERVISOR OF STUDENT ORGANIZATIONS

- 3.1 Supervision of Student Organizations
- 3.11 The supervision of student organizations shall rest with the Director of the Student Center.
- 3.2 Types of Organizations, Membership, Registration and Advisers
- 3.21 Types of Organizations
- 1. Social Sororities and Fraternities
- 2. Honor, Leadership and Recognition Societies
- 3. Departmental Organizations and Professional Fraternities
- 4. Political Organizations

- 5. Governmental Organizations
- 6. Specialty Organizations (religious, athletic, military, etc.)
- 3.22 Membership

Membership in student organizations shall be limited to students, faculty, and staff of the University, except Honor, Leadership and Recognition societies which may include other persons as provided for in the national constitutions.

- 3.23 Registration
- 3.231 Any student organization which wishes to use the University of Kentucky's name, facilities, or property, or to solicit thereon, must complete the registration form available in the Office of the Director of the Student Center.
- 3.232 The registration of any student organization is at the discretion of the Director of the Student Center and is dependent upon the completion of the required application form and compliance with the rules and additional criteria the director may set forth. Such criteria shall be established and published by the director and made uniform for all similar types of organizations. The director may limit an organization's registration, with its concomitant permission, to a fixed period of time, the length to be determined at the director's discretion.
- 3.233 Student organizations must be registered before they may use University facilities or property. The Director of Student Center, with the approval of the President, shall promulgate regulations governing the use of University facilities by registered student organizations. (See A.R. II 8.3-2.) These regulations shall specify the times when facilities and premises are available for use, the manner in which they may be used, and how they may be reserved.
- 3.24 Advisers
- 3.241 Each such organization must comply with the following requirements for advisers upon submission of an application for registration:
- a. Every social fraternity or sorority shall have a University adviser, who shall be appointed by the Vice Chancellor, Student Affairs and a faculty adviser elected by the membership.
- b. Every honor, leadership or recognition society shall have a faculty adviser elected by the membership.

- c. Every departmental organization and professional fraternity shall have a faculty adviser.
- d. Every political organization shall have a University adviser elected by the membership or, failing that, appointed by the Vice Chancellor, Student Affairs as well as a faculty adviser elected by the membership.
- e. Every governmental organization shall have a University adviser appointed by the Vice Chancellor, Student Affairs and a faculty adviser elected by the membership.
- f. Every specialty organization shall have a sponsor, who must be approved by the Director of the Student Center, and a faculty adviser elected by the membership.
- 3.242 The definition and scope of the various advisers required above is as follows:
- a. University Adviser: a member of the staff of the Vice Chancellor, Student Affairs or any administrative office under the Vice Chancellor's jurisdiction whose duty shall be to counsel and advise the organization and its officers as to their powers and responsibilities. However, the Vice Chancellor, Student Affairs shall have no authority to prohibit any proposed action by a political organization.
- b. Faculty Adviser: a member of the faculty of the University connected with or interested in the organization, who shall offer support and advice to the officers in carrying out the purposes of the organization, and shall be available to meet with members of the organization at their regular meetings or at a special meeting called for that purpose.

A non-tenured faculty member shall not advise more than one registered student organization; a tenured faculty member may advise any number of registered student organizations at any one time.

- c. Sponsor: a responsible adult interested in the purposes of the organization who shall give guidance and counsel to the officers in carrying out the purposes of the organization and shall be available to meet with the members of the organization at their regular meetings.
- 3.3 The Offenses

Offenses as defined below are punishable when committed by student organizations or their visitors or invitee.

- 3.31 Hazing by any action taken or situation created, intentionally or recklessly, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such abusive activities and situations may include, but are not limited to the following: illegal or harmful use and/or forced consumption of food, alcohol or drugs; paddling in any form; creation of fatigue; personal servitude; physical and/or psychological shocks; wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; degrading or humiliating games and activities; sleep or food deprivation; any meetings which unreasonably interfere with scholastic activities; and/or any other activities which are not consistent with the regulations and policies of the University of Kentucky.
- 3.32 Interference, coercion or disruption which impedes, impairs or disrupts University missions, processes or functions, or interferes with the rights of others on University property, or the rights of registered student organizations. (Examples of conduct falling within this section are described under Section 6.32.)
- 3.33 Conduct which is disorderly, abusive, drunken, violent or excessively noisy.
- 3.34 Discrimination against any person due to race, color, sex, sexual orientation or religious affiliation or belief, except when the express and legitimate purposes of the organization require limitation as to sex and religion.
- 3.35 Knowingly, electing, appointing, or retaining as an elected or appointed officer or committee chair any student on academic probation, financially delinquent to the University (in accordance with Article V), or under disciplinary sanction which prohibits the student from holding such office.
- 3.36 Organizing, sponsoring, implementing or conducting programs or activities which are disorderly or which are violations of law or University regulations.
- 3.37 Distributing obscene matter or knowingly organizing, sponsoring, implementing or conducting programs or activities which contain indecent or obscene behavior. (See Definition Section following Section 1.21.)
- 3.38 Recurrent financial overobligation and nonpayment of debts.

- 3.39 Any violation of University rules or policies which apply to registered student organizations or their use of University facilities or property.
- 3.4 Sanctions
- 3.41 No specific procedures for adjudicating the commission of any of the offenses have been established other than that the Dean of Students may impose sanctions up to and including refusal or cancellation of registration.
- 3.5 Right of Appeal
- 3.51 Within 30 days of receipt of notice that the Dean of Students has refused or canceled the registration of an organization, the officers or proponents of such organization shall be given the right to appeal in writing to the Vice Chancellor for Student Affairs, Lexington Campus.
- 3.52 The Vice Chancellor may either grant or reinstate the registration in question or refer the matter to the University Appeals Board. The Appeals Board shall forward its recommendation to the appropriate Chancellor whose decision shall be final.

ARTICLE IV--THE UNIVERSITY AS A SUPERVISOR OF RESIDENCE HALLS

- 4.1 Rules and Regulations
- 4.11 The rules and regulations for University student residences are contained or provided for in the written rental agreement between the student and the University.
- 4.12 A compilation of all rules established under the rental agreement and currently in effect shall be made readily available on request to all residents of the University building to which such rules apply, and shall be posted in the University building to which they apply.
- 4.2 Violations
- 4.21 Violations of the rules promulgated by the Director of Resident Life in accordance with the rental agreement will be investigated by the Hall Director/Manager of the residential unit in which the violation is alleged to have

occurred. Disposition of such cases shall be made in accordance with established and published procedures which have been approved by the Vice Chancellor for Student Affairs.

4.22 Determination of violations of the rental agreement or applicable regulations incorporated therein by reference shall be made in accordance with the procedure set out in the University Administrative Regulations.

4.3 Governing Body

4.31 There shall be a governing body for each comprehensive geographical housing unit as designated by the Director of Residence Life. These governing bodies are given authority to establish, upon approval of the Director of Residence Life and a majority of those students governed, additional rules regarding conduct and regarding dispositions of cases, within their respective jurisdictions. Governing bodies may advise the Director of Residence Life on residential policies, programming and staffing. Officers of the governing bodies shall be elected at large by the residents of each respective housing unit.

ARTICLE V--STATEMENT OF FINANCIAL DELINQUENCY

- 5.1 Student Responsibility
- 5.11 The University expects the student to be financially responsible and not be delinquent in financial obligations to the University or to any department or division thereof, including room and board payments to sanctioned fraternal student organizations. Such obligations shall not include fines and penalties assessed against the student by other than University officers.
- 5.2 Unmet Financial Obligations
- 5.21 An office or a department of the University, with previous approval of the Vice Chancellor for Administration, Lexington Campus, will notify a student twice of any unmet financial obligation owed to it exceeding \$20.00. If not paid within 60 days, from date due, the office or department will notify the Registrar's Office that the student is delinquent.
- 5.22 After the Registrar has been so notified, the Registrar shall not allow the student to register, transfer credits, be readmitted to the University, or receive the graduation diploma which certifies the degree earned until the office or

department declaring the delinquency notifies the Registrar that the obligation has been met or until the statute of limitation on collection applies.

- 5.3 Disputed Liability
- 5.31 If there is a dispute as to whether or not a student is legally liable for a financial obligation asserted by the University, and the student challenges such obligation through either timely administrative (Vice Chancellor for Administration, Lexington Campus) or legal means, then the sanctions of Article V with respect to registration shall not apply until final resolution of the dispute.

ARTICLE VI--INTERFERENCE, COERCION AND DISRUPTION

- 6.1 Statement of Policy
- 6.11 The University of Kentucky has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceful assembly. It is equally clear, however, that in a community of learning, interference, coercion or disruption cannot be tolerated.
- 6.2 Requirements for Article VI Charge(s)
- 6.21 Students who engage in conduct proscribed by this Article of the Code shall be charged pursuant to this Article only where one or more of the following occurs:
- 1. where there is a threat of or commission of physical violence, or;
- 2. where there is a threat of or destruction of University property, or;
- 3. where conduct necessitates the declaration of or takes place during a State of Emergency as provided herein, or;
- 4. where the Dean of Students or the dean's authorized representative gives prior notice that Section 6.3 is applicable.
- 6.3 Offenses
- 6.31 No student shall engage in interference, coercion or disruption with relation

- to University missions, processes, functions, or personnel.
- 6.32 Section 6.3 is violated when a student, acting alone or in concert with others, impedes or impairs University missions, processes or functions, or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or property, or part thereof, without authorization by the University; blocking the entrance or exit of any University building or corridor or room therein; setting fire to, or by any other means, damaging any University building or property; or the property of others on University premises; any display of, or attempt, or threat to use firearms, explosive or other weapons upon University property without University authorization; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly upon University property; blocking normal pedestrian or vehicular traffic on University property; and failure to vacate premises when ordered to do so by a University official.
- 6.4 Administrative Authority and Responsibility
- 6.41 When is appears that there is violation of Section 6.3, the University administration is authorized and directed to take one or more of the following actions:
- a. prefer charges under the Code of Student Conduct;
- b. impose interim suspension;
- c. declare a state of emergency;
- d. make application to the courts for injunctive relief;
- e. request the assistance of outside law enforcement agencies available under the laws of the Commonwealth of Kentucky;
- f. take such other actions deemed necessary by the President of the University to protect lives and property and provide for the orderly operation of the institution.
- 6.5 Disciplinary Procedure
- 6.51 The University Appeals Board shall exercise original jurisdiction with regard to all cases wherein students are charged with violation of Section 6.3.

6.52 The decision of the Appeals Board shall be final as to the issue of guilt or innocence and as to questions of law and procedural questions arising under this Code.

6.53 If the Appeals Board, by a majority of the members hearing any particular case, finds that an accused student is guilty of a violation of Section 6.3, it shall fix the sanction therefor, which shall be either suspension or dismissal, and may include monetary reimbursement. The Board may, however, impose the penalty of undated suspension, if it makes a specific finding of substantial mitigating circumstances.

6.54 Within 60 days after receipt of the decision of the Appeals Board, a student found guilty may appeal in writing to the President of the University for a review of the nature or severity of the sanction imposed. In the event of an appeal, the President may decrease the sanction imposed by the appeals Board

6.6 Interim Suspension

6.61 Interim suspension is defined as exclusion of a student from the campus, pending a prompt hearing.

6.62 Interim suspension may be imposed only by the President of the University, the Vice President for Administration, the Chancellors, the Vice Chancellor for Student Affairs, Lexington Campus, or the Dean of Students when any one of these officials has reasonable cause to believe that a student has committed an offense defined in Section 6.3.

6.63 In no case shall an interim suspension be in effect for a period longer than 7 days.

6.64 The official invoking interim suspension shall cause charges to be preferred and the reports and evidence forwarded to the Chair of The Appeals Board, who shall docket the case for a prompt hearing.

6.7 State of Emergency

6.71 The President of the University, or in the President's absence, the Vice President for Administration, or other University official specifically designated by the President, may declare that a state of emergency exists on the campus. The declaration of a state of emergency shall be made when, in the judgment of the President or the President's designee, conditions are such that a clear and present danger exists with regard to the safety of persons or property or when

conditions are such as to justify a reasonable belief that disruption is likely to occur.

- 6.72 In the event of a declaration of a state of emergency, the following procedures may be implemented:
- a. No persons, other than students, faculty and staff of the University with proper University identification, and representatives of duly constituted law enforcement agencies shall be permitted on the campus without appropriate identification issued by the University's Department of Public Safety.
- b. The President, the Vice President for Administration, the Chancellors, the Vice Chancellor for Student Affairs, Lexington Campus, the Dean of Students or their authorized representatives may impose upon any person such temporary sanctions as are considered necessary to protect members of the University community or its property, or to prevent disruption of the University.
- c. The President, or in the President's absence, the Vice President for Administration, may impose such other temporary regulations, including the suspension of all mass meetings, and other gathering, as my be reasonably necessary to protect the safety and welfare of persons on the campus, prevent damage to property, and provide for the orderly and efficient operation of the University.
- d. Take any of the actions enumerated in Section 6.4.
- 6.8 No Amnesty

No person shall have authority to grant amnesty or to make any promises as to prosecution or nonprosecution in any court, state, or federal, or before any board to any person charged with or suspected of violating Section 6.3 of this Code.

ARTICLE VII--AMENDMENT

- 7.1 Amendment Procedure
- 7.11 The Code of Student conduct shall be amended only by the Board of Trustees. Responsibility for proposing revisions to the Code of Student Conduct is delegated to a committee consisting of students, faculty and administrators. The exact composition and procedure of the committee is to be determined by

the President of the University.

- 7.12 The Committee shall accept and review recommendations from students, faculty and administrators regarding revisions of the Code of Student Conduct. The Committee shall prepare proposed revisions and forward them to the President for presentation to the Board of Trustees for its consideration.
- 7.13 Nothing included above shall be construed as a limitation upon the President to propose changes without reference to the Committee.