
6.4 DISPOSITION OF CASES OF ACADEMIC OFFENSES

These rules govern the prosecution of academic offenses defined in Section 6.3. The rules in this section 6.4 are binding upon all persons and groups mentioned in these rules. Instructors who impose penalties for academic offenses without following these rules are violating the due-process rights of students. Instructors, administrators, and the Appeals Board do not have the authority to impose penalties less than the minimum prescribed by these rules. Deadlines may be extended by mutual agreement of the involved parties.

6.4.0 Definitions

For purposes of this Part 6.4:

(A) The terms "chair," "dean," and "Provost" include their designees.

(B) "Chair" includes directors of programs and deans of colleges or schools without a departmental structure.

(C) "XE" and "XF" are grades indicating failure due to an academic offense, as defined in Rule 5.1.1. The grades shall be so recorded on a student's transcript distinct from any other grade of E or F and shall not be changed to a W by retroactive withdrawal, pursuant to Rule 5.1.8.5, or removed from a student's GPA calculation by the Repeat Option otherwise provided in Rule 5.3.1.1.

(D) "Notice" is given to a student:

(1) in person, with a witness or a signed receipt by the student, or

(2) in writing by regular mail to the student's address as it appears in the Registrar's records. The University is not responsible for a student's failure to maintain a current address in the Registrar's records.

Any notice of a finding or penalty shall include the name and ID number of the student, the college in which the student is enrolled, the course and section in which the offense occurred, the date and nature of the offense, the penalty that is being imposed or recommended, and any right that the student may have to appeal the finding or penalty.

(E) "Suspension" means forced withdrawal from the University for a specified period of time, including exclusion from classes, termination of student status, and termination of all related privileges and activities.

(F) "Dismissal" means termination of student status subject to the student's readmission as specified in paragraph 6.4.6(B).

(G) "Expulsion" means permanent termination of student status. It is 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.

(H) "Days" refers to working days.

(I) "Instructor" refers to the classroom instructor.

6.4.1. Jurisdiction

(A) If an instructor is not a faculty employee (for example, the instructor is a teaching assistant), then the faculty employee who is ultimately responsible for signing the grade reports for the course shall assume the role of the instructor. If there is no such faculty employee, then the chair shall assume this role. In either case, the actual instructor should retain an important consultative role.

(B) In general, the prefix of the course in which a student is enrolled determines which chair and dean are responsible for handling a case of an academic offense alleged to have been committed by that student in that course, even if the course is offered through a University Extension program. However:

(1) If the chair is also the instructor, then the dean of the chair's college shall assign the chair's role to an associate dean.

(2) If the responsible dean is also the instructor, then the dean shall assign his or her responsibility for the case to an associate dean.

(3) If the Provost is also the instructor, then the Provost shall assign his or her responsibility for the case to an associate provost.

(4) If a student in postbaccalaureate status, a student enrolled in a program or curriculum of the Graduate School, or a postdoctoral scholar or fellow is suspected of committing an academic offense in a course, the responsible dean shall be the dean of the Graduate School.

(5) When a student enrolled in a program that has instituted an honor code, pursuant to Section 6.6, is suspected of committing an offense in any course, the offense shall be prosecuted and the penalty shall be imposed according to the rules of the student's program's honor code. Conversely, a student who is not enrolled in a program that has instituted an honor code shall be prosecuted only under the rules in this Section 6.4. If a student is concurrently enrolled in a professional program governed by an honor code and a program of the Graduate School, the rules of the professional program shall take precedence.

(C) If an academic offense is alleged to have occurred outside of a course in work that is related to fulfilling requirements of a program or curriculum of the Graduate School (for example, a master's examination, doctoral qualifying examination, master's thesis, doctoral dissertation, or formally submitted dissertation proposal), or if an academic offense is alleged to have been committed by a postdoctoral scholar or fellow outside of a course, the offense shall be considered to have occurred in the Graduate School, and the rules of the Graduate School regarding academic offenses shall apply.

(D) The Associate Provost for Undergraduate Education shall assume the role of the dean of the student's college in the cases of students who have not declared a major or are not matriculated at the University. Students in University Extension courses who are not matriculated at the University shall be entitled to the same rights regarding academic offenses as those who are matriculated at the University.

6.4.2. Initiating a Complaint

(A) An instructor who suspects that a student has committed an academic offense in a course taught by that instructor shall consult with the chair as soon as practical after the instructor develops the suspicion. Prior to consultation with the chair, 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).

(B) If any person other than the instructor suspects that a student has committed an academic offense in a course in which the student is enrolled, that person should turn the evidence over to the instructor, who shall proceed as outlined in Section 6.4.3(A).

(C) If any person suspects that a student has committed an academic offense, either with respect to a course in which the student is not enrolled, or in academic work outside of a course (for example, an honors project or dissertation, a graduate examination, a thesis or dissertation, or a formally submitted thesis or dissertation proposal), that person should inform the dean of the student's college, who shall proceed as outlined in Section 6.4.3(B)(1)(c).

(D) If any person suspects that a student has falsified, attempted to falsify, or otherwise misused academic records, that person should inform the Registrar, who shall proceed as outlined in Section 6.4.3(D).

6.4.3. Initial Determination

(A) By instructor and chair

(1) Allegation; opportunity of student to respond

The instructor and chair shall review the evidence of an academic offense, and the instructor shall decide whether the evidence warrants an allegation of an academic offense. If so, the student shall be notified of the allegation and invited to meet with the instructor and chair to discuss the allegation and to state his or her case. The instructor and chair shall set a deadline for the student to respond to the invitation to the meeting, but the deadline shall be no fewer than 7 days after the invitation is issued. The instructor and chair must make a reasonable effort to schedule a meeting with the student as soon as possible after the evidence is received.

(2) Finding

The instructor shall consider the evidence and the student's response and shall decide whether the student committed an academic offense. Any such finding shall be made within 7 days after the

meeting with the student, unless the student consents in writing to an extension of this time. However, if the student fails to respond to the invitation to meet within the deadline or fails to attend a meeting that was agreed upon by all parties, the instructor may make a finding immediately thereafter.

If the instructor finds the student did not commit an academic offense, the instructor shall so notify the student.

If, in the judgment of the instructor, an action that can be construed as an academic offense is so slight or inconsequential that it does not warrant even the minimum penalty of zero on the assignment, then the instructor should not treat the action as an academic offense, but simply as an ordinary error that may earn the student a lower grade on the assignment. The instructor shall notify the student of such a determination.

On the other hand, if the instructor finds the student committed an academic offense, the chair shall ask the Registrar whether there are any prior offenses or letters of warning in the student's record. The chair shall inform the instructor whether such is the case. The chair shall also ask the Registrar to place a hold on the student's enrollment in the course. If the student has already dropped or withdrawn from the course, the Registrar shall reinstate the student.

(3) Penalties

(a) If the student has previously received a penalty for an offense at least as severe as an E or F in a course, the chair shall inform the responsible dean, who shall determine an appropriate penalty pursuant to Section 6.4.3(B)(1)(b).

(b) Otherwise, if the student has previously received a letter of warning, the instructor must assign a grade of E or F for the course. If the offense is particularly egregious, and if the chair approves, the instructor may also forward the case to the responsible dean with a recommendation for a penalty of XE or XF or a more severe penalty, pursuant to paragraph 6.4.3(B)(1)(a).

(c) Otherwise, if there are no prior offenses or letters of warning in the student's record, the instructor must award a grade of zero for the assignment on which the offense occurred. The instructor may also choose to impose one of the following additional penalties after consulting with the chair:

- require the student to perform extra academic work (failure to complete the extra work should result in a grade of E or F for the course);
 - reduce the final grade in the course by a specified number of levels;
 - assign a grade of E or F, as appropriate, for the course;
 - if the offense is particularly egregious, and if the chair approves, forward the case to the responsible dean with a recommendation for a penalty of a grade of XE or XF in the course or a more severe penalty, pursuant to paragraph 6.4.3(B)(1)(a).
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If the instructor chooses to impose a penalty less than an E or F in the course, then the offense shall be considered a "minor offense". Generally, an offense that required significant premeditation should not be treated as a minor offense.

(4) Notice of penalty

The instructor shall notify the student of the finding of an offense and the penalty as soon as possible after the penalty has been determined. The chair shall also inform the Academic Ombud of the finding and penalty.

(5) Right of appeal

A student has the right to appeal any finding of an academic offense or a penalty to the University Appeals Board through the office of the Academic Ombud, pursuant to Section 6.4.4 below.

(6) Right to drop or withdraw from a course

A student who has committed an academic offense in a course shall not be permitted to drop or withdraw from the course under any circumstances.

(7) Warning letter in case of a minor offense

If the student fails to appeal the finding of a minor offense within the time limit specified in paragraph 6.4.4(B)(2), or if the Appeals Board upholds the finding, the instructor shall write a letter of warning to be placed in the student's record. The letter shall state the circumstances surrounding the minor offense and shall warn the student that any offenses in the future will be penalized with at least an E or F in the course. The instructor shall send copies of the letter to the student and the Registrar, and the Registrar shall place the letter in the student's record, pursuant to paragraph 6.4.7(A)(1).

(B) By the dean

(1) Cases requiring action by a dean

A dean may be required to take action in a case of an academic offense in the following circumstances:

(a) An instructor of a course offered by the dean's college recommends a penalty of a grade of XE or XF or a more severe penalty, pursuant to paragraph 6.4.3(A)(3), for an offense committed by a student who has not committed any previous offense or who has received only a letter of warning. In this case, the dean has two options.

(i) The dean may return the case to the instructor and require the instructor to impose a penalty no more severe than a grade of E or F in the course. In this case,

the instructor shall notify the student and the chair shall notify the Academic Ombud of the new penalty, pursuant to paragraph 6.4.3(A)(4).

(ii) The dean may impose a penalty of XE or XF in the course and may forward the case to the Provost, recommending a penalty of suspension, dismissal, expulsion, or revocation of a degree. In this case, the student has the right to appeal the penalty, pursuant to Section 6.4.4 below.

(b) A student is found to have committed an offense in a course offered by the dean's college, the student has previously received a penalty for an offense at least as severe as an E or F in a course, and the matter has been referred to the dean pursuant to paragraph 6.4.3(A)(3) above. The dean shall impose a grade of XE or XF in the course and forward the case to the Provost, recommending either the minimum penalty of suspension or a harsher penalty of dismissal, expulsion, or revocation of a degree. The student has the right to appeal a recommended penalty of dismissal, expulsion, or revocation of a degree, pursuant to Section 6.4.4 below.

(c) A student enrolled in the dean's college is accused of an offense, either with respect to a course in which the student is not enrolled, or in academic work outside of a course (for example, an honors project or dissertation, a graduate examination, a thesis or dissertation, or a formally submitted thesis or dissertation proposal). In this case, the procedure outlined in paragraphs 6.4.3(A)(1), (2), and (4) above shall be followed, except that the dean assumes the roles of both instructor and chair. If the dean finds the student committed the offense, the dean shall either decline to impose a penalty or shall forward the case to the Provost recommending a penalty of suspension, dismissal, expulsion, or revocation of a degree. The student has the right to appeal any finding, even if no penalty is imposed, and any recommended penalty, pursuant to Section 6.4.4 below.

(d) The Registrar notifies the dean that an inquiry was made about prior offenses of a student in the dean's college after a chronologically prior offense by that student had occurred but before the prior offense had been noted in the student's permanent record, pursuant to paragraph 6.4.7(C). If the inquiry was made with regard to an offense that the student was later found not to have committed, the dean shall take no action. Otherwise, if the chronologically subsequent offense occurred in a course, the dean shall impose a grade of E or F or XE or XF in that course. If the student has already been permitted to drop or withdraw from that course, the Registrar shall reenroll the student in it. The dean may also forward the case to the Provost, recommending a penalty of suspension, dismissal, expulsion, or revocation of a degree. If the chronologically prior offense received a penalty of at least an E or F in the course, the dean shall impose a grade of XE or XF in the course and must forward the case to the Provost, recommending a penalty at least as severe as suspension. In that case, the student has the right to appeal a recommended penalty of dismissal, expulsion, or revocation of a degree, pursuant to Section 6.4.4 below. Otherwise, the student may appeal a recommended penalty of XE or XF or a more severe penalty.

(2) Notice

Notice of any finding of an offense (even if no penalty is imposed) or intended action shall immediately be sent by the dean of the college to the student, with copies to the instructor and chair (if the offense was related to a course) and the Academic Ombud. If a penalty of suspension, dismissal, expulsion, or revocation of a degree is imposed or recommended, the Provost shall also be notified.

(3) In case of appeal

After the student is notified of a finding or action and advised of any right of appeal, the dean shall wait until the time specified in paragraph 6.4.4(B)(2) has expired before taking any action. If the student exercises the right of appeal, the dean shall take no action until the University Appeals Board makes a determination on the case.

(4) Right to drop or withdraw from a course

A student who has committed an academic offense in a course shall not be permitted to drop or withdraw from the course under any circumstances.

(5) Conditions for readmittance after dismissal

If a dean recommends a penalty of dismissal, the dean may suggest conditions under which the University Appeals Board and the Provost should consider approving a student's petition to be readmitted. The dean shall notify the student of any such conditions.

(C) By the Dean of Students

When a violation of the Code of Student Conduct, Article II, Section 8, 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 where the offense occurred. They shall determine whether the Dean of Students, the dean of the college where the offense occurred, the dean of the Graduate School, or all three will investigate and pursue the case in accordance with appropriate procedures and authorities as set forth in Part I or Part II of Student Rights and Responsibilities.

(D) By the Registrar

(1) Allegation; opportunity of student to respond

If evidence of possible falsification or misuse of academic records comes to the attention of the Registrar, the Registrar shall review the evidence and shall decide whether it warrants an allegation. If so, the student shall be invited to meet with the Registrar to discuss the allegation and to state his or her case. The Registrar shall set a deadline for the student to respond to the invitation to the meeting, but the deadline shall be no fewer than 7 days after the invitation is issued. The Registrar shall make a reasonable effort to schedule a meeting with the student as soon as possible after the evidence is received.

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If a dean recommends a penalty of XE or XF or suspension or dismissal, the dean may specify conditions under which the Appeals Board may later consider approving a student's petition to replace the XE or XF with E or F or to modify the transcript so that it no longer shows that suspension or dismissal occurred because of an academic offense, pursuant to Section 6.4.8. If the offense was with regard to a course, such conditions should be recommended only after the instructor and chair have been consulted, and their views on the matter should be accorded heavy weight. The dean shall notify the student of any such conditions.

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(2) Finding

The Registrar shall consider the evidence and the student's response and shall decide whether the student committed the alleged offense. Any such finding shall be made within 7 days after the meeting with the student, unless the student consents in writing to an extension of this time. However, if the student fails to respond to the invitation to meet within the deadline or fails to attend a meeting that was agreed upon by all parties, the Registrar may make a finding immediately thereafter.

(3) Penalty and right of appeal

If the Registrar finds the student committed the alleged offense, the Registrar shall decide either to impose no penalty or to recommend a specific penalty of suspension, dismissal, expulsion, or revocation of a degree to the Provost. The student has the right to appeal a finding that an offense has occurred and any recommended penalty, pursuant to Section 6.4.4 below.

(4) Notice

If the Registrar finds the student did not commit the offense, the Registrar shall so notify the student. If the Registrar finds the student committed the offense, the Registrar shall notify the student and the Academic Ombud of the finding and any recommended penalty (even if none). If a penalty of suspension, dismissal, expulsion, or revocation of a degree is recommended, the Provost shall also be notified.

(5) Conditions for readmittance after dismissal

If the Registrar recommends a penalty of dismissal, the Registrar may suggest conditions under which the University Appeals Board and the Provost should consider approving a student's petition to be readmitted. The Registrar shall notify the student of any such conditions.

6.4.4. Appeals to the University Appeals Board

(A) Preliminary consideration by the Academic Ombud

(1) Informal resolution. Prior to initiating any Appeals Board action, a student shall notify the Academic Ombud. The Academic Ombud shall attempt to resolve the case to the satisfaction of all involved parties within 28 days of receiving the student's written request.

(2) Merit of appeal of penalty for minor offense. If the student does not dispute the finding of a minor offense [as defined in paragraph 6.4.3(A)(3)(a)], but the student desires to appeal the penalty on the basis that it is unduly harsh, the Academic Ombud shall decide whether the appeal has merit. In making such a decision, the Academic Ombud should proceed with deference to the instructor's traditional autonomy and authority over the course.

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If the Registrar recommends a penalty of suspension or dismissal, the Registrar may specify conditions under which the Appeals Board may later consider approving a student's petition to modify the transcript so that it no longer shows that suspension or dismissal occurred because of an academic offense, pursuant to Section 6.4.8. The Registrar shall notify the student of any such conditions.

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(3) Notice. If the Academic Ombud fails to resolve the case to the satisfaction of all involved parties, or if the Academic Ombud makes a decision on the merit of an appeal of a minor penalty, the parties shall be so notified.

(B) To the Appeals Board

(1) Jurisdiction. The student shall be given the opportunity to appeal any finding of an academic offense to the University Appeals Board. A student may also appeal the severity of a penalty to the Board only if:

(a) the offense is the student's first; or,

(b) the offense occurred in a course, the penalty is at least as severe as XE or XF, and the student has previously received only a letter of warning; or,

(c) the offense occurred outside of a course, and the penalty is at least as severe as suspension; or,

(d) the penalty is dismissal, expulsion, or revocation of a degree for any offense.

(2) Time for filing appeal. The appeal must be filed in writing with the Appeals Board within ten days after the date that the Academic Ombud notifies the student that the case cannot be resolved without recourse to the Appeals Board. The student shall have the right of class participation and attendance during the consideration of any appeal. The student shall have the rights set out in Section 2.3 of the code of Student Conduct. (Student Rights and Responsibilities, Part I).

(3) Hearing; notice. The hearing officer of the University Appeals Board shall schedule a hearing in any case arising under this Rule 6.4, to begin within twenty days of the receipt of the appeal from the student, unless the student consents to an extension of time for the hearing. The hearing officer shall notify the student, the complainant, and the Academic Ombud of the time and date of the hearing. The student may withdraw the appeal at any time. If the student desires only to appeal a penalty received for a minor offense [as defined in paragraph 6.4.3(A)(3)(a)], and the Ombud has found that the appeal has insufficient merit, the Appeals Board may refuse to hear the appeal by majority vote.

(4) Scope of review

(a) Violation. 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. The Board shall find the student did not commit the offense unless a majority of members present decides otherwise, based on the evidence provided.

(b) Penalty. If the student is permitted to appeal the penalty that is being imposed for the offense, the Appeals Board shall also judge whether the penalty is inappropriately harsh. The Board may reduce the penalty, subject to the following limitations:

(i) If the offense occurred in a course in which the student was not enrolled, or if the offense was with regard to falsification or misuse of academic records, or the offense occurred in academic work outside of a course (for example, an honors project or dissertation, a graduate examination, a thesis or dissertation, or a formally submitted thesis or dissertation proposal), the Board may choose either to void the recommended penalty or to reduce it to one no less severe than suspension.

(ii) If the offense is the student's first, the Board may reduce the penalty to any one mentioned in this Section 6.4.

(iii) If the offense is the student's second, and the first offense was a minor one [as defined in paragraph 6.4.3(A)(3)(a)], then the Board may reduce the penalty for the second offense to one no less severe than a grade of E or F in the course in which the offense occurred.

If none of the conditions in (i-iii) are met, the Board may reduce the penalty to one no less severe than suspension.

(5) Determination and Notice

The Appeals Board shall seek to render a decision as soon as is reasonably possible so that the student may plan his or her further academic work. The hearing officer of the Board shall notify the student, the complainants (instructor and chair, responsible dean, or Registrar), and the Academic Ombud of the Board's decision within five days. If a penalty at least as severe as suspension was originally recommended for the offense, even if it has been reduced by the Board, the hearing officer shall also notify the Provost. In addition:

(a) If the Board finds that a student committed the academic offense of which he or she was accused, then the hearing officer shall also notify the instructor and chair (if the offense was related to a course), the responsible dean, and the dean of the student's college. In addition, if the Board is supporting or recommending a penalty less severe than suspension, or such a penalty has not been appealed, the hearing officer shall also notify the Registrar; in the case of international students, the Director of International Student Affairs; and, if the offense also involves a violation of the Code of Student Conduct, the Dean of Students.

(b) If the Board finds that a student did not commit the academic offense of which he or she was accused, and a penalty at least as severe as XE or XF was to be imposed for the alleged offense, the hearing officer shall also notify the responsible dean. If the alleged offense occurred in a course in which the student was registered, and if the allegation was lodged

on or before the last day of regularly scheduled classes, then the student shall be permitted to withdraw from the course at any time until and including the last day of regularly scheduled classes for that semester, or up to five days after the Appeals Board has made its decision, whichever is later. If the allegation was lodged before the deadline for dropping courses had passed, the student shall be permitted to drop the course within the same time limitations.

(c) If the Appeals Board finds a student did not commit an offense or reduces a recommended penalty, the Chair of the Appeals Board shall provide a rationale of the Appeals Board's decision to the complainant (instructor, dean, or Registrar) in a timely fashion if the complainant so requests. The rationale may be provided verbally or in writing, at the discretion of the Chair of the Appeals Board.

(6) Implementation of penalty

If the Appeals Board recommends a penalty no more severe than a grade of E or F in the course in which the offense occurred, the instructor shall implement such a penalty. If the Appeals Board recommends a penalty of XE or XF, the responsible dean shall implement that penalty. If the Appeals Board recommends a penalty of suspension, dismissal, expulsion, or revocation of a degree, the case shall be forwarded to the Provost, who shall take further action pursuant to Section 6.4.5.

(7) Conditions for readmittance after dismissal

If the Appeals Board recommends or supports a penalty of dismissal, the Board may specify conditions under which it would consider approving a student's petition to be readmitted. The hearing officer shall notify the student of any such conditions.

(C) Failure to appeal

If an appeal is not filed within the time specified in Section 6.4.4(B)(2), the Academic Ombud shall so notify the student, the instructor and chair (if the offense was related to a course), the responsible dean, and the dean of the student's college of the finding, penalty, and failure to appeal. If a penalty less severe than suspension was recommended, the Academic Ombud shall also notify the Registrar; in the case of international students, the Director of International Student Affairs; and, if the offense also involves a violation of the Code of Student Conduct, the Dean of Students. On the other hand, if a dean or the Registrar recommended a penalty at least as severe as suspension, the Academic Ombud shall notify the Provost.

6.4.5. Action by the Provost

(A) Upon receipt of recommendation

If the Provost receives a recommendation from a dean or the Registrar to suspend, dismiss, expel, or revoke a degree of a student, then the Provost shall wait until receiving notice from the Academic Ombud or the hearing officer of the University Appeals Board that the finding of an

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If the Appeals Board recommends or supports a penalty of XE or XF or suspension or dismissal, the Board may specify conditions under which it would later consider approving a student's petition to replace the XE or XF with E or F or to modify the transcript so that it no longer shows that suspension or dismissal occurred because of an academic offense, pursuant to Section 6.4.8. Such conditions should be specified only after the complainants (instructor, chair, dean, or Registrar) have been consulted, and their views on the matter should be accorded heavy weight. The hearing officer shall notify the student of any such conditions.

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offense stands and that a penalty at least as severe as suspension is being recommended or supported by the Board.

(B) Imposition of penalty

The Provost may implement the recommended penalty or a less severe one, subject to the following limitations:

(1) If the offense occurred in a course in which the student was not enrolled, or if the offense was with regard to falsification or misuse of academic records, the Provost may implement either no penalty or a penalty at least as severe as suspension.

(2) If the offense was the student's first or second, and it occurred in a course in which the student was enrolled, the Provost shall implement a penalty at least as severe as a grade of XE or XF in the course in which the offense occurred.

(3) Otherwise, the Provost shall implement a penalty at least as severe as suspension.

(C) Conditions for readmittance after dismissal

If the Provost decides to dismiss the student, the Provost may specify conditions under which the Provost would consider approving a student's petition to be readmitted. The Provost shall notify the student of any such conditions.

(D) Notice

Notice of action taken by the Provost (even if no penalty is imposed) shall be provided to the student, with copies to the instructor and chair (if the offense was related to a course), the responsible dean, the dean of the student's college, the Registrar, and the Academic Ombud. If a penalty was recommended by the University Appeals Board, a copy shall be sent to the chair of the University Appeals Board. In the case of international students, a copy shall be sent to the Director of International Student Affairs. If the student is suspended, dismissed, or expelled, or the student's degree is revoked, a copy shall be sent to the Dean of Students.

6.4.6. Further procedures in cases of suspension, dismissal or expulsion

(A) Suspension. 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 that offers the course 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, it shall apply to that semester, and the student shall be afforded a full refund of tuition. In case of any student who is graduating, the suspension shall apply to the final semester before scheduled graduation.

(B) Dismissal. A student may be readmitted to the University only with the specified approval of the University Appeal Board and the Provost. They must be satisfied that the student has met any conditions that were specified by the University Appeals Board at the time of dismissal, pursuant to section 6.4.4(B)(7). Before making their decision, they should also consider whether the student has met conditions that were specified by the dean, the Registrar, or the Provost, pursuant to sections 6.4.3(B)(5), 6.4.3(D)(5), or 6.4.5(C).

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(C) Expulsion. Expelled students shall not be readmitted except upon proving to the University Appeals Board that the findings of fact which formed the basis of the action were clearly erroneous.

6.4.7. Recordkeeping and reporting

(A) Record-keeping

(1) In case of minor offense

When the Registrar receives a copy of a letter of warning from an instructor to a student, pursuant to paragraph 6.4.3(A)(7), the Registrar shall place the instructor's letter of warning in the student's record. When the student graduates, if the student has committed no offenses subsequently, the letter shall be destroyed.

(2) In case of other offenses

The Registrar shall record the following information in the student's permanent academic record after notification from the Academic Ombud or the Appeals Board that a student is not appealing a finding of an offense or has lost an appeal of such a finding: 1) name of student; 2) student identification number; 3) student's college; 4) course name and number and section number, if applicable; 5) approximate date of offense; 6) brief description of offense; 7) penalty imposed; and 8) date of imposition of penalty.

(B) Right to drop or withdraw

If the Appeals Board finds a student did not commit an offense in a course, the student shall be permitted to withdraw from the course within five days after being notified of the finding. The student shall be permitted to drop the course if the initial allegation was made before the deadline for dropping a course had passed.

The Registrar shall not permit a student who has been found to have committed an academic offense in a course to drop or withdraw from it.

(C) Concurrent offenses

There may be a lag between when an offense is committed and when it is recorded by the Registrar or when a letter of warning is received. If another offense by the same student is

committed during this time, the existence of the first offense or letter of warning may not be considered when the penalty for the second offense is determined. As a result, when recording an offense or placing a letter of warning in a student's record, the Registrar shall determine whether any inquiries about prior offenses or letters of warning have been made subsequent to the date of the offense now being recorded or the date of the incident that provoked the letter of warning. If such is the case, the Registrar shall notify the dean of the student's college, who shall proceed as described in paragraph 6.4.3(B)(1)(d).

(D) Access to information

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 a chair of a department at the University of Kentucky, a dean of the University of Kentucky, the Provost, or the Academic Ombud of the University of Kentucky, consistent with the University's Family Educational Rights and Privacy Act policy. A record shall be maintained by the Registrar of every instance in which information is released under this provision.

(E) Transcript notation

The fact that suspension, dismissal, or expulsion occurred because of an academic offense shall be indicated on all transcripts permanently.

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Deleted: unless the Appeals Board orders the notation removed, pursuant to Section 6.4.8

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Deleted: 6.4.8. Petition for transcript modification

· (A) Conditions for considering a petition ·

A student or former student who has received a grade of XE or XF may petition the University Appeals Board in writing to have the grade permanently replaced with a grade of E or F. Furthermore, a student or former student who has been suspended or dismissed for an academic offense may petition the University Appeals Board in writing to have the transcript no longer note that the suspension or dismissal occurred because of an academic offense. The petition may not be filed until twelve months (for an XE or XF) or three years (for suspension or dismissal) have elapsed since the case was closed. The petition shall not be considered if the student has subsequently committed any act of academic dishonesty or similar disciplinary offense. ·

· (B) Procedure for deciding a petition ·

Prior to deciding a petition, the Board will review the record of the case. Before making a decision, the Board shall consult with the original complainants (where possible). The Board may require a former student to appear in person before the Board if it would not represent a substantial difficulty for the former student. The decision to approve the petition shall rest entirely in the discretion and judgment of a majority of a quorum of the Board, but it should approve the petition only if the student has met the conditions specified by the Appeals Board at the time the penalty was imposed, pursuant to section 6.4.4(B)(7). Generally, the grade of XE or XF ought not to be removed if it was imposed for an act of academic dishonesty requiring significant premeditation. The Board has discretion to deny a petition even if all conditions have been met. ·

· (C) Notice and action ·

If the Board approves the petition, the hearing officer shall direct the Registrar to modify the transcript accordingly. The fact that a penalty of XE or XF was received, or that suspension or dismissal was received for an academic offense, shall no longer be noted on the transcript, although it shall remain noted in the student's permanent academic record. The hearing officer shall send notice of the Board's action to all parties who were notified of the original penalty of XE or XF or suspension or dismissal. On the other hand, if the Board denies the petition, the hearing officer of the Board shall so notify only the student. ·

· (D) Appeal and further petitions ·

The Board's decision may not be appealed. The Board shall not accept another petition on the penalty for four years, unless the Board specifies an earlier date on which the penalty may be reconsidered. The Board shall not hear more than a total of three petitions on any number of offenses from any one person. ·

... [1]

Change to Rule 6.5.1 Functions of the University Appeals Board

Section 6.5.1.1. Cases of Academic Offenses: see Rule 6.4.4.

Additions to Section 5.1.1. The Marking System

The grades of XE and XF also apply to marking systems otherwise governed by Rule 5.1.2.

XE Represents failure in a course due to an academic offense. It is valued at zero (0) quality points and zero (0) credit hours.

XF Represents failure in a course taken on a pass–fail basis due to an academic offense. It is valued at zero (0) quality points and zero (0) credit hours.

Addition to Section 5.3.1.1 Repeat Option

The repeat option shall not be exercised for any course in which the grade of XE or XF was received.

Addition to Section 6.3.2. Cheating

[The following sentence shall be inserted before the last sentence in the section:]

The fact that a student could not have benefited from an action is not by itself proof that the action does not constitute cheating.

Addition to Section 5.1.8.5(A). Retroactive Withdrawal; Requirements

(4) Retroactive withdrawal from a class in which an XE or XF has been imposed shall not be granted.

Change to Section 6.6.0. Honor Code

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

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

Robert Grossman 11/28/05 9:18 PM
Deleted: However, a student may petition the University Appeals Board to convert an XE or XF to an E or F, pursuant to Section 6.4.8.