

6.0 Section VI Student Academic Affairs

6.1.0 ACADEMIC RIGHTS OF STUDENTS

6.1.1 Information about Course Content

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

6.1.2 CONTRARY OPINION

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

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

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

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

6.1.4 ACADEMIC RECORDS

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

6.1.5 EVALUATION OF STUDENT CHARACTER AND ABILITY

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

6.1.6 STUDENT PARTICIPATION IN ACADEMIC AFFAIRS

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

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

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

6.1.7 ATTENDANCE AND PARTICIPATION DURING APPEAL

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

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

Attendance and participation may be limited

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

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

6.2.0 THE ACADEMIC OMBUD

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

6.2.1 FUNCTIONS, JURISDICTION, AND PROCEDURES OF THE OFFICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.2.2 QUALIFICATIONS OF THE ACADEMIC OMBUD

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

6.2.3 SELECTION PROCEDURE

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

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

6.2.4 CONDITIONS OF EMPLOYMENT

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

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6.5.0 UNIVERSITY APPEALS BOARD

6.5.1 FUNCTIONS OF THE UNIVERSITY APPEALS BOARD

6.5.1.1 Cases of Academic Offenses (see Rule 6.4.4.

6.5.1.2 Cases of Student Academic Rights (US: 12/8/86) After hearing a case involving a violation of student academic rights as set forth herein, the Appeals Board may select from the following remedies:

- A The Appeals Board may direct that a student be informed about the content, grading standards, and procedures of a course when a violation of the pertinent rules has been proved.
- B When an academic evaluation based upon anything other than a good-faith judgment of a student has been proved, the Board may direct that a student's grade in a course be changed to a W (Withdrawal) or a P (Passing, credit toward graduation but not toward grade point standing), or, if such determination can be made, to an appropriate letter grade. (See Section V., 5.1.3) If the Appeals Board

awards a student a P in the course, it shall appear on his or her record regardless of the fact that the student's college or academic unit does not normally recognize P grades. The academic unit must accept that course just as if the student had passed the course in the normal manner, except that the P grade is not used in calculating the student's GPA. (RC: 11/20/87)

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

6.5.2 COMPOSITION OF THE UNIVERSITY APPEALS BOARD

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

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

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

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

6.6.0 HONOR CODE

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

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

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

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

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

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

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

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

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