

GRs re UAB prior to 2006

No mention of the University Appeals Board in the GRs.

The AR that creates the UAB states that the UAB has appellate jurisdiction, but the AR further states that the Rules of the Senate determine the "authority" of the UAB. Precedent already exists that the Senate Rules, in determining the authority of the UAB, may restrict the UAB's jurisdiction in appeals. The Senate Rules has a section (5.1.1) entitled "Authority of the University Appeals Board in Cases of Academic Rights." Numbers 1, 2, and 3 within Section 5.1.1 enumerate the authority of the UAB; in fact, the language on the UAB's authority in Number 2 places restrictions on the UAB's authority to take certain actions.

According to T. Lynn, the Senate may restrict jurisdiction of the UAB. Further, the Senate may specify that a penalty may not be reduced or may not be increased.

Senate Rule 6.4.4 (B)(1), approved in 2005

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

GR regarding UAB starting in 2006

C. The University Appeals Board - Jurisdiction

There shall be a University Appeals Board (hereinafter UAB) with specific jurisdiction over student matters. The UAB shall be assigned either original or appellate jurisdiction over various students, as established by this *Governing Regulation*, as follows:

...

2. Academic Offenses

(a) In cases of academic offenses (outlined in the *University Senate Rules*, Section 6.3) where the student contests guilt, the UAB shall have original jurisdiction.

(b) In cases of academic offenses (outlined in the *University Senate Rules*, Section 6.3) where the only issue is the severity of the sanction, the UAB shall have appellate jurisdiction.

According to T. Lynn, the language in GR XI supersedes Senate Rule 6.4.4 (B)(1).

Question for Senate

Does the Senate wish to seek an amendment to the GRs that reestablishes the Senate's authority to restrict the range of actions that the UAB may take in cases involving academic offenses?

If so, we draft an amendment for the GR and, after appropriate vetting, ask the Board of Trustees to approve it.