

Senate Council
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Snippet from *Senate Rules*

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6.3.0 ACADEMIC OFFENSES AND PROCEDURES

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

If the academic offense involves research and/or extramural funding the administrative regulation for handling the offense is outlined in Administrative Regulation 7:2. [US: 2/10/97]

6.3.1 Plagiarism

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

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

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

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

6.3.2 Cheating

Cheating is defined by its general usage. It includes, but is not limited to, the wrongfully giving, taking, or presenting any information or material by a student with the intent of aiding himself/herself or another on any academic work which is considered in any way in the determination of the final grade. The fact that a student could not have benefited from an action is not by itself proof that the action does not constitute cheating. Any question of definition shall be referred to the University Appeals Board. [US: 12/12/2005]

6.3.3 Falsification or Misuse of Academic Records [US: 3/20/89; US: 4/10/2000]

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

6.4 DISPOSITION OF CASES OF ACADEMIC OFFENSES [US: 3/10/86; US: 3/7/88; US: 12/12/2005]

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 Section 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 normally assume the role of the instructor. However, with the agreement of the responsible faculty employee, the chair may decide either to allow the actual instructor to retain this role or to ask another employee who is directly involved with the course (for example, a course coordinator) to assume this role. In any 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. 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 Dean of Undergraduate Studies 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.

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 the 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. 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.

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.

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:

- (a) 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);
- (b) reduce the final grade in the course by a specified number of levels;
- (c) assign a grade of E or F, as appropriate, for the course;
- (d) 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.

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, 6.4.3.A.2, and 6.4.3.A.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, Part I, 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.

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.

E. 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. If a student wishes to contest the finding of an offense or a penalty, the student must approach the Academic Ombud within ten days after being officially notified of them, pursuant to Section 6.4.3.A.4, 6.4.3.B.2, or 6.4.3.D.4. The Academic Ombud shall attempt to resolve the case to the satisfaction of all involved parties within 20 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.d], 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.

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 6.4.3.A.3.d], 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.

iv. 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 a student fails to approach the Ombud within the time specified in Section 6.4.4.A.1, or 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 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.

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. Recordkeeping

- 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. If the student commits no offenses subsequently, then, after the student graduates, the Registrar shall reveal the existence of the offense to parties outside the University only under the following circumstances:
 - when a court-ordered subpoena seeks a student's entire academic record (not just the transcript), or when it specifically seeks the record of a student's academic offenses;

- when the student has authorized the release of his or her record to a third party, and that party requests either a student's entire academic record (not just the transcript) or specifically the record of a student's academic offenses.

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.

6.5.0 UNIVERSITY APPEALS BOARD

6.5.1 FUNCTIONS OF THE UNIVERSITY APPEALS BOARD

6.5.1.1 Cases of Academic Offenses [see Section 6.4.4, above; US: 3/10/86; US: 12/12/2005]

6.5.1.2 Cases of Grade Appeal – Role of Academic Ombud [see Section 6.2.1, above; US: 9/12/11]

6.5.1.3 Cases of Student Academic Rights [US: 12/8/86]

- * Pursuant to GR XII.C.4, in an appeal concerning student academic rights, the UAB has original jurisdiction to determine facts and then render a decision that applies the law of the Senate Rules. Pursuant to GR XII.G, when the Senate Rules limit the dispositional remedies available to the UAB in specific factual circumstances, then the UAB in such cases can only choose remedies from those prescribed by the Senate Rules. [SREC: 1/25/2014]

After hearing a case involving a violation of student academic rights as set forth herein (SR 6.11-6.17), 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 (SR 6.11) has been proved.

B. When an academic evaluation based upon anything other than a good-faith judgment of a student has been proved,

- * The University Senate has decided that it is reasonable for the UAB to change a course grade **ONLY** if the UAB first makes an official determination that the course grade was based on other than “good-faith judgment.” [SREC: 1/25/2014]

the Board may direct that a student's grade in a course (SR 6.1.3.C) 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 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 educational 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. [SREC: 11/20/87]

- * A faculty employee whose career is potentially harmed by an allegedly errant UAB factual determination that the Instructor made other than a “good-faith judgment” has recourse to the Senate Advisory Committee on Privilege and Tenure (SACPT, SR 1.4.4.2), because the SACPT is charged to consider the

circumstances from a perspective different from the charge to the UAB. [SREC: 1/25/2014]

- C. The Appeals Board may take any reasonable action calculated to guarantee other student academic rights stated in the Senate Rules.
- * The qualification “other” here has the effect that SR 6.5.1.3.C only applies to situations different from the specific factual circumstances that apply to SR 6.1.5.3.B [SREC: 1/25/2014]
 - * In its procedures for hearing cases and in its disposition of cases, the University Appeals Board must operate within the parameters established by the Governing Regulations and the University Senate Rules (GR XI.F, G; SR 6.5.2.4). These include the procedural parameters that a **student can cause a case of grievance of** violation of academic rights (SR 6.1.0) to reach to and be decided by the UAB (SR 6.5.1.2) only by the student having first lodged (SR 6.2.0) and processed (SR 6.2.1.3, SR 6.2.1.5) the grievance with the Academic Ombud. [SREC: 9/22/11]
 - * Academic appeals by students enrolled in clinical residency or clinical fellow program are governed by AR 5:5, except, if the student is enrolled in and appealing a grade or academic matter in a Senate-approved course, then the appeal is governed by the *University Senate Rules*.

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: 4/10/2000]

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.

6.5.2.2 The Student Membership

The student membership shall consist of four graduate or professional students, four male undergraduate students and four female undergraduate students. The undergraduate students must be sophomores, juniors or seniors in good academic standing and the graduate or professional students must have been in residence at least one year and be in good standing in their respective colleges. They shall be appointed to one-year terms, subject to reappointment.

Their terms shall begin September 1 and end August 31. Members shall be broadly representative of the University community and shall be chosen by the President of the University from the recommendations of the legislative branch of the Student Government Association. [US: 4/10/2000]

6.5.2.3 The Faculty Membership

The faculty members shall be broadly representative of the University community and 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. [US: 4/10/2000]

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: 4/10/2000]

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: 2/10/2003]

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: 2/10/2003]

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