

PR 5

Office of the President
January 24, 2006

Members, Board of Trustees:

PROPOSED AMENDMENT TO THE GOVERNING REGULATIONS

Recommendation: that the attached revision to the Student Affairs section of the university's Governing Regulations (GR XI) be received for preliminary consideration and at the next regular meeting of the Board of Trustees be included on the agenda for action.

Note: Proposed additions are underlined; proposed deletions are lined through.

Background: Subsequent to the 2005 election for Student Government Association president, Interim Provost Scott Smith charged an ad hoc committee with the task of reviewing and revising GR XI (Student Affairs) to clarify the relationship between the university and the Student Government Association (SGA). In addition, Interim Provost Smith asked the ad hoc committee to recommend the jurisdictional authority that the University Appeals Board should have regarding decisions rendered by hearing bodies established by the SGA and other registered student organizations.

The ad hoc committee's work was guided by three principles: (1) to ensure the Student Government Association has sufficient autonomy to function as a representative and deliberative body; (2) to affirm the university's responsibility for and authority over SGA operations in matters related to fiscal affairs and adherence to the rules, policies, and regulations of the university; and (3) to incorporate within GR XI the definitional elements of the University Appeals Board, pertaining to the board's jurisdiction, the appointment of its members, and the general procedures governing the board's operation.

Action taken: Approved Disapproved Other _____

PART XI
STUDENT AFFAIRS

A. Student Government Association

The University of Kentucky Student Government Association is recognized by the Board of Trustees, administration, the Staff Senate and the University Senate as the official representative of the student body ~~authority~~ in University matters to ensure a maximum of self-government and to foster ~~create~~ mutual respect, collaboration and cooperation and liaison between students and the faculty, staff and administration. It shall develop rules for its composition and procedures, and provide services to the students, staff, faculty, and administration of the University. These rules shall be consistent with the vision, mission and values of the University and shall be governed by the University's written policies and procedures, including those prescribed in the *Governing Regulations, Administrative Regulations and University Senate Rules.* ~~and represent student opinion to the faculty, administration, and Board of Trustees. It may have responsibilities delegated to it by the President, the Office of the Vice President for Student Affairs and/or the University Senate.~~ Copies of the Student Government Association rules and approved changes shall be provided to all members of the student body of the University, the Secretary of the Staff Senate, the Secretary of the University Senate, Vice President for Student Affairs, the President, and the Secretary of the Board of Trustees.

The President of the Student Government Association shall be considered to be the President of the student body of the University as specified in KRS 164.130.

~~The Student Government Association shall be representative of the student body of the University. It is authorized to develop rules for its composition and procedures which are consistent with rules and regulations of the University. Copies of these rules shall be made available to all members of the student body of the University, the Secretary of the University Senate, the Associate Provost for Academic Affairs, Vice President for Student Affairs, the President, and the Secretary of the Board of Trustees.~~

~~For purposes of budget and other matters relating to finance, the Student Government Association is responsible to an administrative officer designated by the President.~~

~~The Student Government Association shall adhere to all rules and regulations adopted by the Board of Trustees.~~

The Student Government Association may have additional responsibilities delegated to it by the President or the Office of the Vice President for Student Affairs. The Vice President for Student Affairs shall have administrative oversight of the Student Government Association in matters pertaining to the expenditure of university funds. The

Vice President for Student Affairs shall also ensure that any action taken by the Student Government Association is consistent with University written policies and procedures, including those prescribed in the *Governing Regulations, Administrative Regulations* and *University Senate Rules*. An appeal of a decision of the Vice President for Student Affairs in any of the above matters may be made to the Provost. The Vice President for Student Affairs shall assign a university advisor to the Student Government Association, whose duties shall be to counsel and advise the organization and its officers as to their roles and responsibilities. The Student Government Association advisor shall review all proposed changes to the Student Government Association Constitution and By-Laws as well as rules for its composition and procedures and advise the Student Government Association concerning the consistency or inconsistency with University policies and procedures, including but not limited to the *Governing Regulations, Administrative Regulations, University Senate Rules* and the *Code of Student Conduct*.

Pursuant to KRS 61.810, the meetings of the Student Government Association are open meetings. Through the respective presiding officer, any person may request the privilege of the floor to address all meetings of the Student Government Association.

B. Student-University Relationships

The non-academic relationships between University students and the University are articulated ~~covered~~ in the document entitled, *Student Rights and Responsibilities: Part I - Code of Student Conduct: Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships*, which has been adopted by the Board of Trustees and may be amended only by that body.

The academic relationships between University students and the University are incorporated in the document entitled, *Student Rights and Responsibilities: Part II - Selected Rules of the University Senate Governing Academic Relationships*. The rules in Part II have been adopted by the University Senate and may be amended only by that body.

Copies of the document, *Student Rights and Responsibilities: Parts I and II*, shall be made available to all students. The *Student Rights and Responsibilities: Parts I and II* are also available at www.uky.edu/StudentAffairs/Code. Registration by the student constitutes acceptance of the policies in the *Student Rights and Responsibilities governing* student-University relationships. In no case, however, shall this acceptance preclude legitimate efforts to obtain amendments to this ~~basic~~ document covering these relationships.

~~C. Lexington Community College Students~~

~~The relationship between students at Lexington Community College and the University of Kentucky is defined in the “Memorandum of Agreement Among the University of Kentucky, the Kentucky Community and Technical College System, and Lexington Community College Pursuant to House Joint Resolution 214.”~~

~~1. For non-academic matters, the Agreement, effective July 1, 2004, provides as follows:~~

~~(a) On July 1, 2004, and through June 30, 2006, Lexington Community College students shall have the responsibilities, services, privileges, and rights accorded to them before HJR 214.~~

~~(b) After June 30, 2006, Lexington Community College students shall be able to choose from certain University of Kentucky services on an individual basis without obligation to purchase any other or all services. Appropriate charges for the selected service(s) shall apply.~~

~~2. For academic matters, the Agreement provides as follows:~~

~~(a) Effective July 1, 2004, the Kentucky Community and Technical College System shall be responsible for academic and student support services for LCC students, except for services mutually agreed to by KCTCS and University of Kentucky.~~

~~(b) Effective July 1, 2005, LCC students shall come under the KCTCS Student Code of Conduct for academic matters.~~

~~(c) LCC students, enrolled on or before September 1, 2004, in associate degree programs approved by the UK Board of Trustees who complete the associate degree program on or before August 31, 2010, shall have their degrees conferred by the UK Board of Trustees. The degrees for all other students enrolled in LCC programs shall be awarded by the KCTCS Board of Regents.~~

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:

1. Disciplinary Offenses

In cases of disciplinary offenses (outlined in the *Code of Student Conduct*, Article II) where the student is sanctioned with social suspension, disciplinary suspension, or expulsion, the UAB shall have appellate jurisdiction.

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.

3. Violation of Student Rights

- (a) In cases where a student claims a violation of student rights (outlined in the Code of Student Conduct, Article I), the UAB shall hear any case referred to it by the Dean of Students and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students.
- (b) Registered student organizations that receive the majority of their regular operating budgets from allocations of student fee monies and/or University allocation shall have a hearing process which shall include final appeal to the UAB.
- (c) The UAB shall have jurisdiction over final decisions of University hearing agencies in which a student alleges a violation of student rights. In a case involving a student election in which a candidate alleges that his or her student rights were violated, the UAB may affirm the decision of the Student Government Association appellate body, refer the matter back to the Student Government appellate body to correct the error identified by the UAB, or affirm or void the election. The jurisdiction of the UAB does not extend to the selection of the President of the Student Government Association.

4. Violation of Academic Rights

In cases where a student claims a violation of academic rights (outlined in the University Senate Rules, Section 6.1), the UAB shall have original jurisdiction.

5. College Honor Code Offenses

The UAB shall hold appellate jurisdiction over the decisions of college honor councils or committees, except that if the hearing panel, by majority of those present, decides the student's rights have been substantially violated, the hearing panel has original jurisdiction on the issue of guilt.

6. Cases of Temporary Sanctions

When the Vice President for Student Affairs imposes temporary sanctions on a student, the UAB shall have appellate jurisdiction.

D. Composition of the University Appeals Board

- 1. The UAB shall consist of thirty (30) members, eighteen (18) faculty members and twelve (12) full-time students, and a Hearing Officer who shall be the Chair.
- 2. A hearing panel of the UAB shall consist of nine (9) members, at least five (5) of whom are faculty members, at least one (1) of whom is a student, and a Hearing Officer, who shall be the chair.

3. A quorum of the hearing panel for the conduct of business will be nine (9), including the Hearing Officer, at least five (5) faculty members (exclusive of the Hearing Officer) and at least one (1) student.

E. Appointments to the University Appeals Board

1. The Hearing Officer

The Hearing Officer shall be the Chair of the hearing panel and shall be a person with training in the law appointed by the President of the University for a three-year term, subject to reappointment. The term shall begin on September 1, and end August 31. The Hearing Officer shall convene and preside at all meetings of the hearing panel, but does not vote as a member of the Board or have the authority to cast a tie breaking vote. All questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the Hearing Officer. The Hearing Officer shall have the authority to exclude any hearing panel member that the Hearing Officer determines has a conflict of interest or the appearance of a conflict of interest with a case. If the Hearing Officer cannot serve when needed, the President or, in the President's absence, the Provost shall appoint a temporary substitute.

2. The Student Members

(a) The student membership of the UAB shall be appointed to one-year terms, subject to reappointment. Their terms shall begin September 1 and end August 31.

(b) The student membership shall consist of four (4) graduate or professional students and eight (8) undergraduate students. The undergraduates must be full-time students and either sophomores, juniors or seniors in good standing. The graduate or professional student must be a full-time student, have been in residence at least one year and be in good standing.

(c) The President shall appoint student members to the UAB from the recommendations submitted by the Student Government Association and the college deans. Six (6) student members shall be appointed from those names submitted by the Student Government Association and six (6) members from those names submitted by the college deans, totaling twelve (12) student members.

3. The Faculty Members

Faculty members of the UAB 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. To minimize the possibility of a conflict of interest, faculty members with primary administrative appointments (more than fifty percent of their assignment allotted to administration) shall not be appointed to the UAB.

4. Temporary Appointments

(a) If a sufficient number of the members of the UAB are not present or have been determined by the Hearing Officer to have a conflict of interest or the appearance of a conflict of interest at any time when that Board has duties to perform, the President of the University or, in the President's absence, the Provost, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. However, in no case shall a faculty member replace a student member or a student member replace a faculty member.

(b) If, at any time, in the judgment of the Hearing Officer, there are sufficient cases pending before UAB that it is unlikely that the pending cases can be processed within the time prescribed, the Hearing Officer shall notify the President of that fact. The President may, in accordance with the above provisions of GR XI Section E, activate additional boards and appoint a Hearing Officer for each such additional board, or appoint additional boards and hearing officers for designated cases and time periods.

(c) The authority, jurisdiction, and range of possible actions of, and the guaranteed rights of an accused person before any special board or panel appointed or activated under the terms of (a) or (b) above shall be the same as those applicable to the regularly constituted board or panel.

F. Procedures of the University Appeals Board

Additional procedures of the UAB shall be those prescribed by *University Senate Rules* for academic cases, the *Code of Student Conduct* for non-academic cases, or by the UAB to effectuate the orderly conduct of its functions.

G. Disposition of Cases – Authority

The authority of the UAB over the disposition of academic cases is provided in the *University Senate Rules* for academic cases and in the *Code of Student Conduct* for non-academic cases. Decisions of the UAB are final.