

**Student Affairs Committee of the Board of Trustees**  
**Special Meeting to Discuss Proposed Revisions to the *Code of Student Conduct***  
**June 8, 2005, 10:00 a.m.**  
**Rooms F and G Patterson Office Tower**  
**Meeting Minutes**

10:16 a.m. – Called to order by Marianne Smith Edge, Chair

Attendees:

Marianne Smith Edge, Chair  
Phillip Patton, Board of Trustees  
Rachel Watts, Board of Trustees  
Russ Williams, Board of Trustees  
Ralph Derickson, Public Relations  
Barbara Jones, Legal Counsel  
T. Lynn Williamson, Legal Counsel  
James F. Hardymon, Board of Trustees  
Scott Smith, Interim Provost  
Brent Burchett (student)  
Robbie Hopkins (student)

Student Affairs Staff

Victor Hazard  
Tony Blanton  
Rhonda Strouse  
Sarah Jones

Marianne Smith Edge, Chair

- Dr. Terrell was aware that she would not be available to attend this meeting but felt fine with proceeding with the proposed review of the Student Code. This was reviewed last month and this is the final review after changes.

The meeting was turned over to Victor Hazard.

Victor A. Hazard, Associate Vice President for Student Affairs/Dean of Students

- The draft of the Code you have was vetted by the Student Code Committee appointed by the president, consisting of Dr. Terrell, Chair; Joanne Davis and Loys Mather, faculty; Mary Ferlan, Tony Blanton and Victor Hazard, staff; T. Lynn Williamson and Barbara Jones, Legal Counsel Office; and three student members appointed by SGA, Lindsay Catavolas, Brad Hartsock, and Katie Houghtlin. The revision was started years ago with Paul VanBooven in Legal Counsel's Office. When Tony Blanton came to our office he was charged with research and revision of the Code.
- It has taken five years to get to this point with much of the credit going to Tony Blanton, T. Lynn Williamson, and Barbara Jones who guided us to this point.

- Input was solicited via the web to faculty, staff and students, with presentations being made to the SGA Senate and the Presidents Roundtable which is made up of approximately 15 student organizational leaders. Over 30 comments and suggestions were received from these groups, with the Student Code Committee reviewing each one for inclusion when deemed appropriate.
- The existing Code has served us well for decades. We hope that this revised Code will serve us as well with more frequent periodic reviews taking place as guided by the Student Code Committee.
- With this in mind, I will ask Tony Blanton to give us a review of the executive summary.

Tony Blanton, Associate Dean of Students

The first significant revision is EXPANSION/CLARIFICATION OF UNIVERSITY AUTHORITY (see Attachment A)

In the revised version, the definition of “University property” would be expanded to include surrounding streets and those in the immediate area of University owned, leased or student operated property. This would give the University the authority to address certain behaviors which occur off campus but affects the University community when it is deemed necessary.

Williamson

- From a legal aspect, historically, institutions had *In Loco Parentis* but the Supreme Court has done away with *In Loco Parentis*. Many smaller courts have made rulings that Universities may assert control of off-campus incidents.

Watts

- Could you clarify the off-campus behavior that might be addressed?

Blanton

- A student physically attacks another student off-campus and the students have a class together. This could not be addressed under the old code.

Williams

- I have a question about how long the University’s arms are. If a student is out-of-state and involved in an incident then returns to UK—I’ve talked to students and they are struggling with the University’s influence over events taking place in their private time.

Blanton

- UK has the right to address only if there is an impact on UK community.

Patton

- Yes, only what affected UK.

Jones

- This is a trend across the country with private and public institutions.

Patton

- If the police are actually taking care of it, UK doesn't need to get into it.

Williams

- The trick is finding out about the incident. Tony, did you call institutions to find out how this is working?

Blanton

- No, the institutions that have made changes are primarily the ones that have experienced a major problem such as a riot with significant property damage and the community holds the institution to be accountable. That is why most institutions change the Code and I would like to have something in place if needed.

Williams

- What message is this sending to the student body if they know clearly that off-campus behavior is being monitored?

Blanton

- We're saying that you are a student and should act accordingly.

Watts

- Only if there is a threat.

Hazard

- If a student is underage and off campus having a beer, UK is not interested; if they are at Rupp Arena during a UK event, then UK is interested. Each case will be looked at individually.

Edge

- It is used as a mechanism that allows that the University can take action

Watts

- Can I say that Joe somebody is stalking me, would you get me out of the class?

Blanton

- Sure, I would talk to you and then Joe, even if on-campus, and tell Joe to leave you alone. No action could be taken under the present code if Joe showed up off-campus at your apartment. However, the discipline process could be started under the revised Code.

Patton

- I think this is very tightly written; good guide and I feel very comfortable with this.

Blanton

The second revision is: **ELIMINATION OF THE UNIVERSITY JUDICIAL BOARD/REPLACEMENT WITH DISCIPLINARY HEARING OFFICERS**

The present language outlines a process in which a 28-member board is created to hear referred cases. Members are selected by a random, a jury type selection that takes 8 weeks or longer to hear a case. In the revised language, the President of the University would appoint a minimum of three disciplinary hearing officers with the sole authority to determine the issue of responsibility in referred cases. If our current trend continues, maybe three cases a year would go to the hearing officers. Most students accept responsibility and agree to sanctions through the Dean of Students Office. If a student refused to accept responsibility for an alleged violation, the process would likely take a minimum of 8 weeks to complete under the current Code.

Watts

- I suggest a panel of students for hearing officers to meet with to give them a students' point of view.

Patton

- Of course, the President will appoint people having a good understanding of student issues.

Blanton

- We can include this in the training process. If they feel like they need to, the hearing officers could consult with students, but this need not be in the Code.

Blanton

The third revision is: REMOVE LEGAL COUNSEL FROM STUDENT DISCIPLINE PROCESS.

The present language refers cases to the University Legal Counsel in which a student refuses to accept responsibility. Legal Counsel is then responsible for convening the Judicial Board and "prosecuting" the case for the University.

The revised language would place the onus of presenting the University's case on the Dean of Students' Office and any student complainant(s). Legal Counsel may still participate in a hearing as an advisor to the Dean of Students Office.

This would remove Legal Counsel Office and insert the Dean of Student as the University's complainant and adjudicate the case in front of a hearing officer.

Edge

- It is more student friendly.

Blanton

The last revision is the elimination of article VI—interference, coercion and disruption. This was added when incidents happened in the 60s. It treats sit-ins and protests differently than other conduct. With streamlining the process, we don't need Article VI.

Williams

- Like in the meeting room.

Blanton

- No threat of UK property with the sit-in at the Administration Building. Dean of Students did say Section VI will apply.

Watts

- Have to walk a fine line as long as there is no threat.

Blanton

- Interpretation is involved in each incident.

Edge

- It applies to large scale protests.

Blanton

- The current Code is written in “legalese.”

Jones

- Almost like a criminal code.

Blanton

- Tab 4 (see attachment) shows how a case could flow in the present Code. The next page shows the proposed Code. The numbering system is very confusing and we tried to streamline it and eliminate confusing language.

Hazard

- Most students know their rights. We need to be clear what their responsibilities are and this clarifies that.

Blanton

- If students understood that under the present Code they could say I’m not responsible and send it to Legal—we would never have a hearing. There would be too many cases. Obviously they don’t understand. Tab 5 (see attachment) tells what off-campus behavior our bench marks address and how they have addressed them, if at all. Does anyone have any other changes? Any questions? I’ll be glad to answer any.

Williams

- Let me just read the last line in the Code. *Nothing included above shall be construed as a limitation upon the President to propose changes without reference to the Committee.* I’m thinking twenty years ahead and wondering if this could be amended without students input and this sentence allows this to happen. I would prefer to see this sentence deleted.

Hazard

- If this revision is adopted we’re not waiting another 20-30 years before the next review. It will be reviewed periodically.

Edge

- 5 years, 10 years, or when?

Hazard

- It would be looked at regularly.

Watts

- I was on the Student Affairs Committee last year and it had not met once.

Hardymon

- The Student Affairs Committee could ask if review is needed every year and have changes made with explanations?

Williamson

- Student Code Committee meets every year and the Student Affairs Committee has not existed for very long.

Edge

- Student Affairs Committee should ask Student Code Committee each year to review, creating a check and balance; maybe toward the end of June each year.

Smith

- Victor, would your office handle the committee?

Hazard

- Yes, it's functional now.

Burchett (student)

- UK officials—I think of Campus Police—you think that it won't affect what they do?

Hopkins (student)

- It's great what you're doing—changing the dialogue—I can't believe it hasn't been changed in 30 years.

Edge

- If no more discussion, would someone like to make a motion to send to the Board of Trustees Meeting?

Patton

- I recommend changes.

Watts

- Second.

Edge

- That Student Affairs recommend the revisions to the Student Code to the Board of Trustees for approval in the June 14 Board Meeting. Recommendation passes.

Edge

- Will someone make the motion that the meeting is adjourned?

Patton

- I make the motion.

Williams

- Second.

Adjourned 11:25 a.m.