

Minutes of the Special Meeting of the Board of Trustees of the University of Kentucky, Thursday, August 13, 1970

As provided under KRS 164.170, on call by Governor Nunn the Board of Trustees met in special session at 2:00 o'clock on Thursday afternoon, August 13, 1970 in Board Rooms D and E on the 18th floor of the Patterson Office Tower with the following members answering the call of the roll: Governor Louie B. Nunn, Mr. Jesse M. Alverson, Mr. Thomas P. Bell, Mrs. Rexford S. Blazer, Mr. Richard E. Cooper, Mr. George W. Griffin, Mr. J. Robert Miller, Mr. B. Hudson Milner, Dr. N. N. Nicholas, Mr. James H. Pence, Mr. Floyd H. Wright, non-voting faculty members Professors Paul Sears and Robert Rudd, and non-voting student member, Mr. Steve Bright. Absent from the meeting were Mr. Albert G. Clay, former Governor A. B. Chandler, Mr. Wendell P. Butler and Mr. Robert H. Hillenmeyer. Those attending from the University administration included President Otis A. Singletary; Vice Presidents Alvin L. Morris, A. D. Albright, Glenwood L. Creech, George J. Ruschell, Robert G. Zumwinkle; and Mr. John C. Darsie, Legal Counsel. Representatives of the various news media were present.

A. Meeting Opened

Governor Nunn called the meeting to order at 2:03 o'clock. The invocation was pronounced by Governor Nunn and, following call of the roll, the Secretary reported a quorum present. The meeting was declared officially open for the conduct of business at 2:05 p. m.

B. Dr. Willard Named Special Assistant to the President for Health Affairs and Dr. Peter P. Bosomworth Named Vice President for the Medical Center (PR 1)

President Singletary recommended that Dr. William R. Willard, Vice President for the Medical Center, be named Special Assistant to the President for Health Affairs, effective October 1, 1970, and that Dr. Peter P. Bosomworth be named Vice President for the Medical Center at the time that Dr. Willard assumes his new responsibilities. On motion by Dr. Nicholas, seconded, and passed unanimously, the President's recommendation was approved.

Governor Nunn appointed the following persons to serve on a committee to draft a resolution expressing appreciation for Dr. Willard's past contributions: Dr. N. N. Nicholas, Mrs. Rexford S. Blazer, and former Governor A. B. Chandler. (See PR 1 at the end of the Minutes.)

C. Retirement Benefits for Dr. Willard (PR 2)

Dr. Singletary explained that in order for Dr. Willard to continue to receive the same retirement benefits as Special Assistant to the President for Health

Affairs to which he was entitled as Vice President for the Medical Center, it would require special action by the Board of Trustees. All present agreeing that this was desirable, on motion by Mr. Milner, seconded by Mr. Cooper, and passed unanimously, the University of Kentucky was authorized to provide the same retirement benefits for Dr. William R. Willard in his new administrative capacity as Special Assistant to the President for Health Affairs as it provided in his capacity as Vice President--Medical Center. (See PR 2 at the end of the Minutes.)

D. Expenses of Repairs to Blazer Hall Authorized (FCR 1)

Mr. Ruschell explained that the action requested in FCR 1 was necessary in order to satisfy the provisions of the Bond Indenture for the University of Kentucky Housing and Dining System Revenue Bonds. There being no questions, on motion by Mr. Pence, seconded by Mrs. Blazer, and passed, the recommendation in FCR 1 was approved. (See FCR 1 at the end of the Minutes.)

E. Payment Authorized for Expenses Resulting From Euclid Avenue Classroom Building Fire (FCR 2)

The recommendation in FCR 2 being similar to the one in FCR 1, on motion by Mr. Pence, seconded by Mr. Wright, and passed without dissent, the recommendation made as a part of FCR 2 was approved. (See FCR 2 at the end of the Minutes.)

F. Land Transfer at the Ashland Community College Approved (FCR 3)

There being no questions relative to the transfer of land for the purpose of constructing a parking lot at the Ashland Community College, on motion by Mrs. Blazer, seconded by Dr. Nicholas, and passed, the Board of Trustees approved the recommendation made as a part of FCR 3. (See FCR 3 at the end of the Minutes.)

G. Report of Special Trustees' Committee

Governor Nunn called upon Mr. Thomas P. Bell, Chairman of the Special Trustees' Committee appointed to review the Student Code in the light of experiences gained in May 1970, for a report from the committee.

Mr. Bell read the following statement representing the committee's report and copies of the proposed revision of the Code of Student Conduct were distributed to those present. A copy of the document appears at the end of the Minutes.

August 13, 1970

REPORT OF TRUSTEES' SPECIAL COMMITTEE

The committee was appointed at the June, 1970, meeting of the Executive Committee of the Board of Trustees for the purpose of examining the rules and regulations of the University and recommending such changes as may seem desirable and necessary. Appointed to serve with me on this committee were Mr. Cooper, Mr. Griffin, and Mr. Hillenmeyer.

The committee was asked to direct particular attention to provisions of the Code applicable to emergency situations such as the disturbance that occurred last May on our campus. It was instructed, further, to carry out its charge "at the earliest opportunity."

The recommendations which this committee will place before you today evolved from many hours of study of the existing Code and thoughtful consideration of suggestions submitted to the committee by students, faculty, and staff of the University.

The committee believes it has taken reasonable steps to enable students and others in the University to participate in the development of its recommendations. It has held on the campus two full-day open hearings to which were invited all persons who wished to present views to the committee. Every student and faculty member who has expressed to the committee interest in being heard by the committee has been given an opportunity to express, fully and freely, his suggestions and recommendations.

Subsequent to these hearings, the committee invited several students and faculty to meet with it to discuss its preliminary conclusions and recommendations. Among the students who accepted the committee's invitation were the president of Student Government, the president of the Student Coalition to Prevent Campus Violence, the chairman of the graduate division of the Judicial Board, and the editor of The Kentucky Kernel.

Many of the recommendations in this report were advocated by students, faculty, or staff during meetings with the committee.

There was, to illustrate, almost unanimous agreement among the persons testifying that a Hearing Officer is needed to assist in the University's judicial processes, that search and seizure provisions should be redefined, and that the Dean of Students should not be cast in the role of prosecutor. The committee does not imply, however, that all suggestions which came to it have been incorporated into its recommendation. Nonetheless, the committee affirms that each of these suggestions was given careful consideration.

The committee's recommendations are being presented to you in the form of a revised Code of Student Conduct. The committee does not regard this revised document as a set of inviolate policies and procedures. In presenting it to you, the committee acknowledges that the sense of urgency in completing its assignment before the beginning of the fall semester prevented refinement which, indeed, would have been desirable. It recognizes, however, that the Board has never considered the Code as unalterable and has established a Student Code Committee to receive and consider recommendations for changes in its provisions.

While additional revisions may be necessary, the committee believes that the revised Code which it is recommending for Board adoption is in harmony with the University's educational objectives and protects its students' legal rights to free inquiry, expression and dissent, due process in disciplinary proceedings, and equal treatment. We believe, further, that it will help assure the students' full enjoyment of their constitutional liberties, academic freedom, use of University facilities, and freedom of speech, assembly, and association. Additionally, some of the recommended revisions will help ensure against disruption of educational or institutional processes and threats to the safety and freedom of all students.

The proposed changes in the Code may be classified as follows:

(1) those that seek to clarify existing provisions which are unclear or ambiguous; (2) new provisions which represent only minor revisions of, or addition to, existing ones, and (3) new provisions which represent either significant changes in or additions to the current Code.

In the viewpoint of the committee members, the most significant changes are as follows:

(1) Section 1.413 provides for the Dean of Students to forward reports and evidence concerning disciplinary cases to the Office of the University Counsel for evaluation and prosecution.... This provision removes the Dean from his current role in prosecutions.

(2) Section 1.422 provides for the addition of a Hearing Officer to be appointed as a non-voting member and to serve as chairman of each division of the University Judicial Board.

(3) Section 1.423 stipulates that the Hearing Officer shall be a person with training in the law, possessing at least the Bachelor of Laws or its equivalent.

(4) Section 1.425 provides for the Hearing Officer to be appointed by the President.

*(5) Section 1.43 stipulates that the Appeals Board shall exercise original jurisdiction with regard to all offenses of interference, coercion and disruption as defined in Article VI, Section 6, pages 24-27. Under the provisions of the current Code, jurisdiction for these offenses rests with the University J-Board.

(6) Section 1.436 provides for the addition of the Hearing Officer to the Appeals Board and stipulates that this Officer shall serve as chairman of the Board.

(7) Section 1.44 provides for temporary appointments to the Judicial Board or the Appeals Board to be made by the President of the University if a sufficient number of the members of either board are not present at a time when the board has duties to perform.

(8) Section 1.5 dealing with punishments has been rewritten with two new categories of punishment, warning (1.51) and dismissal (1.56), added.

(9) Section 2.4 specifies that the decision of the University J-Board shall be final in cases where appeals are made for review of Residence J-Board's actions.

*(10) Section 3.21 provides that prior to conducting a search of a student's person or property the Dean of Students or another Dean on his staff acting as his authorized representative shall be required to specify in writing to the Vice President for Student

Affairs the time and place of the searches, the reason for the search, and the particular property sought to be seized. Exceptions to this requirement can be made only in cases of imminent danger when it is necessary to conduct the search immediately to protect life or property.

(11) Section 3.319 represents an addition to the existing Code. It stipulates that a student shall have the right to either an open or closed hearing, and that to have an open hearing a student must file a written request with the Hearing Officer at least 24 hours prior to the time set for the hearing. Further it specifies who may attend open hearings and provides that the Hearing Officer may order the removal of any disruptive person from the hearing.

(12) Section 3.4. This section has been rephrased with subsection "C" added. The addition specifies that a student's rights to freedom of expression are subject to the restriction that he must obey the University's regulations as to time, place and manner.

(13) Article IV. Several changes have been made in this section which deals with student organizations. The principal change is the addition of a provision (4.12 in the recommended draft), stipulating that membership in student organizations shall be limited to students, faculty, and staff of the University, except that honors, leadership, and recognition societies may include other persons as provided for in their national constitution.

Section 4.132 specifies that registration of student organizations is at the discretion of the Dean of Students, who shall establish uniform criteria and rules which shall be applied for all similar type organizations.

Section 4.28 defines as an offense any violation of University rules or policies which apply to registered organizations or their use of University facilities or property.

(1.4) Article VI represents a substantial addition to the existing Code. All sections under this article deal with interference, coercion and disruption.

Section 6.2 defines the administrative authority and responsibility for response when it appears a violation has occurred. It authorizes and directs the University administration to take one or more of the following actions:

- a. Prefer charges under the Code of Student Conduct.
- b. Impose interim suspension.
- c. Declare a state of emergency.
- d. Make application to the courts for injunctive relief.
- e. Request the assistance of outside law enforcement agencies available under the laws of the Commonwealth of Kentucky.
- f. Take such other actions deemed necessary by the President of the University to protect lives and property and provide for the orderly operation of the institution.

Section 6.31 stipulates that the University Appeals Board shall exercise original jurisdiction over all cases wherein students are charged with acts of interference, coercion, and disruption.

Section 6.4 provides for interim suspension of students, for a period of no longer than seven days, to be imposed by the President of the University, the Vice President for Administration, the Vice President for Student Affairs, or the Dean of Students when

any one of these officials has reasonable cause to believe that a student has committed an offense involving coercion, interference, or disruption. It further stipulates that the Appeals Board shall docket each case for a prompt hearing.

Section 6.5 authorizes the President, the Vice President for Administration, or any other University official specifically designated by the President to declare that a state of emergency exists on the campus, states the conditions under which such a declaration shall be made, and stipulates the procedures which may be implemented in the event of a declaration of a state of emergency. This provision clearly authorizes the President or, in his absence, the Vice President for Administration to suspend all mass meetings and other gatherings as may be reasonably necessary to protect the safety and welfare of persons on the campus and provide for the orderly and efficient operation of the University.

The last addition recommended by this committee is Section 6.6 which states that no person shall have authority to grant amnesty or to make any promises as to prosecution or non-prosecution in any court, state or federal, or before any board to any person charged with or suspected of violations of Section 6.1 of the revised Code.

The committee's recommendation of the addition of Article VI and its various Sections to the Code evolved from the University's experiences last May in dealing with actions which were incompatible with the nature and functions of the University.

The committee believes that acts of interference, coercion, and disruption at the University cannot be tolerated, and that this new section of the Code authorizes and directs the University administration to respond to such acts in an effective manner.

The committee further believes that the University of Kentucky, like other colleges and universities, is in a time of great challenge. If it does not meet the challenge of creating its own workable, self-governing society, then rules and regulations will be imposed upon it from outside sources.

The committee believes that adoption by this Board of this revised Code of Student Conduct will help to safeguard and extend the academic freedom and autonomy which our society has granted to our University.

This committee is positive that its proposed revisions to the Code do not supply a total answer to the complex problems that beset the University in these often bewildering times. If adopted, this Code in itself will not prevent disruption on our campus. The key to a campus free of disruption is responsibility--the responsibility of our faculty and administrative officers to administer the Code firmly and fairly; the responsibility of the students to observe and comply with the terms of the Code; and the responsibility of our Board of Trustees to communicate and respond to suggestions for further change from the students, the faculty, and the administration.

In presenting our recommendations to the Board, this committee wishes to recognize the unstinting assistance and cooperation it has received from students, faculty members, and the administrative

staff of the University. We have drawn much encouragement from the helpful attitude of all of those whose assistance we sought. We are grateful, too, and wish here to recognize the skilled technical assistance made available to the committee by the Office of the Attorney General.

In concluding this report, my fellow committee members and I wish to acknowledge clearly that the revised Code of Student Conduct will place a heavy burden of responsibility upon President Singletary. At the same time, we express our complete confidence in Dr. Singletary, our admiration of the leadership he has given the University during the past difficult year, and our confident expectation that he will exercise his new responsibility under the revised Code in equally distinguished fashion.

Mr. Bell then made the following motion:

"That the attached copy of the Code of Student Conduct be adopted, effective immediately. It is recommended that this action be taken with the express proviso that nothing contained in this Code be construed as an abdication of the authority or responsibilities of the Board of Trustees to govern the University as provided by the laws of the Commonwealth of Kentucky."

His motion was seconded by Dr. Nicholas. Mr. Bright requested permission to speak before a vote was taken. Permission being granted, he read the following statement:

STATEMENT OF STUDENT GOVERNMENT PRESIDENT STEVE BRIGHT REGARDING THE REVISION OF THE STUDENT CODE DELIVERED AT THE SPECIAL MEETING AUGUST 13, 1970:

"Gentlemen, let me make it quite clear that if this document were to be used only in the extreme and bizarre examples which have been cited so often as justifications for many of the new provisions which are before you today, I would not ask you to vote against adoption. The reason is simple, if these provisions were applied

only in such cases, they would never be used at the University of Kentucky.

But our own experience in light of the recent situation dictates that I oppose the adoption of the document now before you, and discuss fully my response to the eventual adoption of it.

We are fooling ourselves and becoming the victims of an unhealthy paranoia when we pretend that there are large numbers of people---within or outside the University community---determined to physically destroy the University or to cause injury to individuals on this campus.

If there were large numbers of people with such aims, I seriously doubt if this document---or any document passed by this Board---could effectively serve as a deterrent to the threat. Indeed, an eight-foot high barbed wire fence around the entire campus and the day-to-day use of armed guards might be the only solution.

I do not fear this threat, because even if it were to some day in the distant future become a reality, those few partaking in lawlessness and destruction would be quickly arrested, prosecuted and more than adequately punished by the civil authorities. The Code would probably not affect them. Certainly, it would not punish them more severely than the civil authorities in such cases.

But as I said earlier, I do not feel this threat exists at the University of Kentucky. At least it didn't before today. The faculty and students have responded in crisis situations here in the past to ease tensions and to protect their University.

Our experience last May indicates that these new provisions will be used against that group of students who love and support this institution and who have dedicated a great amount of their time and energy to work for positive, constructive change within it. This group, Gentlemen, is not dedicated to destroying this University, but to strengthening it.

Much of what is being adopted here today is an insult to all students.

You are about to remove the all-student Judicial Board from involvement in what you seem to feel are the most important disciplinary cases. How else can this be interpreted except as a clear lack of faith in students? What else could the adoption of this provision be called except a denial of trial by one's peers?

Another insult is the provision prohibiting "outsiders" from membership in University organizations. The myth that students are all very passive and can be lead around by persons from off the campus is absurd and an insult to the adults receiving an education here.

Students do not act without reason.

There is only one group of outsiders with the power and authority to consistently delve into the internal affairs of this University and spark something which students would not have put together themselves.

Gentlemen, I regret to inform you that you are that group. The adoption of this Code will be that spark; and I assure you that we can put it together.

In the adoption of these two provisions you fail to recognize the student as a human being. I view this as the most serious shortcoming of any.

Of course, I must question the severe limitations of the right to dissent. The fear to participate because of what might happen will help to silence the innocent.

For again, our experience is that the innocent is often accused in such instances. Now the probability is increased that the innocent will also be found guilty.

I submit that this is unjust.

William L. Shirer cautions us that 'The United States could be the first nation to go Facist democratically.'

When is our academic community going to embrace the concept contained in a statement of Justice Douglas that 'The First Amendment was not designed to protect just the handing out of sedatives.'

When are we going to squarely face the fact and state clearly and openly that unrest is good because it prevents our society from dying of stagnation?

Surely, we realize that self-criticism and dissent are the secret weapons of a Democracy and any institution within a Democracy.

The adoption of these provisions will serve only to drive moderates to the wall, to turn those now working within the present structure to more drastic means, perhaps even to violent activism. I urge you to carefully reconsider your intentions.

Especially disappointing is the fact that although you have elaborated on offenses and punishments, there is significantly less change in strengthening the protections of basic individual rights.

Nothing has been included to protect the innocent against harassment or misuse and abuse of this Code by University officials.

I would save my remaining comments until after the adoption of this document but they would be of little value then. I think it is important that these matters be considered before the vote is taken.

The adoption of this document will put before us, the students, the question of how people respond when they are threatened; when they feel their rights are endangered or severely and unreasonably restricted.

I realize clearly the unquestionable legal right of this Board to adopt this document.

Nevertheless, I must question the legitimacy of this document and the potential injustices contained within it.

The Board in recent years has shown a marked departure from the historical role of Trustees, which was basically the establishment of policy, supervision of broad financial affairs, and the selection of executive personnel. The involvement of this committee in this matter raises serious questions.

Generally, or at least ideally, a society establishes its standards of behavior and amends them as is necessary. With the proper safeguards, the result should be rules and regulations recognized by the society as both legitimate and just.

The society can be expected to live in accordance with these accepted standards; and, within the concept of "shared authority" and "shared responsibility", it can be expected to see that they are generally adhered to by all members of the society.

But when faced with regulations which are neither legitimate or just, the society has but one alternative. It must resist.

One can hardly expect the concept of "shared responsibility": to work on this campus without the concept of "shared authority."

I am talking about that group of students which in the past has worked to ease tensions and protect their University. Let us hope that they will continue in their efforts, despite the adoption of this document. But let us not be surprised if they do not.

I realize that some within the student body will applaud this action. Many will be indifferent. But it is difficult---indeed, it is impossible---for me to believe that there are large numbers of students willing to give up their rights without protest.

As Mr. Bell has pointed out, when we deny the rights of a few, we have denied everyone their rights.

I find it impossible to believe that large numbers of students will sacrifice justice for order.

I seriously doubt that many have so little confidence in their fellow students that they are afraid to be tried by an all-student judicial agency.

I seriously doubt that many have a lack of confidence in themselves so overwhelming that it makes them feel unfit to sit on a judicial agency.

I find it impossible to believe that many lack so much faith in their own judgment that they feel unable to determine the validity of what someone else says, whether from within or outside their community.

Gentlemen, I have the utmost confidence in our students.

This Board---a collection of businessmen and politicians--- is about to hand down regulations which will affect 15 to 18 thousand adults.

I admire your interest in and dedication to this institution, but I remind you that not a single person voting for this document will be affected by its provisions.

Ask yourselves, would you find it desirable for your community or your state to be run by a board of 15 individuals who did not live within it and were not affected by the regulations they enacted?

Tyranny is not limited to taxation without representation. Indeed, that is only part of the larger concept of government without the consent of the governed.

It is not our power structure, but it is our University.

Our restrictions are many already. The adoption of this document will give us little choice.

My response to this document is a dictate of conscience. The moral responsibility of an individual cannot be superseded by the laws of the state or the regulations of an institution.

We cannot afford to wait and hope any longer. Eventually, we would have nothing left.

We must resist.

Gentlemen, we will resist."

Dr. Sears and Dr. Rudd, speaking as faculty members, indicated their support of the revised Code as presented and commended the committee for the excellent job they had done.

There being no further discussion, Governor Nunn called for a vote on Mr. Bell's motion. All voting members present voted "aye". Dr. Rudd and Dr. Sears indicated their concurrence and Mr. Bright indicated his dissent. (See Student Code of Conduct at the end of the Minutes.)

H. Meeting Adjourned

Determining that there was no further business to come before the meeting, Governor Nunn called for a motion for adjournment. The motion being made by Mr. Pence, seconded by Mr. Griffin, and passed, the meeting adjourned at 2:40 p. m.

Respectfully submitted,

Lucile T. Blazer, Secretary
Board of Trustees

(PRs 1 and 2 and FCRs 1, 2 and 3 and the Code of Student Conduct which follow are official parts of the Minutes of the meeting.)

Office of the President
August 13, 1970

PR 1

Members, Board of Trustees:

CHANGES IN MEDICAL CENTER ADMINISTRATION

Recommendation: that Dr. William R. Willard, Vice President for the Medical Center, be named Special Assistant to the President for Health Affairs, effective October 1, 1970, and that Dr. Peter P. Bosomworth be named Vice President for the Medical Center, effective October 1, 1970.

Background: It is essential for the continuing growth of the Medical Center that the University of Kentucky be represented at the state and national level by a person who is knowledgeable in health affairs and who has the respect and admiration of his colleagues. Dr. Willard is such a man and, by relieving him of the day-to-day chores of administration of the Medical Center, he will be able to devote his full time and energies to enhancing understanding and support of the Medical Center by the Commonwealth and its people, thus fostering Medical Center development and its contribution to the state and the nation.

Immediately upon Dr. Willard's agreement to accept this new assignment as Special Assistant to the President for Health Affairs, a committee of the deans of the Medical Center was appointed to advise me on his replacement. It is with considerable pleasure that I report to you that this committee within less than a week returned to me with the recommendation that one of our own people be named to this position. I heartily endorse their recommendation and recommend to the Board of Trustees that Dr. Peter P. Bosomworth, Professor of Anesthesiology, Chairman of the Department of Anesthesiology, and Associate Dean of Clinical Affairs in the College of Medicine at the University of Kentucky, be appointed Vice President for the Medical Center to succeed Dr. Willard, effective October 1, 1970.

Dr. Willard has laid the foundation for one of the nation's outstanding Medical Centers, he has built well upon this foundation, and it is gratifying to him and to us that his successor should be chosen from our own ranks. Dr. Bosomworth has been at the University of Kentucky for eight years and is completely conversant with all segments of the Medical Center. He has an enviable reputation on a national level in his field and has amply demonstrated his administrative talents. With Dr. Willard representing the University externally and Dr. Bosomworth administering the internal affairs, the future of the Medical Center is indeed bright.

Action: Approved Disapproved Other

Date: August 13, 1970

Office of the President
August 13, 1970

PR 2

Members, Board of Trustees:

RETIREMENT BENEFITS FOR DR. WILLARD

Recommendation: that the University of Kentucky continue to provide the same retirement benefits for Dr. William R. Willard in his new administrative capacity as Special Assistant to the President for Health Affairs as it provided in his capacity as Vice President - Medical Center.

Background: Dr. Willard has served in the capacity as Vice President - Medical Center for fourteen years. Inasmuch as Dr. Willard will be eligible for retirement in the near future, it is recommended that his retirement program be continued until such time as he retires from the University.

Action: Approved X Disapproved Other

Date: August 13 , 1970

FCR 1

Members, Board of Trustees:

AUTHORIZATION FOR PAYMENT OF EXPENSES
FOR REPAIRS TO BLAZER HALL

Recommendation: that the Board request the Trustee of the University of Kentucky Housing and Dining System Revenue Bonds to make payment in the amount (estimated to be \$50,000) for necessary repairs to Blazer Hall as a result of the Euclid Avenue Classroom Building fire and that the Vice President for Business Affairs be authorized to execute the necessary documents for this payment and necessary related transactions under Section 1404 of the Bond Indenture for the University of Kentucky Housing and Dining System Revenue Bonds, dated June 1, 1965.

Background: The Bond Indenture for the University of Kentucky Housing and Dining System Revenue Bonds provides that all insurance monies (except amounts less than \$10,000) be paid to the Trustee. The Euclid Avenue Classroom Building fire damaged Blazer Hall and repairs are necessary for use of this building as a residence hall. The Trustee must have Board approval for any payments for these repairs. The University will collect the actual cost of repair from the carrier which is estimated at \$50,000.

Action: Approved X Disapproved Other

Date: August 13 , 1970

FCR 2

Members, Board of Trustees:

AUTHORIZATION FOR PAYMENT OF EXPENSES RESULTING FROM
EUCLID AVENUE CLASSROOM BUILDING FIRE

Recommendation: that the Board request the Trustee of the Consolidated Educational Buildings Revenue Bonds of the University of Kentucky to make payment in the amount of \$6,800 for expense related to the Euclid Avenue Classroom Building fire and that the Vice President for Business Affairs be authorized to execute the necessary documents for this payment and necessary related transactions under Section 7.04 of the Resolution creating and establishing a Consolidated Educational Project of the University of Kentucky adopted by the Board of Trustees on September 20, 1960.

Background: The Resolution creating and establishing a Consolidated Education Buildings Project of the University of Kentucky provides that all insurance monies (except amounts less than \$10,000) be paid to the Trustee. The Trustee must have Board approval for any payments for replacement or repairing. This appropriation replaces equipment for the recreation program in the amount of \$3,000 which was destroyed and \$3,800 for clearing the site. The balance of the insurance proceeds shall be used by the Trustee for depositing in the Bond Fund and shall be applied to the retirement of the bonds. The University collected \$80,500 from the insurance carrier.

Action: Approved X Disapproved Other

Date: August 13 , 1970

Finance Committee Report
August 13, 1970

FCR 3

Members, Board of Trustees:

REQUEST FOR LAND TRANSFER - ASHLAND COMMUNITY COLLEGE

Recommendation: that the Board of Trustees of the University hereby requests that the following described real property, located at the site of the Ashland Community College in Boyd County, Kentucky, and constituting a portion of Tract I as described in the Mortgage Deed of Trust, dated the 1st day of December, 1967, by and between the Public School Corporation of Ashland Independent School District and The Second National Bank of Ashland, be conveyed to the Commonwealth of Kentucky for the use and benefit of the University of Kentucky:

Beginning at a point in the center line of 13th Street (the said point is N 60°-49' E 64.80 feet from the intersection of the east curb line of Ramey Street [as said curb line existed prior to August 1970] and the center line of 13th Street) S 44°-05' E 418.46 feet to the south curb line of Harlan Street; thence N 47°-58' E 227.00 feet; thence N 82°-25' E 548 feet, this point being the west right-of-way line of Heflin Street (NOTE: The preceding lines are common with lines recorded in Boyd County Clerk's Office, Deed Book 429, Page 172, dated 5 July 1968); thence N 31°-00' W 162 feet along said west right-of-way line to the south right-of-way line of Heflin Street; thence N 88°-45' W 529 feet along said south right-of-way line of Heflin Street; thence N 33°-45' W 105 feet along said west right-of-way line to the south right-of-way line of 13th Street; thence S 60°-49' W 365 feet along said south right-of-way line to the beginning line (S 44°-05' E) at a point 26 feet S-E of the beginning point. The tract of land contains 4.75 acres (more or less).

Background: The University and the Ashland School Board have agreed to share the cost of a parking lot for the use of the Ashland Community College. The lot is to be constructed under the supervision of the Department of Highways. The above recommendation is a condition precedent to transfer of the land necessary for the construction.

Action: Approved X Disapproved Other

Date: August 13 , 1970

PART I

CODE OF STUDENT CONDUCT:

RULES, PROCEDURES,
RIGHTS AND RESPONSIBILITIES
GOVERNING
NON-ACADEMIC RELATIONSHIPS

INTRODUCTION

The University is empowered by Kentucky Law K. R. S. 164.200 to establish a disciplinary system to govern the campus. The statute provides:

"The Board of Trustees may establish proper regulations for the government of the University and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the University."

By this publication of the rules governing student conduct, the University recognizes that students have the right to know the circumstances and manner in which this disciplinary power will be exercised and advises students that disciplinary rules will be enforced.

The Code does not cover decisions of the faculty of a professional school as to character, moral or ethical, required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate. Therefore, such decisions are not subject to review within the procedures established herein.

ARTICLE I - THE UNIVERSITY JUDICIAL SYSTEM

Section

1.1 Authority of the President of the University

Pursuant to the provisions of K. R. S. 164.200, 164.210 and 164.220, the Board of Trustees hereby delegates the responsibility for student discipline to the President of the University.

1.2 Disciplinary Offenses

Offenses as defined below are punishable disciplinary offenses. As used in the specified offenses, University property is defined

Section
1.2

as all property owned, or leased to, and operated exclusively by the University, and all such property leased to or operated by student and non-student organizations which are under the control and regulation of the Board of Trustees of the University of Kentucky. In addition to the offenses defined below, certain other disciplinary offenses involving conduct which is destructive of academic freedom, the rights of others, and the orderly operation of the University are set out in Section 6.1 hereof.

- a. Abusive, drunken, violent or excessively noisy behavior or expression upon University property;
- b. Lewd, indecent or obscene behavior upon University property;
- c. The threat or commission of physical violence against any person present on University property;
- d. The commission of acts which constitute a violation of local, state or federal law upon University property;
- e. Unauthorized entry to or use of University facilities or any violation of University rules regarding the use of University property;
- f. Failure to comply with directions of University officials acting in the performance of their duties;
- g. Any violation of University rules regarding the operation and parking of motorized vehicles;
- h. Falsifying, altering or forging any official University records or documents, employing official University documents or records for purposes of misrepresentation, or causing any official University documents or records to be falsified by means of any misrepresentation;
- i. Hazing of any kind;
- j. Knowingly passing a worthless check or money order to the University or to a member of the University community acting in an official capacity;

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- k. Stealing any item of tangible or intangible personal property upon University property;
- l. Defacing, disfiguring, damaging or destroying public or private property upon University property;
- m. Lifting, taking or acquiring possession of, without permission, any academic material (tests, information, research papers, notes, books, periodicals, etc.) from a member of the University faculty or staff;
- n. Intentionally giving false testimony or other evidence at any hearing of the University Judicial Board or Appeals Board;
- o. Violation of conditions imposed in connection with one or more of the punishments enumerated in Section 1. 511 through 1. 515.

1.3

University Policy on the Student and Local Authorities

1.31

The University does not desire to be a policing authority for the activities of the student outside the University community nor a sentencing authority for violations of federal, state or local law. However, the minimum standards of individual conduct required by the penal statutes is both expected and required of every student attending the institution. Therefore, any student who violates such standards of conduct is subject to discipline by the institution, regardless of whether or not action is taken against the student by civil authorities on account of such violation.

1.32

The University cannot undertake to act as a collection agency for landlords, retail stores, etc. , nor to impose disciplinary punishment for a student's misconduct outside the campus community unless that misconduct falls within the specified punishable offenses or is so serious as to be covered by the provisions of Section 1. 45.

1.33

The University cannot accept remand of students charged or convicted of violations of state or local law for the purpose of imposing disciplinary punishment. However, a University representative may accept court appointment of probation of a student to his care and impose such requirements as he sees fit. If such student violates these requirements, he must be returned to court for such further proceedings as the court shall determine, but not for University disciplinary punishment.

- Section
1. 34 A student charged with a violation of federal, state or local law may request assistance from the Dean of Students Office. After receipt of the student's request and a review of the charge(s) and circumstances surrounding the incident, a member of the Dean of Students' staff may be made available to counsel and assist the student.
1. 4 The Procedures
1. 41 The Role of the Office of the Dean of Students
1. 411 When the Dean, after investigation into an alleged violation of the disciplinary rules, believes a student has committed a disciplinary offense defined in Section 1.2 or 6.1, he shall notify the student that he is charged with said offense. Thereafter, he may counsel with the student and may outline proposed disciplinary punishment and/or counselling.
1. 412 In the counselling process, the accused shall enjoy the right to have the assistance of an advisor of his choice and shall be informed of this right.
1. 413 If the Dean and the student are unable to resolve the matter to their mutual satisfaction in the counselling process, the Dean shall forward the reports and evidence concerning the case to the office of the University Counsel for evaluation and prosecution before the appropriate University judicial agency. The Dean is thereafter concerned with furnishing testimony as requested by University Counsel, keeping the records of the U. J-Board and Appeals Board and in aiding the student to comply with any punishment decreed by either Board.
1. 414 Within the rights of the student at the University of Kentucky, the Dean of Students may contact the parents, or other persons he deems appropriate, in matters of discipline.
1. 415 All student grievances involving rights stated herein shall be reported to the Dean of Students within 30 days of their occurrence. Grievances reported after this period or which otherwise come to the attention of the Dean of Students may be acted upon according to his determination of the circumstances.
1. 416 The Dean of Students shall investigate each student grievance to determine whether it contains merit.
- a. If he decides that it does, he shall use moral suasion, negotiation, personal appeal, and the

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1.416

prestige of his office to settle the case to his satisfaction and that of the student.

- b. When he is unable to satisfy the grievance to the satisfaction of the student or when he has notified the student that the grievance does not contain merit, the student has the right to appeal within 30 days to the University Appeals Board.

1.417

The Dean of Students shall have broad investigatory powers in non-academic cases and he shall receive prompt and full cooperation from students, student organizations, faculty and administrators. He may recommend policies or practices that should be terminated, modified or initiated to Student Government, the Senate Council, deans, department heads, or other appropriate persons.

1.42.

The University Judicial Board

There shall be a University Judicial Board, hereinafter referred to as the U. J-Board, with appellate jurisdiction over the decisions of any Residence Judicial Board and original jurisdiction over cases involving alleged violations by students of the University disciplinary offenses defined in Section 1.2.

1.421

Authority

- a. The U. J-Board shall receive appeals by accused students from decisions of any Residence J-Board pursuant to Section 2.4 of this document, and shall have the authority to reverse the decision of the Residence J-Board regarding the student's guilt or to mitigate, but not to increase, the punishment imposed by the Residence J-Board.
- b. The U. J-Board shall have the sole authority to determine the issue of guilt in those cases referred to it pursuant to 1.413. It shall have the sole authority to impose punishment short of actual suspension or expulsion upon any student found guilty of a violation of University disciplinary rules defined in Section 1.2. If the U. J-Board believes that actual suspension, dismissal or expulsion is the appropriate remedy, it shall recommend such action to the Vice President for Student Affairs.

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Composition

The U. J-Board shall consist of eighteen persons; seven graduate or professional students, five male undergraduate students, five female undergraduate students, and a Hearing Officer.

- a. The Hearing Officer shall be the Chairman of the Board and of each division thereof. He shall convene meetings of the Board at such times and places as he deems necessary to carry out its duties. The Hearing Officer shall be a non-voting member of the Board as to the issue of guilt or innocence and as to the quantum of punishment, but shall decide and rule upon all questions of law, whether they be substantive or procedural, and upon all procedural questions arising under this Code.
- b. When the accused is a graduate or professional student, the Board shall be composed of its graduate or professional members.
- c. When the accused is an undergraduate student, the Board shall be composed of all the undergraduate members with at least two members of each sex present, except that the accused student may request, prior to his or her hearing, a Board composed only of the members of his or her sex. (The requirement as to sex shall not apply to the Hearing Officer.)
- d. In any proceeding of the graduate board or the full undergraduate board, at least five members of the appropriate board, in addition to the Hearing Officer, must be present to hear the case. Any decision of the U. J-Board must be by majority of the voting members of the board sitting on the case.

1. 423

Eligibility Requirements

- a. A graduate or professional member of the U. J-Board shall be a full-time student enrolled in the Colleges of Dentistry, Law, Medicine or in the Graduate School, who

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1.423

has been in residence at least one semester and is in good standing within his or her appropriate school or college.

- b. An undergraduate member of the U. J-Board shall be a full-time undergraduate student, other than a freshman, who has had at least one year of residence on the Lexington campus and has at least a 2.5 cumulative average.
- c. The Hearing Officer shall be a person with training in the law, possessing at least the degree of Bachelor of Laws or its equivalent.

1.424

The Appointment Process

- a. The legislative branch of Student Government shall screen all applications for voting membership and forward those approved to the President of the Student Government, who, with the advice and approval of the Vice President for Student Affairs, shall make the final appointment of the members of the U. J-Board.
- b. The Hearing Officer shall be appointed by the President of the University. The President may appoint a substitute for the Hearing Officer at any time that officer is unavailable when his services are needed.

1.425

Terms of Office

The Hearing Officer shall be appointed for a one-year term. All graduate or professional members and three of the male and three of the female undergraduate members shall be appointed for one-year terms and shall be subject to reappointment. The remaining undergraduate members shall be appointed for two-year terms on a staggered basis. All terms shall begin on September 1st and end on August 31st.

1.426

Absences

Three unexcused absences in any one semester shall constitute automatic dismissal from the U. J-Board. The U. J-Board, acting as a unit, may make such additional regulations regarding absences as it may deem appropriate. All requests for excused absences shall be made to the Hearing Officer whose decision shall be final.

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1.43

The University Appeals Board

There shall be a University Appeals Board with appellate jurisdiction over decisions of the University Judicial Board and over decisions of any faculty members on matters of University academic offenses. The Appeals Board shall exercise original jurisdiction with regard to the offenses described in Section 6.1 hereof.

1.431

Jurisdiction in Cases of Disciplinary Offenses

- a. Within 30 days after receipt of the decision of the U. J-Board, any accused student may appeal in writing to the Vice President for Student Affairs for review by the Appeals Board of the U. J-Board's finding of guilt or for review of the nature or severity of the punishment imposed or recommended.
- b. If the Vice President for Student Affairs, in his official capacity, believes that the punishment imposed by the U. J-Board was inappropriate for the offense committed, he may request a review thereof by the Appeals Board. Such a request shall be directed to the Chairman of the Appeals Board within 30 days of the decision by the U. J-Board.

1.432

Disposition of Cases of Disciplinary Offenses

- a. If the student appeals on the issue of fact regarding commission of the offense, the Appeals Board shall review the evidence and its decision shall be final.
- b. If the student appeals on the issue of the nature or severity of the punishment, or if the Vice President for Student Affairs requests a review of the punishment, the Appeals Board shall recommend what it believes to be the appropriate punishment to the President, who shall set the punishment. When the student is appealing on the issue of the punishment, the Appeals Board may not recommend a more severe punishment than that imposed by the U. J-Board, but when the Vice President for Student Affairs requests a review, the Appeals Board shall recommend any punishment it believes appropriate to the offense.

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- c. Any decision and/or recommendation by the Appeals Board must be by a majority of those members sitting on the case.

1.433

Jurisdiction Over Cases Involving Student Rights Specified in Article III

- a. The Appeals Board shall hear any case referred to it by the Dean of Students and/or by the Academic Ombudsman and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students and/or the Academic Ombudsman. This written appeal must be submitted within 30 days after the Dean and/or the Academic Ombudsman communicates both to the Appeals Board and the student that either he considers the case without merit or is unable to terminate satisfactorily the grievance.
- b. Upon receipt of the written appeal, the Chairman of the Appeals Board shall notify the Dean of Students and/or the Academic Ombudsman to forward all reports and evidence concerning the case.
- c. The Appeals Board may then, by majority vote, agree to hear the student's case or allow the Dean's and/or the Academic Ombudsman's decision to be final.

1.434

Disposition of Cases of Student Rights

After hearing a case and deciding that a violation of student rights has been proved, the Appeals Board may select from the following remedies:

- a. The Board may request the Dean of Admissions to admit an applicant denied admission in violation of Article 3.12.
- b. The Board may request the Vice President for Student Affairs to give an applicant an athletic scholarship, or financial aid, when such have been denied or withdrawn in violation of Article 3.13.
- c. The Board may request the Vice President for

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Student Affairs to make available University facilities and services on a fair and equitable basis when a violation of Article 3. 14 has been proved.

- d. The Board may request the Dean of Students to have any papers, property or personal effects, taken from a student's person or premises in violation of Article 3. 21, returned to him and not be used to his detriment in disciplinary or academic proceedings.
- e. The Board may request the appropriate University official to direct compliance with Article 3. 22, 3. 23 or 3. 24 when a violation of the rights stated therein has been proved.

1. 435

The detailed provisions relating to jurisdiction and disposition of cases involving coercion, interference and disruption are contained in Article VI.

1. 436

Composition of the University Appeals Board

The University Appeals Board shall consist of ten members; three full-time students and six faculty members, and a Hearing Officer who shall be the Chairman. In addition, there shall be three student alternates and six faculty alternates who shall be selected on the same basis and with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall be expected to meet within 48 hours after notice from the Chairman.

a. The Hearing Officer

The Hearing Officer shall be the Chairman of the Board. He shall be a person with training in the law appointed by the President of the University for a one-year term, beginning September 1st and ending on August 31st. He shall convene and preside at all meetings of the Board. When the 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.

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b. The Student Members

The student membership shall consist of a graduate or professional student, a male undergraduate and a female undergraduate. The undergraduates must be either juniors or seniors with at least a 2.5 overall average and the graduate or professional student must have been in residence at least one year and in good standing in his or her school or college. They shall be appointed to one-year terms, beginning September 1st and ending August 31st, by the President of the University upon the recommendation of the legislative branch of Student Government.

c. The Faculty Members

The faculty members 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 1st and end on August 31st.

d. Other Procedural Rules

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 other procedural rules, not inconsistent with the provisions of this Code, as will effectuate the orderly conduct of its functions.

1.44 Temporary Appointments

If a sufficient number of the members of the University Judicial Board or the Appeals Board are not present at any time when either Board has duties to perform, the President of the University shall make such temporary appointments as are necessary to insure 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 be appointed to replace a student member, nor a student member replace a faculty member.

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1.45

Temporary Sanctions

In the event that the Vice President for Student Affairs has reasonable cause to believe that a student's presence may result in injury to himself, others or University property, or in the event that he has been charged with a crime so serious as to threaten the welfare of the University community, the Vice President may impose such temporary sanctions as he considers necessary to protect members of the University community or its property, including exclusion from University property. Upon taking such action, the Vice President shall notify the University Appeals Board. The student may appeal the Vice President's decision to the University Appeals Board in writing within 30 days. If requested in the written appeal, the Chairman will call a meeting of the Board to hear the case within 48 hours, or as soon as practicable thereafter. The Board shall consider the student's academic needs to attend class, use the library, and fulfill his other academic responsibilities in making its recommendation. This Board may recommend to the President of the University changes or extensions of the Vice President's action. The President then shall determine the sanctions to be imposed.

Such temporary sanctions shall be enforced only for such time as the conditions requiring them exist. Accordingly, the circumstances shall be reviewed by the Board whenever there are indications that they have changed and upon an appeal in writing from the student involved.

1.46 Honor Codes

1.461 Where any school or college has established, or shall establish, an Honor Code or comparable system which is governed by the students, with approval by and/or appeal to the faculty of such school or college, the procedures outlined above shall not govern the following offenses to the extent that they are included as offenses subject to the Honor Code and committed by a student subject to such system:

- a. Disciplinary offense number 1.2 (m) to the extent that it is committed within the school or college subject to such system.
- b. Disciplinary offense number 1.2 (a) and (b) as it pertains to the classroom.

1.462 Such Codes may include as offenses such other actions as are

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- 1.462 deemed appropriate, but cannot cover the offenses described in this Code except as stated above.
- 1.463 The punishment meted out to a student governed by such a system shall be as designated thereby except that actual suspension or expulsion shall be imposed only with the recommendations of the Dean of the school or college and upon the approval of the President of the University.
- 1.464 The procedures of all such Honor Code systems must conform to the statement of student rights herein contained as Section 3.3.
- 1.465 The establishment of such an Honor Code shall include approval by majority vote of the students to be covered and by the faculty involved. Such codes are subject to review for fairness and clarity by the Senate Advisory Committee on Student Affairs upon request of the Vice President for Student Affairs.
- 1.5 Punishments
- 1.51 Warning
- The Dean of Students or his authorized representative may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action. (This action is not appealable.)
- 1.52 Reprimand
- A written admonition which may include a reasonable requirement for additional labor in keeping with the offense committed.
- 1.53 Probation
- Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of probation for a specified period of time. If a student, while on probation, violates any of the terms set forth in the notice of probation or violates the Code of Student Conduct, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of undated suspension, suspension, dismissal or expulsion.

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1.54

Undated Suspension

Exclusion from participation in any and all privileges or extra-curricular University activities, except for attendance in classes in which officially enrolled, for a specified period of time. If a student, while on undated suspension, violates any of the terms set forth in the notice of undated suspension, or violates the Code of Student Conduct, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of suspension, dismissal or expulsion.

1.55

Suspension

Forced withdrawal from the University for a specified period of time, including exclusion from classes, termination of student status and all related privileges and activities, and exclusion from the campus if set forth in the notice of suspension. If a student, while on suspension, violates any of the terms set forth in the notice of suspension or violates the Code of Student Conduct while on a campus of the University, or in relation to a University sponsored activity, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of dismissal or expulsion.

1.56

Dismissal

Exclusion from the campus and termination of student status for an indefinite period. The student may be readmitted to the University only with the specific approval of the President of the University. If a dismissed student violates the Code of Student Conduct while on a campus of the University, or in relation to a University sponsored activity, or is present on a University campus without the written permission of the Dean of Students or Vice President for Student Affairs, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of expulsion.

1.57

Expulsion

Permanent termination of student status without possibility of readmission to any campus of the University.

1.58

Monetary Reimbursement

In cases where personal or public property has been stolen, defaced, disfigured, damaged or destroyed, the disciplinary action shall also include an appropriate monetary reimbursement for compensatory damages.

ARTICLE II - THE RESIDENCE HALLS JUDICIAL SYSTEM

Section

2.1 The Offenses

The University is empowered to promulgate the rules of conduct for those students who use or dwell within University housing, which includes all buildings owned, or leased to, and operated exclusively by the University as student residences.

2.11 The Residence Halls Government shall be given legislative authority to establish, upon approval of the Dean of Students, additional rules regarding conduct within their respective jurisdictions.

2.12 All such rules promulgated by either the University or the Residence Halls Government shall be prominently posted in the University building to which they apply.

2.2 The Procedures

2.21 Residence Halls Governments

There shall be a Residence Hall Government for each comprehensive geographical housing unit as designated by the Dean of Students. Representatives to the Residence Hall Governments shall be elected in accordance with present regulations affecting elections of existing Residence Hall Governments.

2.22 Resident Advisors

Each housing unit shall have a resident advisor appointed by the Dean of Students. This advisor shall have the duty to counsel and advise students having disciplinary problems affecting that student's relationship with the University as a landlord. He shall investigate any complaint of violation of the rules to determine the facts regarding such alleged violation. Such advisor shall have no authority to impose disciplinary punishment upon the student, but, after counselling with the student, may suggest that the student accept certain voluntary disciplinary punishment or counselling and, if the student agrees to accept such punishment or counselling, the resident advisor shall see that the student carries out his agreement. If the advisor and the student cannot agree on the appropriate punishment or counselling, or if, at any time, the student so requests, the resident advisor shall forward the facts and evidence of the case to the Residence Judicial Board for action.

Section

2.23 The Residence Judicial Boards

2.231 Jurisdiction

There shall be a Residence Judicial Board for each housing unit which shall have jurisdiction over all cases involving alleged violations of the applicable rules occurring within its respective housing unit. The Residence J-Board shall be responsible for determining the guilt or innocence of the accused and shall have the primary authority for imposing punishment if it determines that the student has committed a violation. Notice of the punishment determined shall be communicated to the resident advisor for implementation.

2.232 Composition

- a. Each Residence Judicial Board shall be composed of at least five, and not more than nine residents of the respective housing unit. Each Residence Hall Government shall screen all applications for Residence Hall Judicial Board positions. Those approved shall be forwarded to its President who shall, in consultation with the Residence Advisor of that respective unit, make the final selections.
- b. All members of the Residence Judicial Board shall be full-time students and must not be on University academic probation, undated suspension and/or disciplinary probation.

2.3 The Punishment

The Residence Judicial Boards may impose any appropriate punishment up to and including dismissal from the housing unit, e.g., social probation, reprimand, fines, etc.

2.31 However, the Residence Judicial Boards may not impose disciplinary punishment on a University wide basis, e.g., expulsion, suspension, or disciplinary probation.

2.32 Each Residence Judicial Board shall define a system of possible punishments for violation of the rules promulgated by the University and the corresponding Residence Hall Government.

2.4 Right of Appeal

Section

- 2.4 Within 30 days after receipt of the decision of the Residence J-Board, any accused student may appeal in writing to the Vice President for Student Affairs for review by the U. J-Board of the Residence J-Board's finding of guilt or for review of the nature or severity of the punishment imposed or recommended. The Vice President shall forward the appeal to the Chairman of the U. J-Board for action. The decision of the U. J-Board shall be final.

ARTICLE III - UNIVERSITY RIGHTS OF STUDENTS

- 3.1 Right of Admission and Access
- 3.12 Admission Policy
- An applicant for admission to the University shall not be discriminated against because of race, color, religion, sex, national origin, age or political beliefs.
- 3.13 Scholarships, Grants-In-Aid, and Financial Aid
- An applicant for, or a recipient of, University financial aid, a University grant-in-aid, or a University scholarship, shall not be discriminated against because of race, color, religion, or national origin.
- 3.14 Use of Facilities and Services
- The University may delineate the purpose for which students may use certain facilities and shall make them available on a fair and equitable basis. However, the University may restrict its facilities and services when their use would interfere with normal University operations.
- 3.15 Discrimination in the Community
- The University will use its influence to secure equal access for all students to public facilities in the local community.
- 3.2 Right of Privacy
- 3.21 Person and Property
- A student shall be free from searches and seizures of his person and possessions while on University property unless said search and seizure is conducted in the presence and under the

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- 3.21 direction of the Dean of Students or another dean on his staff acting as his authorized representative. The Dean shall be required to specify in writing to the Vice President for Student Affairs the time and place of the search, the reason for it, and the particular property sought to be seized prior to conducting the search, except in cases of imminent danger when it is necessary to conduct the search immediately to protect life or property.
- 3.22 **Disciplinary Records**
- A student's disciplinary record shall be kept separate and confidential unless he consents in writing to have it revealed. However, the Dean of Students may disclose the student's disciplinary record without his consent if legal compulsion or the safety of people or property is involved, or if the information is required by authorized University personnel for official use at the University of Kentucky. In these circumstances, only the information pertinent to the inquiry may be revealed. The Dean may also act without the student's consent to have a statement of expulsion or suspension entered on his academic record for the time that this disciplinary action would prohibit the student from registering. Written notice of this statement shall be sent to the student.
- 3.23 **Counseling Records**
- A student's counseling record shall be kept separate and confidential unless he consents in writing to have it revealed. However, psychologists in the University Counseling Center, counselors in the office of Student Affairs, psychiatrists and physicians in the Student Health Service may share information if professional consultation is advisable. They may also reveal information to an appropriate authority when there is a clear and imminent danger to life, health, safety, or property. And they may provide an evaluation of a student's predicted academic ability upon request from his instructor, advisor, dean or the dean's representative.
- 3.24 **Evaluation of Student Character and Ability**
- A student's character and ability shall be evaluated only by those with personal knowledge of him. Records containing such evaluations shall indicate when the information was acquired, by whom, and the position of the individual.
- 3.3 **Rights of the Accused**
- 3.31 The student shall be guaranteed the following rights in all proceedings of the University Judicial System.

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- 3.311 All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies.
- 3.312 No student shall be compelled to give testimony which might tend to incriminate him, and his refusal to do so shall not be considered evidence of his guilt.
- 3.313 The accused student shall be informed in writing of the reasons for his appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing.
- 3.314 The accused shall be entitled to receive upon request a copy of all rules and procedures governing the judicial agency at least 24 hours prior to his appearance before the agency.
- 3.315 The accused student shall enjoy the right to hear and question the witnesses against him and to present witnesses in his own favor.
- 3.316 The accused shall enjoy the right to have the assistance of an advisor of his choice and shall be informed of this right in all processes of the University Judicial System.
- 3.317 Only impartial members of the judicial agency shall sit in judgment of any case.
- 3.318 The accused shall have access to a permanent verbal or written transcript of every hearing of every judicial agency.
- 3.319 The accused student shall have the right to either an open or closed hearing. All hearings before any judicial agency shall be closed unless the accused requests that said hearing be open. If a student desires an open hearing, he must file a written request with the hearing officer at least 24 hours prior to the time set for the hearing. The hearing officer will then admit to the hearing, in addition to those admitted to closed hearings, one properly identified member of the working press from the student newspaper, and from each established newspaper, magazine, television or radio station requesting admission, four persons invited by the accused, and four persons invited by the University Counsel. The hearing officer may order the removal of any disruptive person from the hearing.
- 3.4 Right of Free Expression
- A student has the right to freedom of expression, which includes the right to picket or demonstrate for a cause, subject to the following conditions:

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3.4

- a. He must act in an orderly and peaceful manner.
- b. He must not in any way interfere with the proper functioning of the University.
- c. He must obey the University's regulations as to time, place and manner.

3.5

Right to a Free Student Press

Student publications must be free to deal openly, fearlessly and responsibly with issues of interest and importance to the academic community. Student publications will avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deception of its readers, unnecessary harassment and innuendo, and other violations of individual rights.

The editors shall have the right to editorial freedom without the prior approval of copy and will be protected against dismissal or suspension, except for violations of policies established by the Board of Student Publications.

ARTICLE IV - THE UNIVERSITY AS A SUPERVISOR
OF STUDENT ORGANIZATIONS

The supervision of student organizations shall rest with the Dean of Students.

4.1

Types of Organizations, Membership, Registration and Advisors

4.11

Types of Organizations

1. Social sororities and fraternities
2. Honors, Leadership and Recognition Societies
3. Department organizations and professional fraternities
4. Political organizations
5. Government organizations
6. Specialty organizations (religious, athletic, military, etc.)

4.12

Membership

Membership in student organizations shall be limited to students, faculty and staff of the University, except Honors, Leadership and Recognition societies may include other persons as provided for in their national constitution.

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4.13 Registration

- 4.131 Any student organization which wishes to use the University of Kentucky name, University facilities or property or to solicit thereon must complete the registration form available in the Office of the Dean of Students.
- 4.132 Its registration is at the discretion of the Dean of Students and is dependent upon the completion of the required application form and compliance with the rules and additional criteria he may set forth. Such criteria shall be established and published by the Dean and made uniform for all similar type organizations. The Dean may limit its registration with its concomitant permission to a fixed period of time, the length to be determined at his discretion.
- 4.133 Student organizations must be registered before they may use University facilities or property. The Dean of Student shall promulgate regulations governing the use of University facilities by registered student organizations. These regulations shall specify the times when facilities and premises are available for use, the manner in which they may be used, and how they may be reserved.
- 4.14 Advisors
- 4.141 Each such organization must comply with the following requirements for advisors upon submission of an application for registration:
- a. Every social fraternity or sorority shall have a University advisor, who shall be appointed by the Dean of Students and a faculty advisor elected by the membership.
 - b. Every Honors, Leadership or Recognition society shall have a faculty advisor elected by the membership.
 - c. Every departmental organization and professional fraternity shall have a faculty advisor.
 - d. Every political organization shall have a University advisor elected by the membership, or failing that, appointed by the Dean of Students as well as a faculty advisor elected by the membership.

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- e. Every governmental organization shall have a University advisor appointed by the Dean of Students and a faculty advisor elected by the membership.
- f. Every specialty organization shall have a sponsor, who must be approved by the Dean of Students, and a faculty advisor elected by the membership.

4.142

The definition and scope of the various advisors required above is as follows:

- a. University Advisor: a member of the staff of the Office of the Dean of Students or any administrative office under his jurisdiction whose duty shall be to counsel and advise the organization and its officers as to their powers and responsibilities. However, he shall have no authority to prohibit any proposed action by a political organization.
- b. Faculty Advisor: a member of the tenured faculty of the University connected with or interested in the organization, who shall offer support and advice to the officers in carrying out the purposes of the organization, and shall make himself available to meet with members of the organization at their regular meetings or at a special meeting called for that purpose. He can use this opportunity to breach the wall between faculty and students and discuss matters of interest in a more informal atmosphere.

In the case of social fraternities and sororities, political organizations, and governmental organizations, which have University advisors, the requirement of a tenured faculty advisor may be waived in exceptional circumstances by the Dean of Students for a period not to exceed one year.

If a tenured faculty member is not available to advise a departmental organization, or professional fraternity, then the Dean of Students, with the approval of the department chairman, may waive the requirement of a tenured faculty advisor for a period not to exceed one year.

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4.142 c. Sponsor: a responsible adult interested in the purposes of the organization who shall give guidance and counsel to the officers in carrying out the purposes of the organization and shall make himself available to meet with the members of the organization at their regular meetings.
- 4.2 The Offenses
- 4.21 Hazing
- 4.22 Interference with activities of the University, of any other registered organization, or of any individual; except that peaceful picketing will be permitted so long as it does not directly inhibit the carrying out of an activity on University property. An organization intending to picket shall inform the Dean of Students and Director of Safety and Security as to time and place.
- 4.23 Conduct which is disorderly, abusive, drunken, violent or excessively noisy.
- 4.24 Discrimination against any person due to race, color, sex or religious affiliation or belief, except when the express and legitimate purposes of the organization require limitation as to sex and religion.
- 4.25 Knowingly enrolling as an official member or electing, appointing, or retaining as an elected or appointed officer or committee chairman any student on academic probation or under disciplinary sanctions which prohibit him from holding such office.
- 4.26 Organizing, sponsoring, implementing, or conducting programs or activities which are disorderly, which are violations of law or University regulations, or which contain lewd, indecent or obscene conduct or expression.
- 4.27 Fiscal Irresponsibility
- 4.28 Any violation of University rules or policies which apply to registered student organizations or their use of University facilities or property.
- 4.3 Punishment
- 4.31 Student organizations are creatures of the University and without legal status. Accordingly, no specific procedures for adjudicating

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4.31 the commission of any of the offenses have been established other than the Dean of Students may impose punishment up to and including refusal or cancellation of registration.

4.4 Right of Appeal

Within 30 days of receipt of notice that the Dean of Students has refused or cancelled the registration of an organization, the officers or proponents of such organization shall be given the right to appeal in writing to the Vice President for Student Affairs.

The Vice President may either grant or reinstate the registration in question or refer the matter to the University Appeals Board. The Appeals Board shall forward its recommendation to the President, whose decision shall be final.

ARTICLE V - STATEMENT OF FINANCIAL DELINQUENCY

The University expects the student to be financially responsible and not be delinquent in his financial obligations to the University or to any Department or Division of it. Such obligations shall not include fines and penalties assessed against the student by other than University officers.

Financial obligations that are not met within 10 days after the date due shall be reported in writing to the proper office. Obligations to any Division or Department of the University shall be reported to the office designated by the Vice President for Business Affairs and Treasurer.

The appropriate business office shall notify the student of the financial obligation. If the student does not settle the obligation by the date designated on the notice, he shall, subject to regulations promulgated by the Vice President for Business Affairs and Treasurer, be considered delinquent, and that office shall notify the Registrar.

After the Registrar has been notified that a student is delinquent, he shall not allow the student to register, or to transfer credits or certify him for graduation, until he has been notified in writing by the appropriate business office that the obligation has been settled.

ARTICLE VI - INTERFERENCE, COERCION AND DISRUPTION

The University of Kentucky has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceably to assemble. It is equally clear, however, that in a community of learning, interference, coercion or disruption cannot be tolerated.

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- 6.1 No student shall engage in interference, coercion or disruption.
- 6.11 Section 6.1 above is violated when a student, acting alone or in concert with others, impedes or impairs University missions, processes or functions, or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or property, or part thereof, without authorization by the University; blocking the entrance or exit of any University building or corridor or room therein; setting fire to, or by any other means, damaging any University building or property, or the property of others on University premises; any display of, or attempt or threat to, use firearms, explosives or other weapons upon University property without University authorization; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly upon University property; blocking normal pedestrian or vehicular traffic on University property; and failure to vacate premises when ordered to do so by a University official.
- 6.2 Administrative Authority and Responsibility
- When it appears that there is a violation of Section 6.1, the Administration of the University is authorized and directed to take one or more of the following actions:
- a. Prefer charges under the Code of Student Conduct.
 - b. Impose interim suspension.
 - c. Declare a state of emergency.
 - d. Make application to the courts for injunctive relief.
 - e. Request the assistance of outside law enforcement agencies available under the laws of the Commonwealth of Kentucky.
 - f. Take such other actions deemed necessary by the President of the University to protect lives and property and provide for the orderly operation of the institution.
- 6.3 Disciplinary Procedures
- 6.31 The University Appeals Board shall exercise original jurisdiction with regard to all cases wherein students are charged with a violation of Section 6.1

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- 6.32 The decision of the Appeals Board shall be final as to the issue of guilt or innocence and as to questions of law and procedural questions arising under this Code.
- 6.33 If the Appeals Board, by a majority of the members hearing any particular case, finds that an accused student is guilty of a violation of Section 6.1, it shall fix the punishment therefor, which shall be either suspension, dismissal or expulsion, and may include monetary reimbursement. The Board may, however, impose the penalty of undated suspension, if it makes a specific finding of substantial mitigating circumstances.
- 6.34 Within 30 days after receipt of the decision of the Appeals Board, a student found guilty may appeal in writing to the President of the University for a review of the nature or severity of the punishment imposed. In the event of an appeal, the President may increase or decrease the punishment imposed by the Appeals Board.
- 6.4 Interim Suspension
- 6.41 Interim suspension is defined as exclusion of a student from the campus, pending a prompt hearing.
- 6.42 Interim suspension may be imposed only by the President of the University, the Vice President for Administration, the Vice President for Student Affairs, or the Dean of Students when any one of these officials has reasonable cause to believe that a student has committed an offense defined in Section 6.1.
- 6.43 In no case shall an interim suspension be in effect for a period longer than 7 days.
- 6.44 The official invoking interim suspension shall cause charges to be preferred and the reports and evidence forwarded to the Chairman of the Appeals Board, who shall docket the case for a prompt hearing.
- 6.5 State of Emergency
- 6.51 The President of the University, or in his absence, the Vice President for Administration, or other University official specifically designated by the President, may declare that a state of emergency exists on the campus. The declaration of a state of emergency shall be made when, in the judgment of the President or his designee, conditions are such that a clear and present danger exists with regard to the safety of persons or property or when conditions are such as to justify a reasonable belief that disruption is likely to occur.

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In the event of a declaration of a state of emergency, the following procedures may be implemented:

- a. No persons, other than students, faculty and staff of the University with proper University identification, and representatives of duly constituted law enforcement agencies, shall be permitted on the campus without appropriate identification issued by the University's Department of Safety and Security.
- b. The President, the Vice President for Administration, the Vice President for Student Affairs, the Dean of Students or their authorized representatives may impose upon any person such temporary sanctions as are considered necessary to protect members of the University community or its property, or to prevent disruption of the University.
- c. The President, or, in his absence, the Vice President for Administration, may impose such other temporary regulations, including the suspension of all mass meetings, and other gatherings, as may be reasonably necessary to protect the safety and welfare of persons on the campus, prevent damage to property, and provide for the orderly and efficient operation of the University.
- d. Take any of the actions enumerated in Section 6.2 above.

6.6

No amnesty

No person shall have authority to grant amnesty or to make any promises as to prosecution or non-prosecution in any court, state or federal, or before any board to any person charged with or suspected of violating Section 6.1 of this Code.