

Policy 8-10 Rev. 6
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Subject: **UNIVERSITY REGULATIONS- Chapter X
CODE OF STUDENT RIGHTS AND RESPONSIBILITIES (“STUDENT CODE”)**

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SECTION I: GENERAL PROVISIONS AND DEFINITIONS

A. General Provisions

The Code of Student Rights and Responsibilities has seven parts: General Provisions and Definitions, Student Bill of Rights, Student Behavior, Student Academic Performance, Student Academic Conduct, Student Professional and Ethical Conduct, and Student Records.

The mission of the University of Utah is to educate the individual and to discover, refine and disseminate knowledge. The University supports the intellectual, personal, social and ethical development of members of the University community. These goals can best be achieved in an open and supportive environment that encourages reasoned discourse, honesty, and respect for the rights of all individuals. Students at the University of Utah are encouraged to exercise personal responsibility and self-discipline and engage in the rigors of discovery and scholarship.

Students at the University of Utah are members of an academic community committed to basic and broadly shared ethical principles and concepts of civility. Integrity, autonomy, justice, respect and responsibility represent the basis for the rights and responsibilities that follow. Participation in the University of Utah community obligates each member to follow a code of civilized behavior.

The purposes of the Code of Student Rights and Responsibilities are to set forth the specific authority and responsibility of the University to maintain social discipline, to establish guidelines that facilitate a just and civil campus community, and to outline the educational process for determining student and student organization responsibility for alleged violations of University regulations. University policies have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution. The University encourages informal resolution of problems, and students are urged to discuss their concerns with the involved faculty member, department chair, dean of the college or dean of students. Informal resolution of problems by mutual consent of all parties is highly desired and is appropriate at any time.

In cases where a more formal resolution of problems is needed, distinct administrative procedures and time lines have been established for proceedings under the Standards of Behavior (Part III), the

Standards of Academic Performance (Part IV), the Standards of Academic Conduct (Part V) and the Standards of Professional Conduct (Part VI). Certain conduct by students may fall within more than one section of the Student Code. When this is the case, an appropriate University administrator shall determine which section of the code is the appropriate section under which to proceed. In special circumstances, the appropriate University administrator may extend time lines in the interest of fairness to parties or to avoid injury to one of the parties or to a member of the University community.

The University, the Committees and all participants shall take reasonable steps to protect the rights and, to the extent appropriate, the confidentiality of all parties involved in any proceedings under the Student Code.

At the sole discretion of the University, proceedings under the Student Code may be postponed when acts or conduct involving possible violations of the Standards of Behavior, the Standards of Academic Conduct or the Standards of Professional Conduct are also the subject of ongoing criminal or civil enforcement proceedings brought by federal, state, or local authorities and when postponing the proceedings will serve the best interests of the University or will better facilitate the administration of justice by such authorities. The vice president for student affairs, or designee, shall make the decision regarding proceedings under the Standards of Behavior. The senior vice president for academic affairs or the senior vice president for health sciences, or their designees, shall make the decision regarding proceedings under the Standards of Academic Conduct and the Standards of Professional Conduct.

The dean of students, or the senior vice president for academic affairs, or the senior vice president for health sciences, or their designees, may place a hold on the student's records and/or registration pending the resolution of proceedings under the Student Code.

B. Definitions

As used in the Student Code:

1. "Academic action" means the recording of a final grade (including credit/no credit and pass/fail) in a course, on a comprehensive or qualifying examination, on a culminating project, or on a dissertation or thesis. It also includes a decision by the appropriate department or college committee to place a student on academic probation, or to suspend or dismiss a student from an academic program because the student failed to meet the relevant academic standards of the discipline or program. The term "academic action" does not include the decision by a department or program to refuse admission of a student into an academic program. Academic action also does not include academic sanctions imposed for academic misconduct or for professional misconduct.
2. "Academic misconduct" includes, but is not limited to, cheating, misrepresenting one's work, inappropriately collaborating, plagiarism, and fabrication or falsification of information, as defined further below. It also includes facilitating academic misconduct by intentionally helping or attempting to help another to commit an act of academic misconduct.
 - a. "Cheating" involves the unauthorized possession or use of information, materials, notes, study aids, or other devices in any academic exercise, or the unauthorized communication with another person during such an exercise. Common examples of cheating include, but are not limited to, copying from another student's examination, submitting work for an in-class exam that has been prepared in advance, violating rules governing the administration of exams, having another person take an exam, altering one's work after the work has been returned and before resubmitting it, or violating any rules relating to academic conduct of a course or program.
 - b. Misrepresenting one's work includes, but is not limited to, representing material prepared by another as one's own work, or submitting the same work in more than one course without prior permission of both faculty members.

- c. "Plagiarism" means the intentional unacknowledged use or incorporation of any other person's work in, or as a basis for, one's own work offered for academic consideration or credit or for public presentation. Plagiarism includes, but is not limited to, representing as one's own, without attribution, any other individual's words, phrasing, ideas, sequence of ideas, information or any other mode or content of expression.
- d. "Fabrication" or "falsification" includes reporting experiments or measurements or statistical analyses never performed; manipulating or altering data or other manifestations of research to achieve a desired result; falsifying or misrepresenting background information, credentials or other academically relevant information; or selective reporting, including the deliberate suppression of conflicting or unwanted data. It does not include honest error or honest differences in interpretations or judgments of data and/or results.
3. "Academic sanction" means a sanction imposed on a student for engaging in academic or professional misconduct. It may include, but is not limited to, requiring a student to retake an exam(s) or rewrite a paper(s), a grade reduction, a failing grade, probation, suspension or dismissal from a program or the University, or revocation of a student's degree or certificate. It may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.
4. "Arbitrary and capricious" means that there was no principled basis for the academic action or sanction.
5. "Behavioral misconduct" includes acts of misconduct as further defined in Part III A.
6. "Behavioral sanction" means a sanction imposed on a student for engaging in behavioral misconduct. It may include, but is not limited to, a written reprimand, the imposition of a fine or payment of restitution, community service, probation, or suspension or dismissal from the University.
7. "Business day" is every day that the University is open for business, excluding weekends and University-recognized holidays. The official calendar is maintained by the University registrar's office.
8. "Department" means an academic unit, program, department, division, college or school, whichever is the appropriate academic unit of organization.
9. "Disciplinary records" are all records relating to the imposition of an academic sanction or a behavioral sanction.
10. "Faculty" or "faculty member" refers to an individual who teaches or conducts research at or under the auspices of the University and includes students with teaching responsibilities and other instructional personnel. It also refers to the chair of a faculty committee that has assessed an academic action.
11. "Notice" or "Notification" refers to the date of delivery if notification is delivered personally or ten (10) business days after the time of postmark if the notification is mailed by U.S. mail. In the case of grades, notification refers to the date the grades are available on the World Wide Web.
12. "Professional misconduct" means the violation of professional or ethical standards for the profession or discipline for which a student is preparing as adopted or recognized as authoritative by the relevant academic program. The term also includes specific misconduct that demonstrates the student's unfitness for such profession or discipline.
13. "Program" refers to any set of courses that may be a degree, major, minor, certificate, or related course of study.
14. "Sexual harassment" is defined in [Policy and Procedures No. 2-6A](#).

15. “Staff” or “Staff member” refers to a person other than a faculty member who receives compensation for work or services from funds controlled by the University, regardless of the source of funds, the duties of the position, or the amount of compensation paid.

16. “Student” refers to a person who is currently, or was at the time of the offense, matriculated and/or registered in any class or program of instruction or training offered by the University at any level, whether or not for credit.

17. “University” means the University of Utah and all of its undergraduate, graduate and professional schools, divisions and programs.

18. “University activities” are teaching, research, service, administrative functions, ceremonies, or programs conducted under the auspices of the University.

19. “University premises” means the University campus and any other property, building or facility, that is owned, operated or controlled by the University.

SECTION II: STUDENT BILL OF RIGHTS

Students have certain rights as members of the University community in addition to those constitutional and statutory rights and privileges inherent from the State of Utah and the United States of America. Nothing in this document shall be construed so as to limit or abridge students’ constitutional rights. Students have the responsibility not to deny these rights to other members of the University community. Students have the additional legal rights and privileges described below and they will not be subject to discipline for the exercise of such rights and privileges.

A. Learning Environment. Students have a right to support and assistance from the University in maintaining a climate conducive to thinking and learning. University teaching should reflect consideration for the dignity of students and their rights as persons. Students are entitled to academic freedom and autonomy in their intellectual pursuits and development. Students have a right to be treated with courtesy and respect.

B. Rights in the Classroom. Students have a right to reasonable notice of the general content of the course, what will be required of them, and the criteria upon which their performance will be evaluated. Students have a right to have their performance evaluated promptly, conscientiously, without prejudice or favoritism, and consistently with the criteria stated at the beginning of the course.

C. Role in Governance of the University. Students have a right to participate in the formulation and application of University policy affecting academic and student affairs through clearly defined means, including membership on appropriate committees and administrative bodies. Students have a right to perform student evaluations of faculty members, to examine and publish the numerical results of those evaluations, and to have those evaluations considered in the retention, promotion, tenure and post-tenure reviews of faculty members.

D. Due Process. Students have a right to due process in any proceeding involving the possibility of substantial sanctions. This includes a right to be heard, a right to decision and review by impartial persons or bodies, and a right to adequate notice.

E. Freedom from Discrimination and Sexual Harassment. Students have a right to be free from illegal discrimination and sexual harassment. University policy prohibits discrimination, harassment or prejudicial treatment of a student because of his/her race, color, religion, national origin, sex, sexual orientation, age, or status as an individual with a disability, as a disabled veteran, or as a veteran of the Vietnam era.

F. Freedom of Expression. Students have a right to examine and communicate ideas by any lawful means. Students will not be subject to academic or behavioral sanctions because of their constitutionally protected exercise of freedom of association, assembly, expression and the press.

G. Privacy and Confidentiality. Students have a right to privacy and confidentiality subject to reasonable University rules and regulations. Matters shared in confidence (including, but not limited to, information about a student's views, beliefs and political associations) must not be revealed by faculty members or University administrators except to persons entitled to such information by law or University policies. Students have a right to be free from unreasonable search and seizures.

H. Student Records. Students have a right to protection against unauthorized disclosures of confidential information contained in their educational records. Students have a right to examine and challenge information contained in their educational records. For detailed information regarding confidentiality of educational records, and student access to records, students should refer to Part VII, Student Records.

I. Student Government and Student Organizations. Students have a right to participate in elections for the Associated Students of the University of Utah. Students have a right to form student organizations for any lawful purpose.

SECTION III: STUDENT BEHAVIOR

A. Standards of Behavior

In order to promote personal development, to protect the University community, and to maintain order and stability on campus, students who engage in any of the following acts of behavioral misconduct may be subject to behavioral sanctions:

1. Acts of dishonesty, including but not limited to the following:
 - a. Furnishing false or misleading information to any University official.
 - b. Forgery, alteration or misuse of any University document, record, fund or identification.
2. Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities.
3. Physical or verbal assault, sexual harassment⁽¹⁾, hazing, threats, intimidation, coercion or any other behavior which threatens or endangers the health or safety of any member of the University community or any other person while on University premises, at University activities, or on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance.
4. Attempted or actual theft, damage or misuse of University property or resources.
5. Sale or distribution of information representing the work product of a faculty member to a commercial entity for financial gain without the express written permission of the faculty member responsible for the course. ("Work product" means original works of authorship that have been fixed in a tangible medium and any works based upon and derived from the original work of authorship.)
6. Unauthorized or improper use of any University property, equipment, facilities, or resources, including unauthorized entry into any University room, building or premises.
7. Possession or use on University premises or at University activities of any firearm or other dangerous weapon, incendiary device, explosive or chemical, unless such possession or use has been

authorized by the University.

8. Use, possession or distribution of any narcotic or other controlled substance on University premises, at University activities, or on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance, except as permitted by law and University regulations.

9. Use, possession or distribution of alcoholic beverages of any type on University premises except as permitted by law and University regulations.

10. Violation of published University policies, rules or regulations.

11. Violation of federal, state or local civil or criminal laws on University premises, while participating in University activities, or on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance.

B. Initial Oral or Written Complaint

1. Any person directly aggrieved by an alleged violation of the Standards of Behavior or any faculty member, student, or staff member may submit an oral⁽²⁾ or written complaint to the dean of students, or designee, within forty-five (45) business days of the date of discovery of the alleged violation.

2. A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Behavior, or that is not timely, may be dismissed by the dean of students, or designee, after an initial review. A person who knowingly and intentionally files a false complaint may be referred to the appropriate committee or office within the University for possible disciplinary action as described in [Policy and Procedures No. 2-9 \(staff\)](#), [Policy and Procedures No. 8-12 \(faculty\)](#) or this code (students).

C. Initial Inquiry and Informal Resolution

1. After an oral or written complaint has been submitted, the dean of students, or designee, shall, within ten (10) business days, give written notice to the student against whom the complaint was lodged (the responding student) of the allegations of the complaint and the procedures under the Student Code to resolve the issue.

2. Within twenty (20) business days of receipt of the complaint, the dean of students, or designee, shall begin an initial inquiry to determine whether there is a reasonable basis for believing that the responding student violated the Standards of Behavior. The dean of students, or designee, shall interview the complaining party, the responding student and any other persons believed to have pertinent factual knowledge of the allegations. The dean of students, or designee, may also review any other relevant evidence, including documentary material.

3. At the conclusion of the initial inquiry the dean of students, or designee, shall determine whether there is a reasonable basis for believing that the responding student violated the Standards of Behavior. The dean of students, or designee, shall notify the student and the complaining party in writing of his or her decision.

4. If the dean of students, or designee, determines that there is a reasonable basis for believing that the responding student violated the Standards of Behavior, he/she shall determine whether efforts at informal resolution are appropriate and, if so, shall take whatever steps are useful to that end. Efforts to informally resolve the dispute shall occur within ten (10) business days of the conclusion of the initial inquiry or within thirty days (30) business days of receipt of the initial complaint (whichever is later). If an informal resolution is reached and the responding student complies with the terms and conditions, if any, of the resolution, no further action against the responding student will be taken and the matter will be closed.

D. Formal Written Complaint and Referral to Student Behavior Committee

1. If informal resolution is inappropriate, or if efforts at informal resolution are not successful within the allowed time period, the dean of students, or designee, shall determine whether the initial written complaint (if any) is sufficiently detailed to submit to the Student Behavior Committee. If the initial complaint was oral, or was not sufficiently detailed, the dean of students shall instruct the complaining party to prepare and submit, within five (5) business days of this instruction, a detailed formal written complaint of the circumstances giving rise to the complaint.
2. If a complaining party elects not to pursue a matter before the Student Behavior Committee, the dean of students, or designee, or another University official, may submit a formal written complaint against the responding student and pursue the matter before the Student Behavior Committee.
3. The dean of students, or designee, shall provide the responding student with a copy of the formal written complaint.
4. Within five (5) business days of receiving the formal written complaint, the responding student may submit a written response to the complaint to the dean of students, or designee.
5. The dean of students, or designee, shall refer the formal written complaint and any written response from the responding student to the Student Behavior Committee.

E. Proceedings Before the Student Behavior Committee

1. Makeup of the Committee. The Student Behavior Committee shall be composed of seven (7) members. Two members shall be faculty appointed by the president of the University upon nomination by the Personnel and Elections Committee of the Academic Senate. Two members shall be staff appointed by the president upon nomination by the vice president for student affairs. Three members shall be students appointed by the president upon nomination by the vice president for student affairs, in consultation with the president of ASUU. At least one of the students shall be a graduate student. The president shall appoint three alternates to the Committee: one student, one faculty member, and one staff member. Student members shall serve staggered two-year terms. Faculty and staff members shall serve staggered three-year terms. The Committee chair shall be appointed by the president. The Committee shall establish internal procedures consistent with the Student Code.
2. Conflict of Interest. Upon written request of one of the parties or Committee members, the dean of students may excuse any member of the Committee if the dean determines that the member has a conflict of interest. The dean shall notify the appropriate alternate member (i.e., student, faculty member, or staff member) to replace the excused member.
3. Proceedings Before the Committee. When a timely complaint and response are filed, the Committee chair shall schedule a hearing date if:
 - a. The documents raise material issues of disputed fact;
 - b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues; or
 - c. The possible sanctions against the responding student may include dismissal from the University, suspension from the University for longer than ten (10) business days, or revocation of the student's degree or certificate.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall notify the complaining party and the student in writing of this determination and convene

a closed meeting of the Committee to consider the documentation submitted by the complaining party and the student. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the vice president for student affairs, or designee, within ten (10) business days after the Committee meeting.

4. Notice of Hearings Before Committee. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties⁽³⁾ in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least fifteen (15) business days prior to the hearing.

5. Hearing Procedures. Hearings shall be conducted according to the following procedures:

- a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the complaint.
- b. At least five (5) business days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.
- c. The parties have a right to be accompanied by any person as advisor, including legal counsel, who will be permitted to attend, but not directly participate in, the proceedings.
- d. Hearings shall be closed to the public.
- e. The hearing, except for Committee deliberations and voting, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions.
- f. The Committee must have a quorum present to hold a hearing. A quorum consists of five (5) members, including at least one (1) student. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same five members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.
- g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's internal procedures.
- h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.
- i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
- j. If a majority of the Committee members find, by a preponderance of the evidence that the responding student violated the Standards of Behavior, the Committee may recommend any behavioral sanction it deems appropriate given the entire circumstances of the case, including but not limited to a written reprimand, the imposition of a fine or payment of restitution, community service, probation, suspension, or dismissal from the University.
- k. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.

l. If the complaining party or the responding student fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations to the vice president for student affairs, or designee, on the basis of such testimony and evidence.

m. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the vice president for student affairs, or designee, within ten (10) business days after the conclusion of the hearing.

F. Review and Decision by the Vice President for Student Affairs or Designee

1. The vice president for student affairs, or designee, shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the vice president, or designee, shall, within ten (10) business days, take one of the following actions:

a. Accept the Committee's findings and recommendations;

b. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the vice president, or designee, a second report of its findings and recommendations relating to the specific matters referred by the vice president, or designee, for further consideration; or

c. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The vice president may impose a greater or lesser sanction than recommended by the Committee.

2. Written notification of the vice president's, or designee's, decision shall be communicated to the parties concerned within ten (10) business days of receipt of the recommendation.

3. The vice president's, or designee's, decision is final unless appealed to the president within ten (10) business days of receipt of the decision.

G. Appeal to President

Within ten (10) business days of receipt of the vice president's or designee's decision, any party may appeal the decision by filing a written notice of appeal with the president and delivering a copy to the other party. The other party may file a response to the appeal with the president within five (5) business days of receipt of the appeal. In the case of an appeal:

1. The president shall consider the appeal and the response and may solicit whatever counsel and advice the president deems appropriate to arrive at a final decision. The president may also convene an ad hoc committee composed of students and faculty members from outside the Student Behavior Committee to determine if there were substantial defects that denied basic fairness and due process. After receiving the appeal, the president shall, within ten (10) business days, or twenty (20) business days if an ad hoc committee is formed, take one of the following actions:

a. Accept the decision of the vice president for student affairs or his/her designee;

b. Return the report to the vice president, or his/her designee, requesting that he/she clarify specific matters, materials, and issues, and forward to the president a second report of his/her decision relating to the specific matters referred by the president for further explanation; or

c. Reject all or parts of the vice president's, or designee's, decision, stating reasons and actions for either imposing a greater or lesser sanction than determined by the vice president.

2. Written notification of the president's decision and the basis for that decision shall be communicated to the parties concerned within ten (10) business days after receipt of the appeal, or within twenty (20) business days after receipt of the appeal if an ad hoc committee is formed.

3. The decision of the president is final.

H. Suspension or Dismissal from the University for Behavioral Misconduct

The sanctions of suspension or dismissal from the University for behavioral misconduct may be imposed: (1) if agreed upon in informal resolution between the responding student and the dean of students or designee; (2) if recommended by the Student Behavior Committee to the vice president for student affairs or designee; (3) by the vice president for student affairs or designee notwithstanding the recommendation of the Committee; or (4) by the president notwithstanding the decision of the vice president for student affairs. A student who has been suspended or dismissed from the University shall be denied all privileges accorded to a student.

1. Suspension

a. Suspension from the University shall be for a minimum time of one semester following the semester the student is found responsible for the behavioral misconduct.

b. The office of the dean of students shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement. Notice of the suspension shall also be provided to the student's department chair.

c. Petitions for reinstatement shall be submitted to the office of the dean of students and shall explain how the conditions for reinstatement have been met.

d. The office of the dean of students shall consider the petition and shall issue a decision regarding the student's reinstatement within fifteen (15) business days of receipt of the petition.

e. The office of the dean of students may grant conditional reinstatement contingent upon the student meeting written requirements specified by the office of the dean of students or by the chair of the Student Behavior Committee in the original sanction to the extent that such conditions pertain to the original offense in the original sanction.

2. Dismissal

a. Dismissal from the University is final. A student dismissed from the University for behavioral misconduct may not petition for reinstatement.

b. Permanent records of dismissal shall be kept in the office of the dean of students. Notice of the dismissal shall be provided to the student's department chair.

c. The dismissed student's transcript will reflect his/her dismissal.

d. Dismissal should be reserved for only the most egregious of offenses.

I. Administrative Suspension to Protect the University Population

The vice president for student affairs (or designee) or the senior vice president for academic affairs (or designee) or the senior vice president for health sciences (or designee) may suspend a student from the University prior to an initial inquiry and hearing before the Student Behavior Committee if such action appears necessary to protect the health or well-being of any member of the University community, any

member of the public, or to prevent serious disruption of the academic process. Prior to, contemporaneous with, or immediately after the suspension, the vice president shall give the student written notice of the suspension specifying the alleged misconduct and setting forth briefly the relevant facts and supporting evidence. The vice president shall then provide the student with an opportunity to meet with him/her to present the student's views and object to the suspension. This meeting shall take place prior to the suspension taking effect or as soon as possible thereafter. The vice president shall thereafter immediately refer the complaint to the appropriate University administrator for proceedings under the code, and the suspension will be in effect pending a final determination of the matter. The vice president shall notify other University administrators of the suspension as appropriate.

J. Other University Proceedings

If the filing of a complaint or an appeal concerning behavioral misconduct under the Student Code raises issues of academic misconduct or professional misconduct, the dean of students, or designee, shall immediately notify the involved faculty member, dean or cognizant senior vice president and these individuals shall determine the appropriate procedure(s) for processing the complaint or the appeal.

K. Retention of Records of Proceedings

Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of behavioral misconduct shall be kept in the office of the dean of students, and a copy may be retained in other academic departments as appropriate.

- (1) Allegations of sexual harassment generally will be handled by OEO/AA in accordance with Policy and Procedures No. 2-32. However, allegations of student to student sexual harassment may be handled under the Student Code, rather than by the office of OEO/AA.
- (2) Oral complaints presented to the dean of students shall be recorded by the dean's office either electronically or in transcribed form.
- (3) The parties to a complaint before the Student Behavior Committee are the responding student, the complaining party, and the dean of students.

SECTION IV: STUDENT ACADEMIC PERFORMANCE

A. Standards of Academic Performance

In order to ensure that the highest standards of academic performance are promoted and supported at the University, students must:

1. Meet the academic requirements of a course; and
2. Meet the academic requirements of the relevant discipline or program.

Faculty members are qualified as professionals to observe and judge all aspects of a student's academic performance, including demonstrated knowledge, technical and interpersonal skills, attitudes and professional character, and ability to master the required curriculum. An academic action, as defined in Part I B., may be overturned on appeal only if the academic action was arbitrary or capricious.

B. Appeals Process

A student who believes that an academic action taken in connection with Section A above is arbitrary or capricious should, within twenty (20) business days of notification of the academic action, discuss the academic action with the involved faculty member⁽¹⁾ and attempt to resolve the disagreement. If the faculty member does not respond within ten (10) business days, if the student and faculty member are unable to resolve the disagreement, or if the faculty member fails to take the agreed upon action within ten (10) business days, the student may appeal the academic action in accordance with the following procedures. It is understood that all appeals and proceedings regarding academic actions will initiate with the faculty and administrators in the college or program offering the course in question. If the course is cross-listed, appeals and proceedings shall take place with the faculty and administrators offering the section for which the student is registered.

1. Appeal to Chair of the Department or Dean's Designee⁽²⁾. Within forty (40) business days of notification of the academic action, the student shall appeal the academic action in writing to, and consult with, the chair of the relevant department regarding such academic action. Within fifteen (15) business days of consulting with the student, the chair shall notify the student and faculty member, in writing, of his/her determination of whether the academic action was arbitrary or capricious and of the basis for that decision. If the chair determines that the academic action was arbitrary or capricious, the chair shall take appropriate action to implement his/her decision unless the faculty member appeals the decision. If the chair fails to respond in fifteen (15) business days, the student may appeal to the Academic Appeals Committee.

2. Appeal to Academic Appeals Committee. If either party disagrees with the chair's decision, that party may appeal to the college's Academic Appeals Committee within fifteen (15) business days of notification of the chair's decision in accordance with the procedures set forth in Section C, below.

C. Proceedings Before the Academic Appeals Committee

1. Written Appeal. The appeal to the Academic Appeals Committee shall set forth in writing the reasons for the appeal, shall be addressed to the Committee, and shall be delivered to the chair of the Committee, with a copy to the other party.

2. Response to Appeal. The faculty member whose decision is being appealed, or the student in the case of a faculty member's appeal, may deliver a response to the appeal to the chair of the Academic Appeals Committee, with a copy to the other party, no later than five (5) business days after receipt of the complaint and recommendations.

3. Makeup of the Committee. The dean of each college shall ensure that an Academic Appeals Committee is constituted according to college procedures, subject to the following parameters. Two faculty members shall come from the college. The Personnel and Elections Committee of the Academic Senate shall appoint one faculty member from outside the college. The faculty members shall be appointed to the Committee for staggered three-year terms. The dean shall appoint two undergraduate student members and two graduate student members who are either from the relevant Student Advisory Committee or listed as a major within the college. Undergraduate student and graduate student members will be appointed for staggered two-year terms⁽³⁾. No more than one faculty member and two Committee

members in total may come from the same department in a multi-department college. The members of the Committee who shall hear the case are the three faculty members and the two students from the appealing student's peer group (i.e., undergraduates or graduates). The dean shall designate one of the faculty members to serve as chair of the Committee. The Committee shall establish internal procedures consistent with the Student Code.

4. Conflicts of Interest. Upon written request of one of the parties or Committee members, the dean may excuse any member of the Committee if the dean determines that the member has a conflict of interest. The dean shall select an appropriate replacement for the excused member (i.e., student or faculty member).

5. Proceedings Before the Committees. When an appeal and response are filed in a timely manner, the Committee chair shall schedule a hearing date if:

- a. The documents raise material issues of disputed fact;
- b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues; or
- c. The academic action included dismissal from a program.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall within a reasonable time notify the student and the faculty member (the parties) in writing of this determination and convene a closed meeting of the Committee to consider the documentation submitted by the parties. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) business days after the Committee meeting.

6. Notice of Hearings Before Committees. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least fifteen (15) business days prior to the hearing.

7. Hearing Procedures. Hearings shall be conducted according to the following procedures:

- a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the written appeal and written response to the appeal.
- b. At least five (5) business days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.
- c. The parties have a right to be accompanied by any person as advisor, including legal counsel, who

will be permitted to attend, but not directly participate in, the proceedings.

d. Hearings shall be closed to the public.

e. All hearings, except Committee deliberations and voting, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions.

f. The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) members, including at least one (1) student and the faculty member from outside the college. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.

g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's established internal procedures.

h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.

i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.

j. To overturn the original academic action, the Committee must find that the academic action was arbitrary or capricious.

k. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.

l. If either party to the appeal fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations to the dean of the college, or designee, on the basis of such testimony and evidence.

m. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) business days after the conclusion of the hearing.

D. Review and Decision by the Dean or Designee

1. The dean of the college, or designee, shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the dean of the college, or designee, shall, within ten (10) business days, take one of the following actions:

- a. Accept the Committee's findings and recommendations;
 - b. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the dean of the college, or designee, a second report of its findings and recommendations relating to the specific matters referred by the dean of the college, or designee, for further consideration; or
 - c. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore.
2. Written notification of the dean's, or designee's, decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the cognizant vice president within ten (10) business days after receipt of the recommendation.
 3. The dean's, or designee's, decision is final unless appealed to the cognizant vice president within ten (10) business days after receipt of the decision.

E. Appeal to Cognizant Senior Vice President

Within ten (10) business days of receipt of the dean's, or designee's, decision, any party may appeal the decision by filing a written notice of appeal with the senior vice president for academic affairs or the senior vice president for health sciences, as appropriate, and delivering a copy to the other party. The other party may file a response to the appeal with the vice president within five (5) business days of receipt of the notice of appeal. In the case of an appeal:

1. The vice president shall consider the appeal and response to the appeal, and may solicit whatever counsel and advice the vice president deems appropriate to arrive at a final decision. The vice president may also convene an ad hoc committee composed of students and faculty members from outside the college or department to determine if there were substantial defects that denied basic fairness and due process. After receiving the appeal, the vice president shall within ten (10) business days, or within twenty (20) business days if an ad hoc committee is formed, take one of the following actions:
 - a. Accept the decision of the dean of the college or his/her designee;
 - b. Return the report to the dean of the college, or his/her designee, requesting that he/she clarify specific matters, materials, and issues, and forward to the vice president a second report of his/her decision relating to the specific matters referred by the vice president for further explanation; or
 - c. Reject all or parts of the dean's, or designee's, decision, stating reasons and actions to be taken therefore.
2. Written notification of the vice president's decision and the basis for that decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the dean within ten

(10) business days after receipt of the appeal, or within twenty (20) business days after receipt of the appeal if an ad hoc committee is formed.

3. The decision of the vice president is final. At the conclusion of the appeals process, the chair of the department or dean of the college considering the academic appeal shall take appropriate action to implement the final decision.

F. Copies of Documents to Department Chair

During the appeals process and at the time they are submitted, the following documents should be copied to the chair of the department considering the academic appeal: the first written appeal, all subsequent appeals, all responsive documents, and all written recommendations or decisions made at each level of the appeal.

OUTDATED

G. Programs That Do Not Report to Academic Deans

In cases where a program does not report directly to an academic dean, the program director will serve as department chair, and the cognizant associate vice president will serve as dean for purposes of these proceedings. Any ambiguity concerning appeal procedures for courses offered in a program (e.g., determination of the relevant Academic Appeals Committee) shall be resolved by the program director, in consultation with the cognizant associate vice president, and in a manner that preserves the spirit and intent of this policy.

(1) If the academic action results from a decision of a committee, e.g., the Promotions Committee of the School of Medicine, the chair of the committee is the “faculty member” for purposes of these procedures.

(2) In colleges without departments, the student shall appeal in writing to the dean of the college. The dean of the college shall appoint one or more faculty members from the college to serve as chair for purposes of these procedures. In cases where the appeal occurs in a program that does not report directly to an academic dean, but rather to an associate vice president, the cognizant program director shall serve as department chair, and the cognizant associate vice president shall serve as dean for purposes of these procedures.

(3) Colleges or departments offering only graduate programs may appoint only graduate student members.

SECTION V: STUDENT ACADEMIC CONDUCT

A. Standards of Academic Conduct

In order to ensure that the highest standards of academic conduct are promoted and supported at the University, students must adhere to generally accepted standards of academic honesty, including but not limited to refraining from cheating, plagiarizing, research misconduct⁽¹⁾ misrepresenting one's work, and/or inappropriately collaborating.

B. Academic Misconduct

A student who engages in academic misconduct as defined in Part I.B. may be subject to academic sanctions including but not limited to a grade reduction, failing grade, probation, suspension or dismissal from the program or the University, or revocation of the student's degree or certificate. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

1. Any person who observes or discovers academic misconduct by a student should file a written complaint with the faculty member responsible for the pertinent academic activity within thirty (30) business days of the date of discovery of the alleged violation.
2. A faculty member who discovers or receives a complaint of misconduct relating to an academic activity for which the faculty member is responsible shall take action under this code and impose an appropriate sanction for the misconduct.
3. Upon receipt of a complaint or discovery of academic misconduct, the faculty member shall make reasonable efforts to discuss the alleged academic misconduct with the accused student no later than twenty (20) business days after receipt of the complaint, and give the student an opportunity to respond. Within ten (10) business days thereafter, the faculty member shall give the student written notice of the academic sanction, if any, to be taken and the student's right to appeal the academic sanction to the Academic Appeals Committee for the college offering the course. Such sanctions may include requiring the student to rewrite a paper(s) or retake an exam(s), a grade reduction, a failing grade for the exercise, or a failing grade for the course⁽²⁾. In no event shall the academic sanction imposed by the faculty member be more severe than a failing grade for the course.
4. If the faculty member imposes the sanction of a failing grade for the course, the faculty member shall, within ten (10) business days of imposing the sanction, notify in writing, the chair⁽³⁾ of the student's home department⁽⁴⁾ and the senior vice president for academic affairs or senior vice president for health sciences, as appropriate, of the academic misconduct and the circumstances which the faculty member believes support the imposition of a failing grade. If the sanction imposed by the faculty member is less than a failing grade for the course, the faculty member should report the misconduct to the dean or chair of the student's home department or college.⁽⁵⁾ Each college shall develop a policy specifying the dean and/or the chair as the appropriate person to receive notice of sanctions less than a failing grade for the course.
5. A student who believes that the academic sanction given by the faculty member is arbitrary or capricious should discuss the academic sanction with the faculty member and attempt to resolve the disagreement. If the student and faculty member are unable to resolve the disagreement, the student may appeal the academic sanction to the Academic Appeals Committee for the college offering the course within fifteen (15) business days of receiving written notice of the academic sanction.
6. If the faculty member, chair or vice president believes that the student's academic misconduct warrants an academic sanction of probation, suspension or dismissal from a program, suspension or dismissal from the University, or revocation of a student's degree or certificate, he/she may, within thirty (30) business days of receiving notice of the misconduct, prepare a complaint with recommendations, refer the matter to the chair or dean's designee of the student's home department or college,⁽⁶⁾ and notify the student of the complaint and recommendation. The chair and/or dean's designee of the home department/college may undertake an investigation of the allegations and recommendations set forth in the complaint. Within ten (10) business days of receipt of the complaint, the chair and/or dean's designee shall forward the complaint and recommendation to the Academic Appeals Committee of the

home college for proceedings in accordance with Section C, below, and so notify the student in writing. The chair and/or dean may accompany the complaint with his/her own recommendation supporting or opposing the sanction sought in the complaint. The person initiating the original complaint continues as the complainant in the case unless that person and the chair/dean's designee both agree that the latter shall become the complainant. If the student has appealed the academic sanction imposed by the faculty member, the time periods set forth in this paragraph may be extended until ten (10) business days after the resolution of the student's appeal.

7. If a department chair, the dean, the senior vice president for academic affairs and/or the senior vice president for health sciences, become aware of multiple acts of academic misconduct by a student, they or their designees may, within thirty (30) business days after receiving notice of the last act of misconduct,⁽⁷⁾ prepare a complaint with recommendations for probation, suspension or dismissal from a program, suspension or dismissal from the University, or revocation of a degree or certificate, and refer the matter to the Academic Appeals Committee of the student's home college⁽⁸⁾ for proceedings in accordance with Section C, below, and so notify the student in writing.

C. Proceedings Before the Academic Appeals Committee

1. Written Complaint and Recommendations or Appeal. The written complaint and recommendations or the written appeal shall be delivered to the chair of the Committee, with a copy to the other party.

2. Response to Complaint and Recommendations or Appeal. The person responding to the complaint and recommendations or the appeal may deliver his/her response to the chair of the Academic Appeals Committee, with a copy to the other party, no later than five (5) business days after receipt of the complaint and recommendations.

3. Makeup of the Committee. The dean of each college shall ensure that an Academic Appeals Committee is constituted according to college procedures, subject to the following parameters. Two faculty members shall come from the college. The Personnel and Elections Committee of the Academic Senate shall appoint one faculty member from outside the college. The faculty members shall be appointed to the Committee for staggered three-year terms. The dean shall appoint two undergraduate student members and two graduate student members who are either from the relevant Student Advisory Committee or listed as a major within the college. Undergraduate student and graduate student members will be appointed for staggered two-year terms⁽⁹⁾. No more than one faculty member and two Committee members in total may come from the same department in a multi-department college. The members of the Committee who shall hear the case are the three faculty members and the two students from the peer group of the student accused of academic misconduct (i.e., undergraduates or graduates). The dean shall designate one of the faculty members to serve as chair of the Committee. The Committee shall establish internal procedures consistent with the Student Code.

4. Conflicts of Interest. Upon written request of one of the parties or Committee members, the dean may excuse any member of the Committee if the dean determines that the member has a conflict of interest.

The dean shall select an appropriate replacement for the excused member (i.e., student or faculty member).

5. Scheduling Hearings Before the Committees. When a complaint and recommendations or an appeal, together with a response, are filed in a timely manner, the Committee chair shall schedule a hearing date if:

- a. The documents raise material issues of disputed fact;
- b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues; or
- c. The possible sanctions against the student may include dismissal from the University, dismissal from a program, suspension from either for longer than ten (10) business days, or revocation of the student's degree or certificate.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall notify the student and the faculty member (the parties) in writing of this determination and convene a closed meeting of the Committee to consider the documentation submitted by the parties. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) business days after the Committee meeting.

6. Notice of Hearings Before Committees. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least fifteen (15) business days prior to the hearing.

7. Hearing Procedures. Hearings shall be conducted according to the following procedures:

- a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the written complaint and recommendations or the written appeal, and the response.
- b. At least five (5) business days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.
- c. The parties have a right to be accompanied by any person as advisor, including legal counsel, who will be permitted to attend, but not directly participate in, the proceedings.
- d. Hearings shall be closed to the public.
- e. All hearings, except Committee deliberations and voting, shall be recorded and a copy made available

to any party upon request. Committee deliberations and voting shall take place in closed sessions.

f. The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) members, including at least one (1) student and the faculty member from outside the college. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.

g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's established internal procedures.

h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.

i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.

j. In the hearing, the Committee must determine, by a preponderance of the evidence, whether the student engaged in the alleged academic misconduct. If the Committee answers this question in the affirmative, the Committee may then recommend any academic sanction it deems appropriate under the entire circumstances of the case, including but not limited to suspension or dismissal from the program or the University, or revocation of a student's degree or certificate.

k. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.

l. If either party presenting to the Academic Appeals Committee fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations to the dean of the college, or designee, on the basis of such testimony and evidence.

m. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) business days after the conclusion of the hearing. A report that recommends sanctions no more serious than a failing grade, shall be presented to the dean of the college offering the course. Reports recommending sanctions greater than a failing grade (e.g. suspension or dismissal) shall be presented to the dean of the student's home college.⁽¹⁰⁾

D. Review and Decision by the Dean or Designee

1. The dean of the college, or designee, shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review,

and without conducting further hearings, the dean of the college, or designee, shall, within ten (10) business days, take one of the following actions:

- a. For any recommendation other than dismissal or suspension from the University or revocation of a degree or certificate, accept the Committee's findings and recommendations and impose the recommended sanctions;
 - b. For a recommendation of dismissal or suspension from the University or revocation of a degree or certificate, concur with the Committee's findings and recommendations and refer the matter with a confirming recommendation to the cognizant vice president for a decision;
 - c. Return the report to the Committee chair⁽¹¹⁾, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the dean of the college, or designee, a second report of its findings and recommendations relating to the specific matters referred by the dean of the college, or designee, for further consideration. (If a report to the dean recommends sanctions greater than a failing grade and has originated from a Committee outside of the dean's college, the dean may refer the matter to the chair of his/her own college Academic Appeals Committee for further review and recommendations.); or
 - d. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The dean may impose (or recommend to the cognizant vice president) a greater or lesser sanction than recommended by the Committee.
2. Written notification of the dean's, or designee's, decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the cognizant senior vice president within ten (10) business days of receipt of the Committee's findings and recommendations.
 3. The dean's, or designee's, decision is final unless appealed to the cognizant senior vice president within ten (10) business days.

E. Appeal to Cognizant Senior Vice President (or to the President when appropriate)⁽¹²⁾

Within ten (10) business days of receipt of the dean's, or designee's, decision, any party may appeal the decision by filing a written notice of appeal with the senior vice president for academic affairs or the senior vice president for health sciences, as appropriate, and delivering a copy to the other party. The other party may file a response to the appeal with the vice president within five (5) business days of receipt of the appeal. In the case of an appeal:

1. The vice president shall consider the appeal and response to the appeal, and may solicit whatever counsel and advice the vice president deems appropriate to arrive at a final decision. The vice president may also convene an ad hoc committee composed of students and faculty members from outside the college or department to determine if there were substantial defects that denied basic fairness and due process. After receiving the appeal, the vice president shall, within ten (10) business days, or within twenty (20) business days if an ad hoc committee is formed, take one of the following actions:

- a. Accept the decision of the dean of the college or his/her designee;
 - b. Return the report to the dean of the college, or his/her designee, requesting that he/she clarify specific matters, materials and issues, and forward to the vice president a second report of his/her decision relating to the specific matters referred by the vice president for further explanation; or
 - c. Reject all or parts of the dean's, or designee's, decision, stating reasons and actions for imposing a greater or lesser sanction than determined by the dean.
2. Written notification of the vice president's decision and the basis for that decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the dean within ten (10) business days after receipt of the appeal, or within twenty (20) business days after receipt of the appeal if an ad hoc committee is formed.
3. The decision of the vice president is final.

F. Suspension or Dismissal from a Program or from the University, or Revocation of a Degree or Certificate

The sanctions of suspension and dismissal and revocation for academic misconduct may be imposed: (1) if recommended by the Academic Appeals Committee to the dean; (2) if deemed appropriate by the dean notwithstanding the recommendation from the committee; or (3) by the cognizant vice president notwithstanding the decision (or recommendation) of the dean. A student who has been suspended or dismissed from the University shall be denied all privileges accorded to a student.

1. Suspension from a Program or from the University.
 - a. Suspension shall be for a minimum time of one semester following the semester the student is found responsible for academic misconduct.
 - b. The dean of the relevant college shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement.
 - c. Petitions for reinstatement shall be submitted to the relevant dean and shall explain how the conditions for reinstatement have been met.
 - d. The relevant dean shall consider the petition and shall issue a decision regarding the student's reinstatement within fifteen (15) business days of receipt of the petition.
 - e. The relevant dean may grant conditional reinstatement contingent upon the student meeting written requirements specified in the original sanction (e.g., minimum grade point average requirement, ineligibility to participate in specified student activities or on specified student committees).

f. The notice of the dates for which the student is suspended will remain on his/her transcript until he/she has been reinstated to the program or to the University, or for five (5) years if he/she is not reinstated to the program or to the University.

2. Dismissal from a Program or from the University.

a. Dismissals from a program or from the University are final. A student dismissed from a program or from the University for academic misconduct may not petition for reinstatement.

b. Permanent records of dismissal shall be kept in the office of the registrar.

c. The dismissed student's transcript will reflect his/her dismissal.

d. Dismissal should be reserved for only the most egregious of offenses.

3. Revocation of a Degree or Certificate.

a. Decisions to revoke a degree or certificate are final.

b. Permanent records concerning the revocation of a degree or certificate shall be kept in the office of the registrar.

c. The revocation of a degree or certificate shall be noted on the student's transcript.

d. Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

G. Copies of Documents to Department Chair

During the appeals process and at the time they are submitted, the following documents should be copied to the chair of the department considering the academic misconduct: the first written complaint and recommendations, the first written appeal, all subsequent appeals, all responsive documents, and all written recommendations or decisions made at each level of the appeal.

H. Programs That Do Not Report to Academic Deans

In cases where a program does not report directly to an academic dean, the program director will serve as department chair, and the cognizant associate vice president will serve as dean for purposes of these proceedings. Any ambiguity concerning procedures set forth in this policy for courses offered in a program (e.g. determination of the relevant Academic Appeals Committee) shall be resolved by the program director, in consultation with the cognizant associate vice president, and in a manner that preserves the spirit and intent of this policy.

I. Implementation of Sanction for Academic Misconduct

At the conclusion of the appeals process, the chair of the department or dean of the college considering the academic misconduct shall take appropriate action to implement the final decision. If the student is found responsible for academic misconduct, the chair or dean shall notify, in writing, the student's department or program of study of the violation, the proceedings, and the final decision.⁽¹³⁾ If the sanction involves suspension or dismissal from a program or from the University or revocation of a degree or certificate, the chair or dean shall also convey the decision to the office of the registrar for notation on the transcript.

J. Reporting of Academic Misconduct

No University employee shall provide information to a person or entity concerning a student's academic misconduct without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in these statutes.

K. Other University Proceedings

If the filing of a complaint or an appeal relating to academic misconduct raises other issues concerning behavioral or professional misconduct, the cognizant senior vice president, or designee, the dean of students, and the involved University administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.

L. Retention of Records of Proceedings

Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of academic misconduct shall be kept in the office of the registrar, and a copy may be retained in other academic departments as appropriate.

(1) Claims of misconduct in sponsored research will be handled in accordance with Policy and Procedures No. 6-1.1. In addition, such claims may also be considered under this code.

(2) If a student attempts to withdraw from a course after engaging in academic misconduct, withdrawal may be denied by the University whether or not the attempt is made before the official withdrawal date and a failing grade may be imposed for the course.

(3) In colleges without departments, the faculty member shall notify the dean of the college.

(4) If the student's home department is unknown or undecided, the faculty member should report the academic misconduct to the senior vice president for academic affairs or the senior vice president for health sciences and the Associate Dean for Advising, University College.

(5) See FN 4.

(6) If the student's home college is unknown or undecided, the person pursuing the complaint should report the academic misconduct to the senior vice president for academic affairs, or the senior vice president for health sciences. The action for misconduct may then be pursued through the Academic Appeals Committee of the college offering the course.

(7) If the student appeals a failing grade or other lesser sanction imposed for the last act of misconduct, the dean or vice president for the student's home college may

delay action under this section until ten (10) business days following notice of the determination on the student's appeal.

(8) If the student's home college is unknown or undecided, proceedings for misconduct should be pursued through the Academic Appeals Committee of the college in which the last act of misconduct occurred.

(9) Colleges or departments offering only graduate programs may appoint only graduate students.

(10) See FN. 4.

(11) In cases where the dean recommends a sanction of suspension or dismissal from the University or revocation of a degree or certificate, which sanction is implemented by the cognizant vice president, the appeal shall be made directly to the president of the University.

(12) See FN. 4.

SECTION VI: STUDENT PROFESSIONAL AND ETHICAL CONDUCT

A. Standards of Professional Conduct

In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at the University, students must adhere to the prescribed professional and ethical standards of the profession or discipline for which the student is preparing, as adopted or recognized as authoritative by the relevant academic program.

B. Professional Misconduct

A student who engages in professional misconduct (see Part I.B.) may be subject to academic sanctions including but not limited to a grade reduction, failing grade, probation, suspension or dismissal from the program or the University, revocation of a student's degree or certificate, or comparable professional credentialing sanctions. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

1. Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the office of the dean of the college within forty-five (45) business days of the date of discovery of the alleged violation.

2. Upon receipt of the complaint, the dean of the college shall notify the department chair or program director, and within a reasonable time discuss the alleged misconduct with the accused student and give the student an opportunity to respond. The dean of the college may interview the complaining party and any other persons believed to have pertinent factual knowledge of the allegations. The dean of the college may also review any other relevant evidence, including documentary evidence. The dean may delegate the above responsibilities to a designee, who will report his/her findings to the dean.

3. The dean of the college shall determine whether there is a reasonable basis to believe that the student engaged in professional misconduct.

4. If the dean of the college determines that there is no reasonable basis to believe that the student engaged in professional misconduct, the dean of the college, or designee, shall, within twenty (20) business days of receipt of the complaint, notify the student and the matter will be dismissed.

5. If the dean of the college determines that there is a reasonable basis for believing that the student engaged in professional misconduct, he/she shall determine whether efforts at informal resolution are appropriate and, if so, shall take whatever steps are useful to that end within twenty (20) business days of receipt of the complaint. If an informal resolution is reached and the responding student complies with the terms and conditions of the resolution, no further action against the student will be taken and

the matter will be closed.

6. If informal resolution is inappropriate, or if efforts at informal resolution are not successful, the dean of the college shall, within twenty (20) business days of receipt of the complaint, refer the complaint, including his/her recommendation for academic sanctions, to the Academic Appeals Committee for proceedings in accordance with Section C, below, and so notify the student in writing.

C. Proceedings Before the Academic Appeals Committee

1. Written Complaint and Recommendations. The written complaint and recommendations shall be delivered to the chair of the Committee, with a copy to the student.

2. Response to Complaint and Recommendations. The student responding to the complaint and recommendations may deliver his/her response to the chair of the Academic Appeals Committee, with a copy to the dean, no later than five (5) business days after receipt of the complaint and recommendations.

3. Makeup of the Committee. The dean of each college shall ensure that an Academic Appeals Committee⁽¹⁾ is constituted according to college procedures, subject to the following parameters. Two faculty members shall come from the college. The Personnel and Elections Committee of the Academic Senate shall appoint one faculty member from outside the college. The faculty members shall be appointed to the Committee for staggered three-year terms. The dean shall appoint two undergraduate student members and two graduate student members who are either from the relevant Student Advisory Committee or listed as a major within the college. Undergraduate student and graduate student members will be appointed for staggered two-year terms⁽²⁾. No more than one faculty member and two Committee members in total may come from the same department in a multi-department college. The members of the Committee who shall hear the case are the three faculty members and the two students from the peer group of the student accused of professional misconduct (i.e., undergraduates or graduates). The dean shall designate one of the faculty members to serve as chair of the Committee. The Committee shall establish internal procedures consistent with the Student Code.

4. Conflicts of Interest. Upon written request of one of the parties or Committee members, the dean may excuse any member of the Committee if the dean determines that the member has a conflict of interest. The dean shall select an appropriate replacement for the excused member (i.e., student or faculty member).

5. Scheduling Hearings Before the Committees. When a complaint and recommendations together with a response are filed in a timely manner, the Committee chair shall schedule a hearing date if:

- a. The documents raise material issues of disputed fact;
- b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues; or
- c. The possible sanctions against the student may include dismissal from the University, dismissal from a program, suspension from either for longer than ten (10) business days, or revocation of the student's degree or certificate.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall notify the student and the dean of the college (the parties) in writing of this determination and within a reasonable time convene a closed meeting of the Committee to consider the documentation submitted by the parties. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the cognizant senior vice president, or designee, within ten (10) business days after the Committee meeting.

6. Notice of Hearings Before Committees. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least fifteen (15) business days prior to the hearing.

7. Hearing Procedures. Hearings shall be conducted according to the following procedures:

a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the written complaint and recommendations and the response.

b. At least five (5) business days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.

c. The parties have a right to be accompanied by any person as advisor, including legal counsel, who will be permitted to attend, but not directly participate in, the proceedings.

d. Hearings shall be closed to the public.

e. All hearings, except Committee deliberations and voting, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions.

f. The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) members, including at least one (1) student and the faculty member from outside the college. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.

g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's established internal procedures.

h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.

i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.

j. In the hearing, the Committee must determine, by a preponderance of the evidence, whether the student engaged in the alleged professional misconduct. If the Committee answers this question in the affirmative, the Committee may then recommend any academic sanction it deems appropriate under the entire circumstances of the case.

k. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.

l. If either party presenting to the Academic Appeals Committee fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations to either the senior vice president for academic affairs, or senior vice president for health sciences, as appropriate, on the basis of such testimony and evidence.

m. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the cognizant senior vice president within ten (10) business days after the conclusion of

the hearing.

D. Review and Decision by the Cognizant Senior Vice President

1. The vice president shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the vice president shall, within ten (10) business days, take one of the following actions:

a. Accept the Committee's findings and recommendations;

b. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the vice president a second report of its findings and recommendations relating to the specific matters referred by the vice president for further consideration; or

c. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The vice president may impose greater or lesser sanctions than recommended by the Committee.

2. Written notification of the vice president's decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the president within ten (10) business days of receipt of the Committee's findings and recommendations.

3. The vice president's decision is final unless appealed to the president within ten (10) business days of receipt of the decision.

E. Appeal to President

Within ten (10) business days of receipt of the vice president's decision, any party may appeal the decision by filing a written notice of appeal with the president and delivering a copy to the other party. The other party may file a response to the appeal with the president within five (5) business days of receipt of the appeal. In the case of an appeal:

1. The president shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the president deems appropriate to arrive at a final decision. The president may also convene an ad hoc committee composed of students and faculty members from outside the college or department to determine if there were substantial defects that denied basic fairness and due process. After considering the appeal, the president shall, within ten (10) business days, or within twenty (20) business days if an ad hoc committee is formed, take one of the following actions:

a. Accept the decision of the vice president;

b. Return the report to the vice president, requesting that he/she clarify specific matters, materials, and issues, and forward to the president a second report of his/her decision relating to the specific matters referred by the president for further explanation; or

c. Reject all or parts of the vice president's decision, stating reasons and actions for imposing a greater or lesser sanction than determined by the vice president.

2. Written notification of the president's decision and the basis for that decision shall be communicated to the student, to the academic dean or dean's designee, to the vice president, and to the chair of the Academic Appeals Committee within ten (10) business days after receipt of the appeal, or within twenty (20) business days after receipt of the appeal if an ad hoc committee is formed.

3. The decision of the president is final.

F. Suspension or Dismissal from a Program or from the University, and Revocation of a Degree or Certificate

The sanctions of suspension, dismissal, and revocation for professional misconduct may be imposed: (1) if agreed upon in informal resolution between the responding student and the dean of the college; (2) if recommended by the Academic Appeals Committee to the cognizant vice president; (3) by the vice president notwithstanding the recommendation from the committee; or (4) by the president notwithstanding the decision of the vice president. A student who has been suspended or dismissed from the University shall be denied all privileges accorded to a student.

1. Suspension from a Program or from the University.

- a. Suspension shall be for a minimum time of one semester following the semester the student is found responsible for professional or academic misconduct.
- b. The dean of the relevant college shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement.
- c. Petitions for reinstatement shall be submitted to the relevant dean and shall explain how the conditions for reinstatement have been met.
- d. The relevant dean shall consider the petition and shall issue a decision regarding the student's reinstatement within fifteen (15) business days of receipt of the petition.
- e. The relevant dean may grant conditional reinstatement contingent upon the student meeting written requirements specified in the original sanction.
- f. The notice of the dates for which the student is suspended will remain on his/her transcript until he/she has been reinstated to the program or to the University, or for five (5) years if he/she is not reinstated to the program or to the University.

2. Dismissal from a Program or from the University.

- a. Dismissals from a program or from the University are final. A student dismissed from a program or from the University for professional misconduct may not petition for reinstatement.
- b. Permanent records of dismissal shall be kept in the office of the registrar.
- c. The dismissed student's transcript will reflect his/her dismissal.
- d. Dismissal should be reserved for only the most egregious of offenses.

3. Revocation of a Degree or Certificate.

- a. Decisions to revoke a degree or certificate are final.
- b. Permanent records concerning the revocation of a degree or certificate shall be kept in the office of the registrar.
- c. The revocation of a degree or certificate shall be noted on the student's transcript.
- d. Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

G. Internal Reporting of Professional Misconduct

The dean shall take appropriate action to implement the final decision. If the student is found responsible for professional misconduct, the dean shall notify, in writing, the student's department or program of study of the violation, the proceedings, and the final decision. If the sanction involves suspension or dismissal from a program or from the University or revocation of a degree or certificate, the dean shall also convey the decision to the office of the registrar for notation on the transcript.

H. Administrative Suspension to Protect the University Community or the Public

The senior vice president for academic affairs (or designee) or the senior vice president for health sciences (or designee) may suspend a student from the University prior to an initial inquiry and hearing before the Academic Appeals Committee if such action appears necessary to protect the health or well-being of any member of the University community, any member of the public or to prevent serious disruption of the academic process. Prior to, contemporaneous with, or immediately after the suspension, the vice president shall give the student written notice of the suspension specifying the alleged misconduct and setting forth briefly the relevant facts and supporting evidence. The vice president shall then provide the student with an opportunity to meet with him/her to present the student's views and object to the suspension. This meeting shall take place prior to the suspension taking effect or as soon as possible thereafter. The vice president shall thereafter immediately refer the complaint to the appropriate University administrator for proceedings under the code, and the suspension will be in effect pending a final determination of the matter. The vice president shall notify other University administrators of the suspension as appropriate.

I. Reporting of Professional Misconduct

No University employee shall provide information to a person or entity concerning a student's professional misconduct without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in the statutes.

J. Other University Proceedings

If the filing of a complaint or an appeal relating to professional misconduct under the Student Code raises other issues concerning behavioral or academic misconduct, the cognizant senior vice president, or designee, the dean of students, and the involved University administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.

K. Retention of Records of Proceedings

Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of professional misconduct shall be kept in the office of the registrar, and a copy may be maintained in other academic departments as appropriate.

(1) When necessary to comply with accreditation or licensing standards, a department may establish a departmental Academic Appeals Committee in lieu of the college Academic Appeals Committee to hear allegations of professional misconduct. The departmental committee shall be composed of two faculty members and two students from the department (or professional program within the department) and one faculty member from outside the department. Hearings by the departmental committee shall be conducted in accordance with the procedures established in Part VI.C, for the college Academic Appeals Committee.

(2) Colleges or departments offering only graduate programs may appoint only graduate student members.

SECTION VII: STUDENT RECORDS

A. General

The privacy and confidentiality of all student records shall be preserved as outlined in relevant federal and local laws (i.e. The Family Educational Rights and Privacy Act (20 U.S.C.A. §1232g) and the Government Records Access Management Act (U.C.A. §63-2-101)). University interpretation of the Family Educational Rights and Privacy Act as it pertains to University of Utah students is available from the office of the vice president for student affairs.

Official student records shall be maintained only by members of the University staff employed for that purpose. Separate record files may be maintained under the following categories: (i) academic, academic counseling, financial aid, and placement; (ii) disciplinary; (iii) medical, psychiatric, and health counseling. When justified by legitimate law enforcement needs, the campus security agency may maintain confidential records relating primarily to its investigative function.

B. Access and Challenge of Accuracy of Records

Access to the student's official records and files is guaranteed every student subject to the limitations set forth in relevant federal and local laws (i.e. The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101)). Students with complaints, inquiries, or requests for review of official records are directed to the vice president for student affairs.

C. Matters Prohibited in Official Records

Except as required by law or governmental regulations or as authorized by written consent of the student involved, official student records will not contain information regarding a student's race, religion, disability, political opinions, social opinions, or membership in any organizations other than honorary and professional organizations directly related to the educational process. Except as required by law or applicable governmental or University regulations, information regarding marital status shall not be included in the official student records of any student who has filed a written objection to the inclusion of that information in his/her records and has not filed a subsequent written revocation thereof.

D. Official Disciplinary Records

Records of behavioral or academic sanctions imposed by the Student Behavior Committee, by the Academic Appeals Committee, or by any authorized official of the University shall be maintained in the office of the dean of students and/or the office of the registrar. Records of behavioral, academic or professional misconduct may also be maintained in the official files of a department or program, and by the senior vice president for academic affairs or senior vice president for health sciences. No notation of behavioral or academic sanctions shall be entered or made on the student's academic transcripts except in the following circumstances: 1) when the student is suspended from a program or from the University for academic or professional misconduct; 2) when the student is dismissed from a program or from the University for behavioral, academic or professional misconduct; or 3) when the student's degree or certificate has been revoked. In a case of dismissal, suspension, or revocation, the entry on the transcripts of the student shall merely state: "Dismissed from the University for Behavioral Misconduct" or "Dismissed/Suspended from the [program]/University for Academic/Professional Misconduct" or "Degree/Certificate Revoked for Academic/Professional Misconduct" and the date of such action. Notices of dismissal or revocation shall not be removed from the student's academic transcripts. Notices of suspension shall be entirely removed from the student's academic transcripts after the student is reinstated in the program or at the University. If the student is not reinstated due to his/her failure to fulfill the conditions of the suspension, the notice shall be removed five (5) years after the suspension is first imposed.

E. Confidential Character of Student Records

The University must conform to the requirements of the statutes referred to in Section A “General” and Section B “Access to and Challenge of Accuracy of Records” forbidding the release of personally identifiable student education records or files, or personal information contained therein, without the written consent of the student. Subject to applicable legal requirements, it is the policy of the University that:

1. Members of the administration and the instructional staff will have access to student records for legitimate purposes such as student advising, administrative planning and statistical reporting.
2. Directory information, such as the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities or sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, current semester class schedule, and other similar information may be disclosed to an inquirer unless the student specifically withholds permission to do so.
3. Authorized representatives of federal and state governments may have access to student records to the extent necessary for audit and evaluation of federally supported education programs or of compliance with federal legal requirements relating to such programs, and subject to the limitation that personally identifiable data shall not be disclosed except to the extent specifically authorized by federal law.
4. The right of access to a student's records without the consent of the student is not extended to the parents of the student unless the student has been established as a “dependent” as defined in Section 152 of the Internal Revenue Code of 1954.
5. Records created or maintained by a physician, psychologist, or other recognized professional or para-professional acting in that capacity, which are created, maintained, and used only in connection with treatment of a student are not available for review except by an appropriate professional of the student's choice, or in compliance with an order from a court of competent jurisdiction.

F. Treatment of Official Records Following Graduation or Withdrawal

Upon graduation or withdrawal from the University, the official records of former students shall continue to be subject to the provisions of this code.

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