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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 Appeal Committee to the dean; (2) if deemed appropriate by the dean notwithstanding the recommendation from the committee; or (3) by the cognate 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 contain 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



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.(19) 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.

[See [Procedure 6-400-Sec.VII #1](#)]

#### 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 ([Utah Code Title 63G -](#)



Chapter 2). 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.

### **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 Section 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.





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.





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. 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. [See [Procedure 6-400-Sec.VII #1](#)]

#### 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 ([Utah Code Title 63G - Chapter 2](#)). 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.

## 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 ([Utah Code Title 63G - Chapter 2](#)). 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 ([Utah Code Title 63G - Chapter 2](#)). 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. [See [Procedure 6-400-Sec.VII #1](#)]

#### E. Confidential Character of Student Records

The University must conform to the requirements of the statutes referred to in Subsection A "General" and Subsection 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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[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

**Rules, Procedures, Guidelines, forms and other related sources.**

Rules (reserved)

Procedures

[University Procedure 6-400-Sec.VII #1](#)

Guidelines (reserved)

Forms (reserved)

Other related resource materials (reserved)

**Contacts**

The designated contact officials for this Policy are:

- A. Policy Owner (primary contact person for questions and advice): Dean of Students.
  
- B. Policy Officers: Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.



These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining -requirements of particular Policies... ." University Rule 1-001-III-B & E

### History:

Renumbering: Renumbered as Policy 6-400 effective 9/15/2008, formerly known as PPM 8-10, and formerly as University Regulations Chapter X.

#### Revision History:

1. Current version: Revision 8

Editorially revised: July 9, 2009

2. Earlier versions:

Revision 7: effective dates July 1, 2009 to July 8, 2009

Legislative History of Revision 7

Revision 6: effective dates February 3, 2006 to July 1, 2009.

Revision 5: effective dates May 10, 2004 to February 2, 2006

Revision 4: effective dates February 10, 2003 to May 9, 2004

Revision 3: effective dates July 14, 1997 to February 9, 2003

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1. Allegations of sexual harassment generally will be handled by OEO/AA in accordance with Policy 1-012. 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.
  4. 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.
  5. 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.
  6. Colleges or departments offering only graduate programs may appoint only graduate student members.
  7. Claims of misconduct in sponsored research will be handled in accordance with Policy and Procedures 7-001. In addition, such claims may also be consider under this code.
  8. 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.
  9. In colleges without departments, the faculty member shall notify the dean of the college.
  10. 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.
  11. See FN 10.

12. 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.
13. 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.
14. 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.
15. See FN 6.
16. See FN 10.
17. 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.
18. See FN 10.
19. 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.
20. See FN 6.