Code of Student Conduct

Introduction

The University of Kentucky (UK) is committed to promoting a safe, healthy, and student-centered community. UK strives to create an environment where students can engage in academic inquiry, campus life, and develop lives of meaning and purpose. The student conduct process supports UK's goals by:

1. Promoting personal responsibility and peer accountability;
2. Encouraging students to consider the impact of their actions on themselves, their peers, and the UK Community;
3. Empowering students to address any conflict that may arise in a safe, respectful, and socially conscious manner;
4. Collaborating with the UK community regarding student conduct matters; and
5. Educating the UK community about student rights and responsibilities related to the Code.

The student conduct process helps students learn, mature, and develop greater self-awareness while balancing the needs of the UK community. When student behavior does not model UK's values, the student conduct process is used to uphold the standards of UK.

This commitment also aligns with UK's Institutional Neutrality Policy, which affirms the University's role in fostering open dialogue and diverse perspectives while remaining neutral on political and social issues not directly tied to its mission. The student conduct process supports these principles by promoting respectful expression and shared responsibility within the UK community.

Student Rights

Consistent with the federal and state Constitutions and laws, students have the following rights:

A. Right of Free Expression

A student has the right to engage in discussion, to exchange thoughts and opinions, to speak, write, or print freely on any subject, and to join associations in accordance with the guarantees of federal or state Constitutions. Freedom of expression includes the right to picket or demonstrate for a cause, provided the student:

1. Acts in an orderly and peaceful manner;
2. Does not interfere with normal UK operations or interfere with the rights of other members of the UK community to participate in UK operations and/or activities;

   Examples of actions that may interfere with normal UK operations or the rights of others include, but are not limited to:
   a. Disrupting or obstructing the orderly conduct, processes, or functions in the classroom or other instructional settings.
   b. Engaging in disorderly, lewd, or indecent behavior.
   c. Participating in, leading or encouraging others to disrupt scheduled or routine campus activities, events or programs.
   d. Obstructing the free flow of pedestrian or vehicular traffic on UK property or at UK-sponsored activities.
   e. Failing to comply with the directions of a University official or law enforcement officer acting within the scope of their duties.
   f. Refusing to identify oneself when requested by a University official or law enforcement officer.
   g. Misrepresenting oneself to a University official, law enforcement officer, potential employer or any other individual or entity.
   h. Presenting oneself as a representative of the University, a student group, or a student organization without prior authorization.
3. Complies with UK regulations governing the time, place, and manner of meetings, demonstrations, and other assemblies. (See *Free Speech at the University of Kentucky* for more information)

Students will not be found responsible for a violation of this Code for speech protected by the First Amendment to the U.S. Constitution. UK will endeavor, however, to balance students' rights to free speech with other students' rights to be free from threats and harassment.

B. Right to be Free from Discrimination/Harassment

1. UK complies with the federal and state Constitutions, and all applicable federal and state laws, regarding nondiscrimination. The University provides equal opportunities for qualified persons in all aspects of institutional operations, and does not discriminate on the basis of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or whether the person is a smoker or nonsmoker, as long as the person complies with University regulations smoking. (See *Governing Regulation I: Declaration of Principles*)
2. Consistent with University policies, students have the right to be free from harassment, including sexual harassment, by UK employees, and other students. For purposes of the Code, harassment means conduct so severe, pervasive, and objectively offensive that it substantially interferes with the ability of a person to work, learn, live or participate in, or benefit from services, activities, or privileges provided by UK. Sexual harassment - a form of sex discrimination - includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical actions of a sexual nature when submission to such conduct is made explicitly or implicitly a term or condition of the student's status in a course, program or activity; or is used as a basis for academic or other decisions affecting such student; or when such conduct has the purpose or effect of substantially interfering with the student's academic performance, or creates an intimidating, hostile, or offensive environment. This provision will not be used to find students responsible for violations of this Code for speech protected by the First Amendment.

C. Right to Privacy

1. Student Conduct Records
    a. UK maintains student records in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974. Directory information about a student is released at the discretion of numerous UK departments upon receipt of a specific request for such information. Information which is directory information under FERPA concerning a student will not be released if the student has filed a request, in writing, with the UK Registrar, stating the information is to be withheld. UK's definition of "Directory Information" can be found at: https://registrar.uky.edu/ferpa.
    b. UK keeps a student's disciplinary record separate from their academic record unless the student consents in writing to have it disclosed. Any administrative file related to a disciplinary proceeding will be maintained by OSC and include all documents and evidence in UK's possession or control relevant to the alleged violation, including documents submitted by any participant in the student conduct process. The administrative file should not include privileged documents or internal memorandums that OSC did not present as evidence at the hearing of the matter.
    c. The Dean of Students or designee may disclose the student's disciplinary record without the student's consent if required by law, if the safety of people or property is involved, or if the information is required by authorized UK personnel for official use at UK. In these circumstances, only the information pertinent to the inquiry may be revealed.

d. The Dean of Students may act without the student's consent to have a statement of disciplinary suspension or disciplinary expulsion entered on the student's academic record for the duration of the disciplinary sanction, which may result in a hold on the student's account(s).

e. The Dean of Students and/or the Office of Student Conduct may act without the student's consent to place holds on student accounts.

2. Other Rights to Privacy

a. A student's record in the Counseling Center, TRACS, the VIP Center, and/ or UHS will be kept separate and confidential, unless the student consents in writing to have it revealed to a designated person or for a designated purpose. Additionally, University Health Service medical, surgical, and mental health records and information are maintained in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Health records are strictly confidential and are not released to anyone without the student's knowledge and signed authorization. Student mental health records are maintained separately from the student's academic record in a confidential file. If it becomes apparent in the course of treatment that the student is likely to cause injury to self or others, pertinent information regarding the specific situation to this extent may be revealed for protection of the student or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

b. A student has the right to be free from unreasonable searches and seizures of person and possessions while on UK property unless said search and seizure is conducted in accordance with state and federal laws. In cases of imminent danger or when there are reasonable grounds upon which to believe it is necessary to conduct a search immediately in order to protect life or property, searches may be conducted in the presence of the Dean of Students or another University official acting as the Dean of Students' authorized representative.

D. Right to a Free Student Press

Student publications are free to deal openly and responsibly with issues of interest and importance to the academic community. The editors have the right of editorial freedom without the prior approval of copy and will be protected against dismissal or suspension or other retribution, except for violations of law or UK regulations.

Definitions

A. "Attorney" means an individual who, at the student or student organization's own expense, may attend any phase of the conduct process. The attorney must be licensed to practice law in the state of Kentucky in order to participate as an attorney in the conduct

process. See definition of "Support Person" for more information on the role of an Attorney in the student conduct process.

B. **"Complaining Witness"** means a person (or their proxy) alleging a violation(s) of the Code. UK may initiate the student conduct process without a formal complaint from the victim of an alleged violation of the Code if sufficient information exists to support a violation.

C. **"Conduct Officer"** means a UK official, who has undergone specialized training, designated by the Dean of Students to determine outcomes in the student conduct process.

D. **"Formal Hearing"** is a closed meeting that permits UK and the respondent and other appropriate parties to address the alleged violation and/or restorative actions with a hearing board.

E. **"Hearing Board"** means a hearing panel authorized by UK to resolve alleged violations contained in this Code.

F. **"Hold"** means a stop on an account indicating that a student owes money or must complete a process with a particular office prior to registration or add/drop/withdrawal activity.

G. **"Informal Meeting"** provides the respondent with the opportunity to discuss the referral with a conduct officer, and others as deemed appropriate. The purpose of the meeting is to determine whether it is more likely than not that the respondent violated the Code, and if a violation took place, the appropriate restorative actions.

H. **"Investigation Meeting"** provides an opportunity for the Office of Student Conduct (OSC) to gather additional information from the respondent(s), complaining witness(es) and/or witness(es).

I. **"Outcome Review"** means a meeting to review matters where informal resolution is not reached and the recommended restorative actions do not include disciplinary suspension, disciplinary expulsion, cancellation of housing contract, or revocation of student organization registration.

J. **"Preponderance of Evidence"** means that it is more likely than not (at least 50.1% certain) that the respondent is responsible for the alleged act.

K. **"Respondent"** means a student or student organization who has been formally alleged to have violated the Code.

L. **"Restorative Action"** means any measure given in response to a policy violation. Restorative Actions are meant to offer education, encourage self-reflection and accountability, and to deter future violations. Restorative actions may also include measures to protect the learning environment and safety of the University community. Restorative actions should be connected to the violation, tailored to meet

the respondent's developmental needs, and intended to repair the harm done. You may also see restorative actions referred to as "Sanctions" in related university policies.

M. **"Student"** means any person admitted, enrolled, or matriculating at UK while pursuing undergraduate, graduate, or professional studies, and who has not completed the program of study in which they are enrolled. Student status continues whether or not UK's academic programs are in session. Student status includes those taking courses for credit or non-credit at UK, either full-time or part-time, in-person or virtually. Persons also considered to be students include those who:

1. Withdraw after allegedly violating the Code;
2. Are living in the residence halls although not enrolled at UK;
3. Are serving a period of suspension;
4. Are not officially enrolled for a particular term, but have a continuing relationship with UK;
5. Have been notified of acceptance and have confirmed intent to attend; or
6. Are enrolled in professional or graduate-level training programs, including but not limited to residents, postdoctoral scholars, fellows, or students in the University's professional schools (e.g., law, medicine, dentistry, pharmacy).

N. **"Student Conduct Report"** means any document(s) that describes an alleged violation of the Code. Student conduct reports may include UK incident reports, investigative reports, police reports, or verbal, written, or electronic communication.

O. **"Student Organization (SO)"** means any organization at the University of Kentucky in which two or more members are students enrolled at the University, whether or not the organization is established or recognized by the University. This includes, but is not limited to, Registered Student Organizations, Sponsored Student Organizations, groups that are actively seeking but have not yet been granted registered status, varsity and junior varsity athletic teams, marching or pep bands, spirit groups, and Reserve Officers' Training Corps (ROTC).

P. **"Support Person"** means an individual who may provide advice, support, or guidance to either the respondent or the complaining witness during the student conduct process. A support person may not represent, speak on behalf of, delay, disrupt, or otherwise interfere with the student conduct informal process. An attorney may serve as a support person; however, a support person may not be a witness, respondent, or complaining witness in the same case. An attorney serving as a support person may participate directly in direct and cross-examination during the fact-finding portion of a formal hearing where responsibility for an alleged violation is being determined.

Q. **"UK Activity"** means any activity, including virtual activities on or off UK property, that is aided, approved, sponsored, or supervised by UK or a SO.

R. **"UK Community"** means the employees, students, visitors, volunteers, and members of the public.

S. **"UK Official"** means any faculty member, any staff or student employee with responsibilities for students, or any other individual who has administrative responsibilities at the University.

T. **"UK Property"** means all property owned, leased, used, or controlled by UK, and includes adjacent streets and sidewalks.

U. **"Witness"** means a person who directly observed an incident or has direct or indirect knowledge related to an incident. Witnesses should be able to speak knowledgeably about the incident and be able to provide relevant facts to OSC.

Scope of the Code

A. Academic Misconduct Decisions

Academic misconduct decisions are covered in the Administrative Regulation – (Interim) Academic and Student Affairs.

B. Attempted Violations

In situations where a student attempts to engage in action that would violate the Code, but fails to do so, UK may charge a student with a violation of the Code.

C. Being in the Presence of Code Violations

In some circumstances, a student who is present while other students violate the Code and does not report the violation may also be charged with a Code violation.

D. Guests and Visitors

A student may be held accountable for the behavior of their guests or visitors on UK property. Guests and visitors of UK may also initiate referrals for potential violations of the Code committed by students against them.

E. Instructional Setting Behavior

The primary responsibility for managing the instructional setting rests with the instructor. Students who engage in conduct that results in disruption of an instructional setting may be directed by the instructor to leave the class for the remainder of the instructional setting

period. A student conduct meeting as outlined in this Code must precede longer separations from an instructional setting. Disruptive instructional setting behavior is any behavior that, in the judgment of the instructor, substantially interferes with the conduct of an instructional setting, including but not limited to:

1. Persistent late arrivals or leaving early in a manner that disrupts the regular flow of the instructional setting;
2. Talking while the instructor or other students are talking or speaking in an instructional setting without first obtaining recognition and permission to speak; or
3. Use of electronic equipment such as cell phones, computers, etc., in a manner that disrupts the class or when such equipment is prohibited by the instructor as part of the course syllabus.

F. Location

The Code applies to behavior that occurs on or off UK property. The Code applies at off-campus facilities of SO, at UK activities, and at non-UK activities. The Code applies at all UK locations, including where UK is extended to distance education, such as education abroad, service trips, experiential learning opportunities, and athletic, club sport, and other group travel. The Code may also be applied to behavior conducted online, via e-mail or through electronic mediums in cases where the behavior is not protected by freedom of expression. UK does not regularly search for online information for potential violations of this Code but may take action if such information is brought to the attention of the OSC.

G. Placement of Holds

A disciplinary hold on a student's record may be applied without a student's consent or knowledge when a student:

1. Is not presently enrolled at UK and a conduct meeting or hearing is pending;
2. Has failed to respond to UK officials during the student conduct process;
3. Has a pending conduct case that must be resolved prior to graduation;
4. Has failed to complete restorative actions by the assigned deadlines;
5. Is suspended or expelled from UK; or
6. Presents behavior that puts self or the UK community at risk.

H. Reporting Restrictions

There is no time limitation on reporting violations. Those who are aware of an alleged violation(s) of the Code are encouraged to report it promptly to the OSC or UK Police Department (UKPD) if applicable.

I. Student Organizations (SO)

See section on Student Organizations below.

J. Timing

Each student is responsible for their conduct from the time of admission to UK through the actual awarding of a degree. The Code applies to these times, including times when UK is not conducting classes. UK may impose discipline for violations that occur before the degree is awarded but which are not discovered until after the degree is awarded. If a student withdraws while a student conduct matter is pending, the student conduct matter must be resolved prior to reenrollment.

K. University Housing Policies

1. Misconduct by students living in UK owned or controlled residence halls, houses, and apartments is typically addressed by University Housing. The standards and regulations for UK owned or controlled residential facilities are contained in the written rental agreement between the student and UK and in the University Housing Community Standards (UHCS). University Housing investigates alleged violations of the rules and regulations outlined in the Housing & Dining Contract. Management of such cases is conducted in accordance with established and published procedures. A compilation of all rules established under the Housing & Dining Contract is available to all residents of the facility to which such rules apply.
2. If the behavior or conduct that occurs in UK owned or controlled housing poses a health or safety risk to self or others or may result in disciplinary suspension or dismissal from UK, or termination of residence in campus housing, the case will be referred directly to OSC. In cases where the alleged violation of the Housing & Dining Contract may constitute a violation of the provisions of the Code, University Housing may refer the case to the Office of Student Conduct.

Community & Individual Support

A. Interim Measures

In certain circumstances, the Dean of Students or their designee may impose reasonable interim measures, including, but not limited to, adjusting student housing assignments, temporarily suspending a student, restricting a student from University property, educational opportunities and/or extracurricular activities or limited operations of a student organization. An interim measure may be imposed to:

1. Ensure the safety and well-being of members of the University community or preserve University property;

2. Ensure the student's own physical or emotional safety and well-being; or
3. Ensure that normal operations of the University are not disrupted.

Upon taking such action, the Dean of Students or their designee will:

1. Advise the student or student organization of the interim measure in writing. The written notice will include the reasons for the interim measure and the right to an interim measure hearing; and
2. Immediately notify the Vice President for Student Success of the interim measure.

An interim measure hearing will be held by the Vice President for Student Success within three (3) business days of the written notice, unless otherwise waived by the respondent. A respondent's waiver of a right to an interim measure hearing does not constitute admission of responsibility.

The purpose of the interim measure hearing is to determine where there is substantial evidence that the respondent poses a risk to the safety of the University community and if the interim measure is appropriate to mitigate the risk. At the interim measure hearing, the respondent has the right to be represented by an attorney. The interim measure hearing will be conducted by the Vice President for Student Success, and the decision to affirm, modify, or vacate the interim measure is the University's final action on the interim measure. There are no further appeals.

B. Alcohol & Other Drug Amnesty

Student health and safety are of primary concern at UK. Students who seek emergency assistance on behalf of persons experiencing drug or alcohol-related emergencies, as well as the student experiencing the emergency, may not be charged or receive restorative actions for violations of drug or alcohol-related policies in this Code. Students granted amnesty may be required to meet with OSC and complete all educational interventions, counseling, or treatment deemed necessary by OSC. Amnesty may be granted to a SO if the SO seeks assistance for a student.

Reporting students must complete the following responsible actions:

1. Call 911 or UKPD;
2. Stay with the individual needing assistance until emergency services arrive; and,
3. Cooperate with university and law enforcement, and emergency officials.

Amnesty will not be granted for other policy violations that may have occurred during the incident (i.e., distribution of alcohol or other drugs, fighting, property damage etc.).

Amnesty does not apply to a student and/or SO who supplied or otherwise made available the alcohol (if the student who needs assistance is under 21 years of age) or other drug to the student needing medical assistance or if the incident results in serious injury or death. The student experiencing the medical emergency may still qualify for amnesty.

The health and safety of every student at UK is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to a UK official or the Office of Equal Opportunity. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to UK officials or law enforcement will not be referred to the Office of Student Conduct for a violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

This policy applies only to the Code and does not in any way prohibit law enforcement agencies within their jurisdictions from enforcing the laws enacted by the Commonwealth of Kentucky. KRS 218A.133; KRS 244.992.

The decision to grant amnesty to a student or student organization will be evaluated on a case-by-case basis at the discretion of the Dean of Students or their designee. Students or SOs may be required to complete educational interventions in order to receive amnesty. In cases requiring educational interventions, amnesty will be granted following the completion of the intervention(s). Educational interventions in amnesty cases are not restorative actions, and the student or student organization would not incur financial cost to complete the intervention. Cases in which amnesty was granted would not be a part of the student or SO's reportable disciplinary record.

Rights of Students and SOs in the Student Conduct Process

1. To be treated fairly in the student conduct process.

2. For Respondents, to be provided written notice of any allegation or formal charge of the misconduct, as well as a description of the alleged misconduct.
3. For Respondents, to be presumed not responsible for a violation until determined otherwise. The burden of establishing a violation of the Code is on UK.
4. To review the information contained in the student conduct report, with all personally identifying information of other students removed (if appropriate), in advance of an informal meeting or formal hearing.
5. To present relevant information verbally or in writing on their behalf.
6. To have up to two (2) support persons present at a meeting throughout the student conduct process to provide emotional or other support, including an attorney.
7. To not speak or answer any questions during the student conduct process. Refusal to do so is not considered admitting responsibility for an alleged violation.
8. To ask reasonable questions and challenge, either verbally or in writing, the allegation(s), formal charge(s), or information provided during an informal meeting or formal hearing.
9. To request that a member of a hearing board or appeals board be removed from the hearing or appeal based on a conflict of interest or bias.
10. To know the identity of persons speaking or providing written information to a hearing or appeals board.
11. To provide an impact statement(s) for consideration during the restorative action portion of a formal hearing or a restorative conference.

Standards of Conduct

Students and SOs are responsible for modeling behavior that represents UK's core values and are expected to conduct themselves as responsible members of the UK community. Students and SOs are subject to restorative actions for violations of laws, and published UK policies, rules, and regulations. The following conduct is prohibited:

A. Abuse of the Student Conduct Process

Abuse of the student conduct process includes, but is not limited to:

1. Falsifying or misrepresenting information;
2. Disrupting the orderly conduct of a student conduct meeting;
3. Preventing or attempting to prevent an individual's proper participation in, or use of, the student conduct process, which includes, but is not limited to retaliation against any participant of the conduct process, harassment, intimidation, threats and/or adverse actions. Individuals who encourage others to retaliate on their behalf may also be found responsible for retaliation;
4. Influencing the neutrality of a conduct officer, member of a hearing board, or member of an appeals board prior to or during the course of a student conduct proceeding;
5. Harassing (verbal or physical) or intimidating an individual involved in the student conduct process, including, but not limited to conduct officers, members of the hearing board or appeals board, complaining witnesses, or support person(s), prior to, during, or after a student conduct proceeding;
6. Influencing another person to commit an abuse of the student conduct system.

B. Bullying and Cyberbullying

Bullying, including cyberbullying, is repeated or hostile behaviors that a reasonable person would find intimidating or that would harm or distress another person, but fall short of being harassment. This provision will not be used to discipline students for speech protected by the First Amendment.

C. Collusion

Collusion is any action or inaction with another one or more individual(s) to intentionally violate the Code.

D. Damage and Destruction

Damage and destruction are intentionally or negligently damaging, destroying, defacing, or altering UK property, public property or private property of another person.

E. Discrimination

Discrimination is any action or behavior that results in negative or different treatment of an individual based upon race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking.

F. Disruptive Behavior

Disruptive behavior is any conduct that disrupts any teaching, research, administrative, disciplinary, or other UK activities. Disruptive

behavior may occur at functions on or off campus, or at other authorized non-UK activities when the conduct occurs on UK property.

G. Harassment

Harassment is unwelcome conduct that is so severe, pervasive, and objectively offensive that it substantially interferes with the ability of a person to work, learn, live or participate in, or benefit from services, activities, or privileges provided by UK. This provision will not be used to discipline students for speech protected by the First Amendment.

H. Failure to Comply

Failure to comply is deliberate noncompliance with directions of UK officials or UK law enforcement officers acting in performance of their duties, including failure to properly identify oneself to these persons when requested to do so or failing to complete restorative action(s) imposed by an assigned deadline.

I. Falsification

Falsification includes using, providing, or having false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments, as well as misrepresenting oneself or one's identity with the intent to deceive or cause distress.

J. Financial Irresponsibility

Financial irresponsibility is having recurring lapsed financial over-obligation and nonpayment of debts to UK.

K. Violation of UK Fire Safety Policies

Violations of UK fire safety policies include, but are not limited to:

1. Failing to evacuate during a fire alarm;
2. Falsely reporting a fire-related emergency;
3. Tampering with or improperly engaging a fire alarm, smoke detector, emergency exit signs, or sprinkler system;
4. Improper use or possession of fire safety equipment; or
5. Intentionally or recklessly causing a fire, regardless of whether or not it damages UK or personal property or causes injury to any member of the UK community.

L. Harm and Threat of Harm

Harm and threat of harm include physical abuse, verbal abuse, threats, intimidation, harassment, force, or other conduct that causes injury or a reasonable expectation of injury to the physical or mental health or safety of another person.

M. Hazing

Hazing means a direct action which substantially endangers the physical and psychological safety or well-being of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization, which coerce or force a minor or a student regardless of the individual's willingness to participate.

N. Misuse of Intellectual Property

Misuse of intellectual property includes the unapproved download, creation, sale, transfer, access, reproduction or distribution of trademarks, copyrighted material, or patented inventions. Unapproved materials may include, but are not limited to audio, video, research materials, or course materials provided by the instructor, such as the instructor's notes or PowerPoint presentations, handouts, tests, outlines, and similar materials. Saving or distributing the course materials or submissions of other students may also constitute a violation.

O. Invasion of Privacy

Invasion of privacy is using or attempting to use electronic or other devices to make and/or distribute a photographic, audio, or video record of any person without their prior knowledge or consent when such a recording is likely to cause injury or distress.

P. Misuse of Alcohol

Misuse of alcohol is the use or possession of alcohol by anyone under 21, the distribution of alcohol to others in violation of law, and any other behaviors that violate state or federal alcohol laws or University policies on alcohol.

Q. Misuse of Drugs

Misuse of drugs is using, possessing, manufacturing, or distributing cannabis, heroin, narcotics, or other controlled substances except as permitted by law.

R. Misuse of UK Information Technology Resources (UK IT)

Misuse of UK IT is any activity that violates University policies governing access to and use of University Information Technology Resources. This includes use of University provided internet services to improperly access, stream, or download stream copyrighted materials.

S. Misuse of Tobacco

Misuse of tobacco is using any tobacco or other related products on UK Property in violation of University policies on Tobacco.

T. Public Exposure

Public exposure is intentionally exposing private or intimate parts of the body in a lewd manner when the action may be readily observed

by others.

U. Public Intoxication

Public intoxication is intoxication due to use of alcohol or a controlled substance as defined by KRS 222.202 or KRS 525.100.

V. Sexual Misconduct

Sexual misconduct is defined and managed according to procedures outlined by the Office of Equal Opportunity.

UK expects and requires students who initiate sexual activity to acquire affirmative consent before engaging in said activity. UK defines affirmative consent as a clear and voluntary expression of willingness, permission, or agreement to engage in specific sexual activity throughout a sexual encounter. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other to engage in the sexual activity. Consent cannot be inferred from the absence of a "no;" consent, verbal or otherwise, must be obtained. Consent cannot be granted by an individual who:

1. Is incapacitated as defined by the Office of Equal Opportunity;
2. Has been compelled by force or threat of force; or
3. Is coerced by supervisory or disciplinary authority.

W. Unapproved Access

Unapproved access includes unapproved possession, duplication, or use of keys or access cards to any UK property or unapproved entry to or use of UK property, property affiliated with UK, or property or space of other UK students. This includes providing UKIDs or mobile credentials to another student and possessing the UKID or mobile credentials of another student.

X. Unapproved Fundraising, Sales, or Soliciting

Unapproved fundraising, sales, or solicitation includes fundraising or soliciting on UK property without approval and in violation of University policies on fundraising, sales, and soliciting. (See Administrative Regulation on Significant Policies.)

Y. Unapproved Possession of Deadly Weapons

Unapproved possession of deadly weapons is possessing deadly weapons on UK property in violation of University policies on deadly weapons.

Z. Unapproved Possession of Property

Unapproved possession of property is knowingly taking or possessing UK property, public property, or the personal property of another

without permission. Unapproved possession includes having stolen property where the student knows or should have known it was stolen.

AA. Violations of Law or other UK Policies

Violations of law or other UK policies includes any conduct or activity that violates a federal, state, or local law, or other UK policy.

BB. Failure to Follow Health and Safety Guidelines

A student or SO may face discipline under the Code for failing to follow health and safety guidelines announced by the University. These guidelines are based upon guidance from the Center for Disease Control and Prevention (CDC) and input from UK administration. As knowledge related to health and safety issues evolves the guidelines may change over time. Up to date information related to the guidelines will be provided by UK.

CC. Unrecognized Student Organization Activity

Unrecognized student organization activity includes providing assistance to or in any way perpetuating the activities of an Unrecognized Student Organization.

Restorative Actions

The following restorative actions may be imposed upon any student or SO found responsible for a violation of the Code. More than one restorative action may be imposed for any single Code violation.

A. Administrative Referral

An administrative referral is a mandatory referral to another campus office/department to address concerns regarding a particular behavior or need. For example, a student or SO may be referred to another UK office or off-campus resource for additional assessment, support or recommendations.

B. Cancellation of Housing Contract

Cancellation of housing contract is a separation of the student or SO from facilities maintained by the Office of Housing and Residence Life, Office of Fraternity and Sorority Life, and/or Auxiliary Services. Students or SOs dismissed from these facilities may not be eligible for readmission into any facilities maintained by UK for the period defined. Cancellation of the housing contract may be temporary or permanent.

C. Conduct Probation

Conduct Probation is a designated period of time in which a student or SO is not considered in good standing with UK. During this time, a student or SO should take steps to modify their behavior to align with University expectations. Subsequent policy violations may result in more severe restorative actions, up to and including disciplinary suspension or expulsion from UK.

D. Deferred Suspension

Deferred Suspension is a designated period during which a student or SO is considered not in good standing with the University of Kentucky. Deferred Suspension is used in situations where the conduct is severe enough to justify suspension but mitigating circumstances exist to permit the student or SO an opportunity to correct behavior. During this time, the student or SO must comply with all University policies and complete any assigned educational or restorative actions. Failure to meet these expectations may result in further disciplinary action including but not limited to disciplinary suspension, expulsion, or loss of student organization recognition.

E. Disciplinary Expulsion

Disciplinary Expulsion is permanent separation of the student from UK.

F. Disciplinary Suspension

Disciplinary Suspension is the separation of the student from UK for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Student status remains during the period of disciplinary suspension.

G. Educational Action

An educational action is a measure intended to educate the student or members of the SO on their responsibilities to abide by the Code and learn from the violation in an educational way. Examples of educational actions include but are not limited to writing reflective or research papers, attending educational activities or substance education workshops, completing a prescribed number of community service hours, undergoing a counseling assessment, or taking community education classes.

H. Informal Warning

An informal warning is an oral or written warning to the student or SO found responsible for a violation of the Code when the circumstances and severity of actions do not warrant the development of an official student conduct record. No official record of an informal warning is maintained as part of the student's or SO's disciplinary record.

I. Official Warning

An official warning is a written notice to the student or SO found responsible for a violation of the Code or UK policy. A record of an official warning is maintained as part of the student's or SO's disciplinary record.

J. Parental Notification

FERPA permits UK to notify a student's parents if:

1. The student is under the age of twenty-one (21) and has violated any law or UK policy related to alcohol or controlled substances; or
2. The student is considered a threat to themselves or to others, or there is a need to protect the health and safety of the student.

K. Residence Hall Probation

Residence Hall Probation is a designated period of time in which a student or members of a SO that is housed in facilities maintained by the Office of Residence Life, Office of Fraternity and Sorority Life, and/or Auxiliary Services are not considered in good standing with the University Housing. During this time, a student or SO should take steps to modify their behavior to align with University expectations. Subsequent policy violations may result in more severe restorative actions.

L. Restitution

Restitution is a measure intended to compensate for the loss, damage, or injury caused by a student or members of SOs. This action may take the form of appropriate service, monetary compensation, or material replacement.

M. Revocation of Admission and/or Degree

Admission to, or a degree awarded from, UK may be revoked for fraud, misrepresentation, or other violation of UK standards in gaining admission or obtaining the degree, or for other serious violations committed by a student prior to graduation. A recommended action of revocation of a degree will be referred to the Board of Trustees for final action.

Note: Revocation of admission or a degree under this Code is a separate and distinct action from sanctions that may be imposed under the UK Senate Rules for academic misconduct, (e.g., cheating, plagiarism, etc.)

N. Social Suspension

Social Suspension is the loss of specified UK privileges or extracurricular institutional activities for a designated period of time, except for attendance in classes in which they are officially enrolled and privileges that are necessary or required (e.g., libraries, extracurricular lectures, work-study). This applies to both students and SOs.

O. Withholding Degree

UK may withhold awarding a degree otherwise earned until the completion of the student conduct process, including the completion of all restorative actions imposed, if any.

Student Organizations

Student organizations are essential to campus life and share responsibility for upholding community values. This section outlines expectations and support specific to student organizations to ensure clarity, accountability, and alignment with the University's commitment to a safe and respectful environment.

Definitions

A. "Administrative Liaison" (AL) means a university staff member from a designated office who serves as a resource to an organization during the conduct process. Student Organizations and Activities (SOA) or Fraternity and Sorority Life (FSL) will serve as the AL for organizations that the office typically supports.

B. "Event Registration Hold" means a restriction placed on a student organization indicating that the organization must resolve an outstanding issue, such as incomplete restorative actions, prior to registering or hosting events.

C. "Inter/National Organization Governing Body" is any known or designated association or body affiliated with any SO.

D. "Student Leader" is any student appointed, elected, or serving in a leadership role within their SO (e.g., officer, committee chair, etc.)

E. "Student Organization Representative" is the elected or appointed leader of an SO. The University will generally direct communication to the student on file with the University as the elected or appointed leader of the SO (e.g., president or team captain); however, the SO may choose any student member to serve as the official representative of the SO at any time during the student conduct process. If the individual designated is no longer eligible to serve in that role (e.g., the student withdraws from the University or is no longer a member of the SO) or if the SO dissolves prior to final resolution of the matter, the University may designate a SO representative of their choosing.

F. "Student Organization Volunteer" is an individual who is selected, identified, and approved by the University to serve in a support, advisory, or mentoring capacity for an SO. This may include alumni, national or regional organization representatives, community members, or other individuals who provide guidance, coaching, or logistical support to an SO. Student Organization Volunteers do not hold formal oversight authority.

G. "University Volunteer" is a faculty or staff member who chooses to support a Registered Student Organization (RSO) in a voluntary capacity, outside the scope of their official university job responsibilities. These individuals may provide mentorship, event support, or organizational guidance, but their involvement is not required by their position.

H. "University Advisor" is a full-time faculty or staff member who provides oversight, guidance, or support to a Sponsored Student Organization (SSO) as part of the organization's departmental or college sponsorship. University Advisors may offer advisement, facilitate access to institutional resources or facilities, assist with funding processes, or serve as a liaison between the organization and the sponsoring unit.

I. "Unrecognized Student Groups" is an SO that is not registered in accordance with policies published by Student Organizations & Activities and/or an SO that has had their registration suspended or dismissed through the Office of Student Conduct.

Connecting Conduct to an SO

The following points will be used to decide if certain behavior is connected to a Student Organization (SO):

1. Support or approval by the organization: The SO or its officers were aware of, involved in, supported, or failed to prevent the behavior. This could mean planning, promoting within the organization, or knowing it was likely to happen and not stopping it.
2. Paid for by the organization: The behavior took place at an activity that was paid for with SO funds or with members' personal funds.
3. Location of the activity: The behavior happened on property owned, rented, leased, or used by the SO or its members for an organizational event.
4. Membership connection: The activity was related to affiliating with, joining, initiating, or continuing membership in an SO.
5. Public connection: The activity was known outside the SO in a way that linked it to the organization. This could include advertisements, social media, other communications, or it could be observed by non-members who reasonably believed the activity was affiliated with or endorsed by the SO.
6. Attempts to hide the activity: Members of the SO tried to cover up the behavior or protect other members involved.

Unrecognized Student Groups

Registered Student Organizations (RSO) have privileges which are not afforded to student groups that are not recognized by the University.

Student groups not registered in accordance with policies published by Student Organizations and Activities and/or student organizations that have a revoked status through the Office of Student Conduct:

1. Are not permitted to utilize or reserve university space or facilities designated for organization purposes including events, meetings, and programs. Student groups that are not registered in accordance with policies published by Student Organizations and Activities

may visit UK's website on free speech for a list of designated areas requiring reservation.

2. Are not permitted to partner with officially registered university events held on or off campus and by organizations, departments, or colleges
3. Are not permitted to utilize university monies or funds for organizational purposes including events, meetings, and programs
4. Are not permitted to use University facilities or resources for fundraising
5. Are not permitted to use University facilities or resources for promotions or advertising for organizational purposes
6. Are not permitted to participate in any official UK sponsored event or program or participate in any event or program registered at the University of Kentucky
7. Are not permitted to participate in UK Intramural Sports
8. May not adopt a name which is either the same as, or deceptively similar to, the name of an existing RSO or SSO, an RSO or SSO with revoked or unregistered status, the University, or any division or department of the University
9. May not utilize any logo created by the University or by any UK official

Failure to adhere to this policy will result in a violation of the Code and/or denial of future organization registration submissions.

Interim Measures

Interim measures for SOs will be reviewed following the completion of an investigation to determine whether they remain necessary or should be lifted.

Standards of Student Organization Conduct

SOs are responsible for modeling behavior that represents UK's core values and are expected to conduct themselves as responsible members of the UK community. SOs are subject to restorative actions for violations of laws, and published UK policies, rules, and regulations. In addition to the Standards of Student Conduct outlined above, the following additional conduct is prohibited:

SO A. Alcohol Related Misconduct

Alcohol-related misconduct includes any behavior where a SO or its members help, encourage, organize, approve or otherwise participates in any behavior that violates state or federal alcohol laws, University policies on alcohol, or the Student Organization Events Policy.

1. Alcohol Access
   Alcohol access is failing to take affirmative and appropriate steps to ensure that persons under the age of twenty-one (21) are not served alcohol, serving alcohol, possessing alcohol, or permitted in any area where alcohol is being served
2. Common Source
   Common source is any alcoholic beverage made available whether in bulk quantity, common container, or individual servings (e.g. beer, wine, liquor, or mixed drink) that is provided by a SO, SO member, or guest at any SO event, not served by a licensed and insured third-party vendor.
3. Misuse of Funds
   Misuse of Funds is using University allocated or student fee money to purchase alcohol or indirectly facilitating the sale of alcohol through ticket sales, admission charges, donations, or similar means.
4. Non-Alcoholic Beverages and Food
   Non-alcoholic beverages and food are failing to provide clearly visible non-alcoholic beverage options, including water, and failing to serve food at events where alcohol is present.
5. Promotional Guidelines
   Promotional guidelines is advertising the presence of alcohol or encouraging alcohol consumption in event promotions, including but not limited to drink specials.

SO. B Event Related Misconduct

Event related misconduct is any conduct in which a SO or its members help, encourage, organize, approve, or otherwise participates in any behavior that violates the *Student Organization Events Policy* or other applicable UK policy.

1. BYOB – Age Verification
   Age verification is failing to verify that individuals bringing their own alcohol to a SO event are at least 21 years old.
2. BYOB – Alcohol Limit
   Alcohol limit is failing to prevent an individual from bringing more than the equivalent of six standard drinks per five-hour period to a student organization event or failing to prohibit individuals from bringing beverages that exceed 15% alcohol by volume (ABV).
3. Event Monitors
   Event monitors is failing to have sufficient event monitors in accordance with the *Student Organization Events Policy*.
4. Event Registration
   Event registration is failing to complete the event registration process in accordance with the *Student Organization Events Policy*.

5. Fire Code
   Fire code is failing to take affirmative steps to manage attendance to not exceed fire code at the space where the event is held.
6. Risk Reduction Meeting
   Risk reduction meeting is failing to meet with a designated university staff member and/or complete additional trainings in accordance with the *Student Organization Events Policy*.
7. Transportation
   Transportation is failing to provide alternative transportation for members and guests as required in the *Student Organization Events Policy*.

Restorative Actions

The following restorative actions may be imposed upon any SO found responsible for a violation of the Code. More than one restorative action may be imposed for any single Code violation.

A. Status Actions

1. Informal Warning
   An informal warning is an oral or written warning to the student or SO found responsible for a violation of the Code when the circumstances and severity of actions do not warrant the development of an official student conduct record. No official record of an informal warning is maintained as part of the student's or SO's disciplinary record.
2. Official Warning
   An official warning is a written notice to the student or SO found responsible for a violation of the Code or UK policy. A record of an official warning is maintained as part of the student's or SO's disciplinary record.
3. Residence Hall Probation
   Residence Hall Probation is a designated period of time in which a student or members of a SO that is housed in facilities maintained by the Office of Residence Life, Office of Fraternity and Sorority Life, and/or Auxiliary Services are not considered in good standing with the University Housing. During this time, a student or SO should take steps to modify their behavior to align with University expectations. Subsequent policy violations may result in more severe restorative actions.
4. Conduct Probation
   Conduct Probation is a designated period of time in which a student or SO is not considered in good standing with UK. During this

time, a student or SO should take steps to modify their behavior to align with University expectations. Subsequent policy violations may result in more severe restorative actions, up to and including disciplinary suspension or expulsion from UK.

5. Deferred Suspension
   Deferred Suspension is a designated period during which a student or SO is considered not in good standing with the University of Kentucky. Deferred Suspension is used in situations where the conduct is severe enough to justify suspension but mitigating circumstances exist to permit the student or SO an opportunity to correct behavior. During this time, the student or SO must comply with all University policies and complete any assigned educational or restorative actions. Failure to meet these expectations may result in further disciplinary action including but not limited to disciplinary suspension, expulsion, or loss of student organization recognition.

6. Revocation of Student Organization (SO) Status
   Revocation of SO status is a period during which an SO is not recognized by UK and does not receive the designated privileges outlined in policies published by Student Organizations and Activities. This revocation may be for a defined period of time or may remain in effect indefinitely. From the date of the notice of revocation, cease all organizational activities, surrender balances of all organizational funds granted by Student Government, and vacate office or housing space assigned by the University.

   If the SO is chartered by an Inter/National Governing Body, the University may request that the organization's charter be revoked. Should the governing body choose to revoke the charter prior to the University's final resolution on the matter, the University will no longer recognize the SO.

B. Active Actions

1. Administrative Referral
   An administrative referral is a mandatory referral to another campus office/department to address concerns regarding a particular behavior or need. For example, a student or SO may be referred to another UK office or off-campus resource for additional assessment, support or recommendations.

2. Cancellation of Housing Contract
   Cancellation of housing contract is a separation of the student or SO from facilities maintained by the Office of Housing and Residence Life, Office of Fraternity and Sorority Life, and/or Auxiliary Services. Students or SOs dismissed from these facilities may not be eligible for readmission into any facilities maintained by UK for the period defined. Cancellation of the housing contract may be temporary or permanent.

3. Educational Action
   An educational action is a measure intended to educate the student or members of the SO on their responsibilities to abide by the

Code and learn from the violation in an educational way. Examples of educational actions include but are not limited to writing reflective or research papers, attending educational activities or substance education workshops, completing a prescribed number of community service hours, undergoing a counseling assessment, or taking community education classes.

4. Restitution
   Restitution is a measure intended to compensate for the loss, damage, or injury caused by a student or members of SOs. This action may take the form of appropriate service, monetary compensation, or material replacement.

5. Restriction of Privileges
   Restriction of privileges prevents a SO from participating in certain activities or may require a SO to forfeit specific privileges. Restriction of privileges may include, but are not limited to:
   a. Access to specific or all buildings, grounds or other facilities on campus.
   b. Funding
   c. Resources
   d. Social Events
   e. University Activities/Events: SOs may not be eligible for participation in university facilitated or sponsored events (e.g., SSO sponsored events, DanceBlue, Homecoming, Intramurals, SOA Involvement Fair, etc.)

Authority, Interpretation, and Revisions

A. Authority

Ultimate authority for managing student conduct is vested in the UK Board of Trustees (Board) pursuant to KRS 164.200. The Board has delegated this responsibility to the President, who has in turn delegated the management and oversight of the Code to the Vice President for Student Success. The Vice President for Student Success may delegate enforcement of this Code to the Dean of Students Office. Concerns about the management of the Code may be brought to the Dean of Students or Vice President for Student Success.

B. Interpretation

Any question of interpretation or application of the Code will be referred to the General Counsel for final determination.

C. Review and Revision

The Code will be reviewed annually under the direction of the Dean of Students. The Vice President for Student Success will approve and adopt the Code of Student Conduct.

Procedures

Introduction

These procedures are designed to provide fair and unbiased management of the Code of Student Conduct (Code). The procedures outlined below cover the standards of conduct described in the Code.

These procedures do not apply to matters reported to or investigated by the Office of Equal Opportunity. Reports of harassment or discrimination should be made directly to the Office of Equal Opportunity. Of note, while the Office of Student Conduct (OSC) does not investigate or adjudicate violations of the University's policies on discrimination or harassment, responsible findings may be referred to the Office of Student Conduct for restorative action planning. Reports of sexual assault, stalking, dating violence, or domestic violence should be reported to UK Police or other appropriate law enforcement unit in the location where the violation occurred, the Violence Intervention and Prevention Center (VIP), the Dean of Students Office, the UK Title IX Coordinator (located in the Office of Equal Opportunity), or to any UK official. Procedures for complaints regarding violations of Title IX or University policies on sexual misconduct can be found at: https://oeo.uky.edu/.

Initiating the Student Conduct Process

A. Reports and Investigations

1. The OSC accepts reports of alleged Code violations from any person. All referrals must be submitted in writing through the Incident Reporting Form. The referral should contain as much information as possible to enable UK to address the complaint.
2. Upon receipt of a report, a conduct officer assigned to the case will conduct an investigation to determine if there is enough information to support an alleged violation of the Code and, if so, which violations occurred.
3. The conduct officer may ask the complaining witness, respondent, and/or witnesses to appear at an investigative meeting to discuss the report or gather additional information.

4. If the conduct officer decides the report lacks merit, the report will be dismissed. Appropriate parties will typically be informed in writing within ten (10) business days of the dismissal or a timeline for determining the merit of the complaint. In certain circumstances (breaks in the semester, size and scope of the investigation, etc.) the conduct officer may conduct an investigation lasting longer than ten (10) business days. In these circumstances, the results of the investigation, and any subsequent action, will be communicated to the appropriate party(ies).
5. Violations of the Code also may be violations of the law. UK strongly encourages complaining witnesses to make reports to both local law enforcement agencies and UK. Because the standard of proof required in criminal law is different from the standard of proof required in the Code and UK policy, a criminal investigation will not take the place of a UK investigation. However, any evidence revealed in the criminal investigation may be used to supplement OSC's investigation.
6. UK will not wait for the conclusion of a criminal investigation to begin conducting its own investigation or to take interim measures to protect UK or any member of the UK community or when necessary to initiate hearing procedures as outlined below. Interim measures include but are not limited to social suspension, interim suspension, or housing relocation or suspension.
7. When a report could result in suspension, expulsion, cancellation of housing contract, revocation of SO status, or when a restorative conference is inappropriate, the conduct officer may send the report directly to formal hearing. In that event, the conduct officer will contact the student or student organization to explain the formal hearing process and procedures.

B. Notice and Administrative Measures

1. If a determination is made that a violation of the Code has likely occurred, the conduct officer will notify the respondent via a notice of alleged code violation (notice). The notice will be sent to the respondent's official UK email address no less than three (3) business days prior to a scheduled informal meeting and will include: 1) a summary of the complaint; 2) the alleged policy violations: 3) the Code; 4) rights of students and SOs involved in the student conduct process; and (5) the date, time, and location of the informal meeting.
2. For SOs, the notice will be emailed to the Student Organization Representative as defined in this Code (typically the president on file with Student Organizations and Activities).
3. The date and time of the informal meeting is determined by the respondent's class schedule and the availability of the conduct officer. An informal meeting or outcome review will only be rescheduled for good cause and with prior notice.
4. Prior to any informal meeting or outcome review, the respondent and complaining witness may contact the OSC to arrange to review all information relevant to the allegations.

5. Failure to read and comply with the notice is not grounds for an appeal. If a student or SO fails to attend an informal meeting or outcome review, a decision regarding the alleged policy violation(s) and subsequent imposed restorative actions may be made in the absence of the student or SO.
6. If the student or student organization retains an attorney, they must notify the conduct officer one (1) business day prior to any scheduled investigative or informal meeting and three (3) business days prior to an outcome review.
7. A student must complete a FERPA form for all support persons in attendance, including attorneys, prior to an investigation meeting, informal meeting, or outcome review meeting.

Interim Measures

In certain circumstances, the Dean of Students or their designee may impose reasonable interim measures, including, but not limited to, adjusting student housing assignments, temporarily suspending a student, restricting a student from University property, educational opportunities and/or extracurricular activities or limited operations of a student organization. An interim measure may be imposed to:

1. Ensure the safety and well-being of members of the University community or preserve University property;
2. Ensure the student's own physical or emotional safety and well-being; or
3. Ensure that normal operations of the University are not disrupted.

Upon taking such action, the Dean of Students or their designee will:

1. Advise the student or student organization of the interim measure in writing. The written notice will include the reasons for the interim measure and the right to an interim measure hearing; and
2. Immediately notify the Vice President for Student Success of the interim measure.

Interim Measure Hearing

An interim measure hearing will be held by the Vice President for Student Success or designee within three (3) business days of the written notice, unless otherwise waived by the respondent. A respondent's waiver of a right to an interim measure hearing does not constitute admission of responsibility.

The purpose of the interim measure hearing is to determine where there is substantial evidence that the respondent poses a risk to the safety of the University community and if the interim measure is appropriate to mitigate the risk. At the interim measure hearing, the respondent has the right to be represented by an attorney. The interim measure hearing will be conducted by the Vice President for

Student Success, and the decision to affirm, modify, or vacate the interim measure is the University's final action on the interim measure. There are no further appeals.

Informal Resolution Options

A. Informal Meeting

1. Respondents may be provided with an informal meeting to resolve the allegations. Informal meetings provide the respondent with an opportunity to discuss the referral with the conduct officer and others as appropriate. Upon the conclusion of the meeting, the conduct officer will determine whether the preponderance of the evidence was met that the respondent violated the Code, and, if appropriate, determine a restorative action plan. If at any time the conduct officer determines there is not sufficient information to support an alleged violation, the conduct officer may dismiss the referral. Informal meetings are closed.
2. The respondent may be assisted by up to two (2) support persons of their choice and at their own expense. Support persons are not permitted to speak or to participate directly in the informal meeting. A student should select a support person(s) whose schedule allows attendance at the scheduled date and time for the meeting. Delays of a meeting are not normally allowed because of the scheduling conflicts of a support person. When an attorney will serve as a support person, the student must notify the conduct officer at least one (1) business day prior to the scheduled investigation or informal meeting date.
3. If the conduct officer determines sufficient information does exist to support the preponderance of the evidence for an alleged violation, and the respondent ***accepts responsibility*** for the alleged violation, the conduct officer and the respondent will discuss restorative actions. The respondent can either:
    a. Agree to fulfill the restorative action as discussed in the informal meeting;
    b. Disagree with the proposed restorative action(s) and, if appropriate, request a restorative conference (see below); or
    c. Disagree with the proposed restorative action(s) and request an outcome review or formal hearing on the issue of appropriate restorative action(s) only.
4. An agreement by the student as to either responsibility or the restorative action(s) reached during the informal meeting may not be appealed.
5. If the conduct officer determines sufficient information exists to support the preponderance of the evidence for an alleged violation, and the respondent ***does not accept responsibility***, an Outcome Review will be conducted. If the suggested restorative action plan includes disciplinary suspension, disciplinary expulsion, cancellation of housing contract, or revocation of student organization registration, the matter will be forwarded to a formal hearing.

6. In cases where the Office of Equal Opportunity has determined that a violation of University policies on discrimination or harassment has occurred, the case will be referred to OSC to implement restorative action(s). If the student does not agree with the recommended restorative action(s), an outcome review will be conducted.

B. Alternate Dispute Resolution (ADR)

1. At any time, the conduct officer may also recommend that the parties explore alternative dispute resolution rather than continuing under these procedures.
2. Alternative Dispute Resolution processes provide an opportunity for interaction between the respondent and any harmed party or complainant but also may involve the UK community in the decision-making process. ADR provides everyone with a voice in the process and allows for collaboration in deciding what is to be done about the incident in question. Community participants may be anyone in the UK community concerned about the behavior.
3. Participation in a ADR is voluntary, and all parties must willingly agree to attend. The respondent must have previously accepted responsibility for the behavior in question for a ADR to occur. ADR processes may or may not result in additional restorative actions, depending on the outcome of the process.
4. If a resolution is not met through the ADR process, the student conduct process will resume.

D. Outcome Reviews

1. An Outcome Review by another conduct officer in the Office of Student Conduct, typically the Associate Director or Director of Student Conduct, may be requested in matters where informal resolution is not reached and the recommended restorative actions do not include disciplinary suspension, disciplinary expulsion, cancellation of housing contract, or revocation of student organization registration. A student may request an outcome review if:
    a. The conduct officer determines sufficient information exists to support the preponderance of the evidence for an alleged violation and the respondent does not accept responsibility for the alleged violation; or
    b. If the conduct officer determines sufficient information does exist to support the preponderance of the evidence for an alleged violation and the respondent accepts responsibility for the alleged violation but does not accept the restorative actions.
2. Decisions made by the outcome review conduct officer are final.

Formal Resolution

A. Formal Hearings

1. In cases where the potential outcomes include disciplinary suspension, disciplinary expulsion, cancellation of housing contract or revocation of SO status and when informal resolution is not reached, the matter will be referred to a formal hearing. Formal hearings are closed meetings that permit UK, the respondent, and other appropriate parties to address the alleged violation and/or restorative actions with a hearing board. Only individuals with a legitimate role in the hearing process are permitted to attend or participate in a hearing.
2. Information on the formal hearing process and the related appeals can be found at: https://regs.uky.edu/administrative-regulation/ar-ar-due-process-interim.

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