MISSION STATEMENT

To ensure student success, the Office of Student Rights and Responsibilities provides an educational outreach program and a fair and impartial student judicial system for students, faculty and staff. We acknowledge, as part of our mission, the importance to foster a safe environment that is built on trust, honesty, integrity, and mutual respect.

WHAT STUDENTS CAN EXPECT OF OUR OFFICE

Student Rights and Responsibilities will:

- Provide information to all students relating to the General Regulations for Student Behavior,
- Adjudicate all reports of alleged violations of the General Regulations for Student Behavior and the Policy for Academic Integrity in a consistent manner,
- Facilitate due process rights set forth by the University Handbook for Students, and
- Ensure fair and impartial hearings.

WHAT WE EXPECT OF STUDENTS

Students will:

- Show respect for others, themselves, and the University community,
- Take responsibility for their behavior,
- Read and understand the University Handbook for Students, and
- Uphold the Student Honor Code.
Students are responsible for knowing the University’s regulations, disciplinary procedures, and penalties. It should be emphasized that students are subject to criminal statutes and legal action, not just the University’s regulations and disciplinary system.

1. Endangering or threatening to endanger life, health, safety, or property.

2. Subjecting another person to sexual intercourse or sexual contact by forcible compulsion or while the person is incapable of consent.

3. Engaging in a course of conduct which is intended to harass, intimidate, or unreasonably impair the person’s ability to participate in or fully benefit from the University’s environment.

4. Persons are prohibited from possessing tasers/stun guns, pellet guns, BB guns and firearms, explosives, or other deadly weapons or look-alike or replica weapons on the campus of Eastern Kentucky University, except as follows:
   - a. Sworn police officers employed by the University’s Division of Public Safety;
   - b. Sworn police officers employed by other public agencies and present on the campus for the purposes of education, training, or assistance at University events; when such possession may be necessary for their official duties or for participation in training. Such officers must be authorized by the employing agency to carry weapons as a normal and required part of their duties;
   - c. Members of the U.S. Army Reserve Officer Training Corps (ROTC) when necessary for the purposes of military officer education and marksmanship training.

5. Illegally selling, possessing, possessing paraphernalia or using drugs or other substances.

6. Engaging in drunk and disorderly conduct on University owned or controlled property or at University functions.

7. Being under the influence of alcohol or controlled substance to the degree that the student may endanger himself/herself or other persons or property.

8. Possessing or consuming alcohol or controlled substances on University property.

9. Taking, possessing, damaging, or destroying public or private property.

10. Creating a fire or safety hazard or abusing/misusing safety equipment, or transmitting false fire alarms; helping or influencing others in such offenses.

11. Vandalizing, damaging, abusing, or interfering with the operation of elevators.

12. Throwing objects from University buildings.

13. Disrupting the peace or interfering with classroom or other University activities.
14. Disregarding the reasonable directives, verbal or written, of any staff in the conduct of assigned duties.

15. Unauthorized entry to or unauthorized use of any University property of facilities; this includes, but is not limited to the violation of residence hall regulations, for example:
   - a. Failing to comply with visitation regulations;
   - b. Failing to comply with residence hall regulations as listed in the residence hall guidelines and/or the housing contract;

16. Falsifying identity or information.

17. Academic dishonesty; plagiarism, cheating, and fabrication.

18. Offering or passing a worthless check or failing to meet financial obligations to the University.

19. Interfering with the use of or abusing any part of University computing services or facilities.

20. Violating University regulations for operating motor vehicles.

21. Encouraging or helping someone to violate University regulations.

22. Failing to abide by the terms of any disciplinary sanction properly imposed by a University official, committee, or agency.

23. Failure to self-report as a registered sex offender or any other violation of the “University Policy Regarding employees and Students Registered as Sex Offenders.”

24. Failing to comply with the University hazing policy.

**PART 2: HEARING BODIES**

Provision has been made for certain committees or bodies to hear cases involving the alleged infraction of University regulations and appeals of decisions evolving from these cases. The organizational structure of these bodies is as follows:

- Board of Regents
- President of the University
- Student Disciplinary Council
- Executive Director of Student Rights and Responsibilities
- Judicial Committee

**BOARD OF REGENTS**

KRS 164.310 provides for a Board of Regents for state universities and KRS 164.350 provides that the government of the University is vested in its Board of Regents. The statute provides, further, that:
Each Board of Regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges and franchises usually attaching to the governing bodies of education institutions.

**PRESIDENT OF THE UNIVERSITY**

The President of the University is the executive officer of the Board of Regents. In this capacity, the President brings to the attention of the Board matters for the Board’s consideration.

**STUDENT DISCIPLINARY COUNCIL**

Kentucky Revised Statute 164.370 provides that:

Each Board of Regents may invest the faculty or a committee of the faculty and students with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination, or immoral conduct. In every case of suspension or expulsion of a student the person suspended or expelled may appeal to the Board of Regents. The Board of Regents shall prescribe the manner and the mode of procedure on appeal. The decision of the Board of Regents shall be final.

Amended April 7, 2010 “to permit a representative committee of designated faculty, staff and students to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination or immoral conduct.”

**EXECUTIVE DIRECTOR OF STUDENT RIGHTS AND RESPONSIBILITIES**

The Executive Director of Student Rights and Responsibilities is that person designated by the President of Eastern Kentucky University to be responsible for the administration of the student disciplinary system.

**STUDENT JUDICIAL COMMITTEES**

The term "student judicial committees" means any person or persons authorized by the Executive Director of Student Rights and Responsibilities to determine if a student has violated the student conduct code and to recommend imposition of sanctions.

**PART 3: PROCEDURES IN STUDENT CONDUCT CASES**

The University will use the disciplinary authority inherent in its responsibilities to protect its educational purposes and processes. In the exercise of this authority, safeguards shall be observed to insure due process to a student accused of violations of General Regulations Concerning Student Behavior. The term “student” includes all persons taking courses at Eastern Kentucky University, both full time and part time, pursuing undergraduate, graduate, or professional studies and those who attend postsecondary educational institutions other than EKU and who reside in University Housing. Persons who are not enrolled for a particular term but who have a continuing relationship with EKU are considered students. Individuals who are not students but reside in University Housing are subject to University disciplinary regulations. The General Regulations Concerning Students Behavior are defined as written
regulations of EKU as found in, but not limited to, the University Handbook for Students, Guide to Residence Hall Living, and the University web page. These particular regulations may be referred to as University disciplinary regulations or as the student code of conduct.

JURISDICTION

Generally, the University’s jurisdiction for application of the General Regulations Concerning Student Behavior shall be limited to conduct which occurs on University premises or which adversely affects the University Community and its pursuit of its objectives. The term “University premises” includes all land, buildings, facilities, and other property in the possessing of or owned, used, or controlled by Eastern Kentucky University including adjacent streets or sidewalks. The University does not act as a collection agency for landlords, retails stores or others. Proceedings under this student code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

STUDENT DISCIPLINARY SYSTEM

The University disciplinary system is composed of three levels. The three levels are Residence Hall Coordinators and Student Judicial Committees, Executive Director of Student Rights and Responsibilities and the Student Disciplinary Council. The term “student judicial committees” means any person or persons authorized by the Executive Director of Student Rights and Responsibilities to determine if a student has violated the student conduct code and to recommend imposition of sanctions. The Executive Director of Student Rights and Responsibilities is that person designated by the President of Eastern Kentucky University to be responsible for the administration of the student disciplinary system. The Student Disciplinary Council is that entity which is designated by the Board of Regents, pursuant to K.R.S. 164.370, to hear those cases in which the gravity of the charge suggests a possible sanction of suspension or expulsion. In each instance, the formality of procedures followed in hearing cases will vary with the gravity of the sanction or penalty suggested by the alleged violation of University Regulations. In all cases, the burden of proof shall be on the accuser.

ADMINISTRATIVE CHARGES

Any member of the Eastern Kentucky University community may file charges against any student for misconduct. The term “member of the University community” includes any student or person employed by Eastern Kentucky University. Charges shall be prepared in writing, as soon as possible after the event takes place, and directed to the Executive Director of Student Rights and Responsibilities who is responsible for the administration of the University’s judicial system.

Charges of misconduct, preliminary to disciplinary action shall be presented to the student in writing. Charges shall be of sufficient specificity and provide for a reasonable amount of time to permit defense preparation prior to a possible hearing. The Executive Director of Student Rights and Responsibilities shall, on the basis of the gravity of the charge(s) placed against the student, designate the appropriate committee or agency to hear the case, except that, in cases where suspension or expulsion is a considered sanction, the case shall be brought before the Student Disciplinary Council.

The Executive Director or an appropriate staff member shall counsel the student concerning their alleged violation of the General Regulations Concerning Student Behavior, right to a hearing and an appeal. The Executive Director
or appropriate staff member may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the involved parties. Such agreed dispositions shall be final and there shall be no right of appeal.

**DISCIPLINARY HEARING**

If the charges cannot be disposed of by mutual consent, the Executive Director of Student Rights and Responsibilities or their designee may later serve in the same matter as a hearing officer. All charges shall be presented to the accused student in written form. If the student requests a hearing, there shall be a single record of all hearings before the Executive Director of Student Rights and Responsibilities or the Student Disciplinary Council. The record shall be the property of Eastern Kentucky University. Hearings shall be conducted in private in compliance with FERPA, and decisions at hearings are final dispositions. The accused student has the right to be assisted by an advisor of their choice who is a member of the Eastern Kentucky University community. The accused student is responsible for presenting their case and, therefore, advisors are not permitted to speak in any hearing before a judicial body.

**STUDENT RIGHTS AT A DISCIPLINARY HEARING**

In the hearing of charges against the student, the burden of proof is on the representative of the University or the individual presenting the charges. In addition to the right of advisement, the student has the right to testify in his or her own behalf, to present evidence and witnesses, to hear and question adverse witnesses, to rebut unfavorable inferences, to present two character witnesses, and the right to an appeal as set forth herein. The student shall be informed of all the statements and evidence submitted against him or her and the names of those providing the evidence. Decision of the hearing committee is to be based solely on evidence submitted in the hearing, and improperly acquired evidence should not be admitted.

In presenting a defense before a hearing or review committee, the student may be advised by (1) a member of the University student body if the committee is composed primarily of students or (2) any member of the University community if the hearing is before the Executive Director of Student Rights and Responsibilities or a committee composed primarily of University faculty or staff. He or she may choose an advisor, but no person shall be obligated to serve in this capacity.

In cases of alleged sexual assault, the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings alleging a sexual assault. The final result includes only the name of the student, the violation committed, and any sanction imposed by the institution against the student.

A student’s status in the University, including his right to remain on campus and to attend classes, shall remain unaltered while the charges for violating University regulations are pending.

**SANCTIONS**

Penalties or sanctions imposed by any of the University officials or hearing entities responsible for the enforcement of University regulations shall bear a reasonable relation to the nature of the violation of University regulations for which the penalty is imposed.
TEMPORARY SUSPENSION

Except that, in the event that a student is accused of a violation against the University and/or against the city, state, or federal government, the nature of which may present a clear and present danger of harm to the student, to any other member of the University community, to University property, or to University activities, the President may impose such temporary measures as are necessary to protect the student, the University Community, University property, and/or the ongoing activities of the University. Such temporary sanctions may exist and be enforced only until final disposition of the case has been made by the appropriate University official, or hearing entity but not to exceed a period of five class days. Temporary sanctions based on the “clear and present danger” principle may, upon recommendation of the Student Disciplinary Council and approval of the President be continued during the period of appeal to the Student Discipline Appeals Committee of the Board of Regents. In all cases, students accused of violating University regulations will be informed of their rights, including avenues for appeal of a decision and the right not to testify against oneself.

SUSPENSION OR EXPULSION

By prior action, the Board of Regents has invested the Student Disciplinary Council with the power to suspend or expel a student and this hearing body has original and exclusive jurisdiction in those cases where the suspension or expulsion of a student is a considered sanction for the infraction of which the student is accused. This hearing body shall consist of five faculty members, one staff member, and two student members named by the President of the University. The Vice President for Student Affairs/Dean of Students and the Executive Director of Student Rights and Responsibilities shall not be members of this Board in matters relating to student conduct. In addition to suspension or expulsion, the Student Disciplinary Council may impose university service, probation, assessment(s), or reprimand as sanctions for disciplinary cases. An appeal of a decision of the Student Disciplinary Council by a suspended or expelled student may be made, through the Vice President for Student Affairs/Dean of Students, to the President of the University, to the Board of Regents. The decision of the Board of Regents is final.

In cases involving suspension or expulsion, a record shall be made of the hearing, maintained in the files of the Executive Director of Student Rights and Responsibilities, and a copy shall be made available for inspection by the accused and his or her advisor, with the accused student’s written permission.

ELECTION OF WITHDRAWAL

When the violation is one that indicates possible suspension or expulsion, the student may elect to withdraw from the institution without appearing before the Student Disciplinary Council. The student shall sign a statement indicating that they have been advised of their rights to a hearing and an appeal but intend instead to withdraw from the University on their own accord. In each case in which the gravity of the charges suggests suspension or expulsion, and the student does not elect to withdraw, the case must be heard by the Student Disciplinary Council.

PART 4: SANCTIONS

The University has the authority to penalize or impose sanctions on students who violate University regulations. In determining possible sanctions, the University shall consider such matters as the nature of the
particular offense, the welfare of the student and the University community, and the prior disciplinary record of the student. Usual sanctions are listed and explained in this section. In addition to these sanctions, other sanctions, as appropriate for a particular case, may be imposed. Each level of hearing body may use creative educational sanctions that are designed to be developmental in nature.

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**REPRIMAND**

Official written or oral statement to the student that he or she is guilty of violating a University regulation. A reprimand warns that any further such actions may result in a more severe sanction.

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**RESTITUTION**

Compensation to the University or an individual for damages to University property or personal property.

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**SOCIAL PROBATION**

Status given to less serious policy violations, and in some cases, a restriction of privileges for a specified time.

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**UNIVERSITY SERVICE**

Mandated service to the University of up to 16 hours to be completed within a specified time frame.

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**EDUCATIONAL SANCTION**

Developmental sanction requiring attendance or participation in a prearranged class, program or activity designed to prevent or deal with high risk behavior.

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**COUNSELING**

A student may be referred to the Counseling Center for a counseling evaluation with prior arrangement of the Counseling Center.

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**PARENTAL NOTIFICATION**

A written sanction that notifies and discloses to a parent, parents or legal guardian of a student who is under the age of 21, information regarding the violation of University regulations governing the use of possession of alcohol of a controlled substance. Students have the right to appeal parental notification to the Vice President for Student Affairs/Dean of Students.

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**LOSS OF VISITATION PRIVILEGES**

Period of time where a student loses all visitation privileges. During loss of visitation privileges the student is not allowed to check visitors into his or her residence hall, and they are not allowed to be checked into the residence hall of another student. The guidelines for sanctioning visitation violations are as follows:
● **First Offense:** Written reprimand
● **Second Offense:** Two weeks loss of visitation privileges
● **Third Offense:** Two months loss of visitation privileges

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**ADMINISTRATIVE ASSESSMENT**

Pecuniary sanction of up to $2000 to be paid to the University.

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**EVICTION**

Forced removal from University Housing, a classroom or other University property.

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**UNIVERSITY PROBATION**

Status which carries a severe warning that any further violation of university regulations may result in the student going before the Student Disciplinary Council for consideration of suspension or expulsion. This may include restriction of privileges for a specified period of time.

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**SUSPENSION**

Forced withdrawal from the University for a specific period of time or until stated conditions have been met as determined by the Student Disciplinary Council.

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**EXPULSION**

Permanent, forced withdrawal from the University as determined by the Student Disciplinary Council.

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**PART 5: STANDARD SANCTIONS RELATING TO ALCOHOL AND CONTROLLED SUBSTANCES**

*Paragraph 6: Engaging in drunk and disorderly conduct on University owned or controlled property or at University functions.*

**First Offense:**

● One semester of University probation
● Completion of the alcohol education program #1
● Unannounced room inspections during probation
● $100 administrative assessment
● Written reprimand

**Second Offense:**

● One year of University probation
● Completion of an alcohol/drug assessment **
● Unannounced room inspections during probation
• $200 administrative assessment
• Parental notification *
• Written reprimand

**Subsequent Offenses:**

• One year of University probation
• Eviction from University Housing
• Student is prohibited from being on the premises of any University Housing
• University service
• $675 administrative assessment
• Parental notification *
• Alcohol/drug assessment, at cost to the student, from a certified chemical dependency counselor, and a requirement that the student must follow-up with the recommendations of that psychological evaluation
• Written reprimand to include a warning of suspension or expulsion

**Paragraph 7: Being under the influence of alcohol or controlled substances to the degree that the student may be a danger to himself or other persons or property.**

**First Offense:**

• One semester of University probation
• Completion of the alcohol education program #1
• Unannounced room inspections during probation
• $100 administrative assessment
• Parental notification *
• Completion of an alcohol/drug assessment **
• Written reprimand

**Subsequent Offenses:**

• One year of University probation
• Eviction from University Housing
• Student is prohibited from being on the premise of any University Housing
• University service
• $675 administrative assessment
• Parental notification *
• Alcohol/drug assessment, at cost to the student, from a certified counselor, and a requirement that the student must follow-up with the recommendations of that psychological evaluation
• Written reprimand to include a warning of suspension or expulsion

**Paragraph 8: Possessing or consuming alcohol or controlled substances on University property.**

**First Offense:**

• One semester of social probation
• Completion of the alcohol education program #1
• Unannounced room inspections during probation
• Written reprimand

Second Offense:
• One semester of University probation
• Unannounced room inspections during probation
• $50 administrative assessment
• Parental notification *
• Written reprimand

Third Offense:
• One semester of University probation
• Completion of an alcohol/drug assessment **
• Unannounced room inspections during probation
• $100 administrative assessment
• Parental notification *
• Written reprimand

Subsequent Offenses:
• One year of University probation
• Eviction from University Housing
• Student is prohibited from being on the premises of any University Housing
• University service
• $675 administrative assessment
• Parental notification *
• Alcohol/drug assessment, at cost to the student, from a certified chemical dependency counselor, and a requirement that the student must follow-up with the recommendations of that psychological evaluation
• Written reprimand to include a warning of suspension or expulsion

* Parental Notification for students under 21 was implemented in January 2001.

** Failure to comply with the assessment will result in additional parental notification, and referral to an outside agency, at cost to the student, and a requirement that the student must follow-up with the recommendations of that evaluation.

PART 6: STANDARD SANCTIONS RELATING TO VISITATION PRIVILEGES

Paragraph 15: Unauthorized entry to or unauthorized use of any University property or facilities; this includes, but is not limited to the violation of residence hall regulations, for example,

a. Failing to comply with visitation regulations;
b. Failing to comply with residence hall regulations as listed in the residence hall guidelines and/or the housing contract.

First Offense: Written Reprimand

Second Offense: Two week loss of visitation privileges

Third Offense: Two month loss of visitation privileges

PART 7: STANDARD SANCTIONS RELATING TO COMPUTER VIOLATIONS

Paragraph 19: Interfering with the use of or abusing any part of University computing services or facilities.

First Offense:

- One semester of social probation
- $100 administrative assessment
- Written reprimand that any further violations may result in University probation and a $250 administrative assessment

Second Offense:

- One semester of University probation
- $250 administrative assessment
- Written reprimand that any further violations may result in University probation and a $500 administrative assessment

Third Offense:

- One year of University probation
- $500 administrative assessment
- Written reprimand that any further violations may result in University probation and a $1000 administrative assessment

Subsequent Offenses:

- One year of University probation
- $1000 administrative assessment
- Written reprimand that any further violations may result in consideration of suspension or expulsion

PART 8: STANDARD SANCTIONS RELATING TO FIRE SAFETY AND SMOKING VIOLATIONS

Fire Safety Violations - Paragraph 10: Creating a fire or safety hazard or abusing/misusing safety equipment, or transmitting false fire alarms; helping or influencing others in such violations.

First Offense:

- One semester of social probation
- Attendance to the Fire Safety Class
- Failure to attend class will result in a $50 administrative assessment
- Written reprimand that any further violations may result in University probation and a $100 administrative assessment

**Second Offense:**

- One semester of University probation
- $100 administrative assessment
- Written reprimand that any further violations may result in one year of University probation, University service, eviction from University Housing and $675 administrative assessment

**Third Offense:**

- One year of University probation
- University service
- Eviction from University Housing
- $675 administrative assessment
- Written reprimand that any further violations may result in consideration of suspension or expulsion

*Smoking Violations - Paragraph 15b: Failing to comply with residence hall regulations as listed in the residence hall guidelines and/or the housing contract.*

**First Offense:**

- Verbal reprimand

**Second Offense:**

- Written reprimand

**Third Offense:**

- One semester of social probation
- $50 administrative assessment
- Attendance to the Fire Safety Class
- Failure to attend class will result in a $50 administrative assessment
- Written reprimand that any further violations may result in a semester of University probation, $100 administrative assessment and University service

**Fourth Offense:**

- One semester of University probation
- $100 administrative assessment
PART 9: APPEAL OF DISCIPLINARY SANCTIONS

A student has the right to appeal the imposition of a penalty or sanction. Such appeal should be directed to the level immediately above that which originally heard the case. An appeal may be made only on justifiable grounds including:

- irregularity in proceedings,
- punishment inconsistent with the nature of the violation,
- or additional pertinent information not available for the original hearing.

1. Students who wish to appeal decisions of student judicial committees must submit a written appeal to the Executive Director of Student Rights and Responsibilities within five class days following the decision.

2. Students who wish to appeal decisions of the Executive Director of Student Rights and Responsibilities must submit a written appeal to the Vice President for Student Affairs/Dean of Students within five class days following the decision.

3. Students who wish to appeal decisions of the Student Disciplinary Council must submit a written appeal to the Vice President for Student Affairs/Dean of Students within five class days following the decision. If the Vice President for Student Affairs/Dean of Students upholds the sanction of expulsion or suspension, an appeal may be made to the President of the University. In the event the President considers the punishment to be inconsistent with the best interests of the University community, the President may request that the case be reopened and reheard by the Student Disciplinary Council. If the President upholds the sanction of suspension or expulsion, an appeal may be made to the Board of Regents. The decision of the Board of Regents is final.

4. Parental Notification: An appeal of the sanction of parental notification is to the Vice President for Student Affairs/Dean of Students, in writing, within five class days following the imposition of the sanction. Appeal of the sanction of parental notification may be made on the following grounds: 1) The student is independent; and/or 2) Extenuating circumstances which indicate that parental notification is inappropriate.

PART 10: ACADEMIC INTEGRITY POLICY AND PROCEDURE

Preamble

Eastern Kentucky University is a community of shared academic values, foremost of which is a strong commitment to intellectual honesty, honorable conduct, and respect for others. In order to meet these values, students at Eastern Kentucky University are expected to adhere to the highest standards of academic integrity. These standards are embodied in this policy, which all students shall pledge to uphold by signing the Eastern Kentucky University Honor Code. By honoring and enforcing this Academic Integrity Policy, the University community affirms that it will not tolerate academic dishonesty. This policy defines the various forms of academic dishonesty, and it
outlines the consequences for each. Additionally, this policy gives the method for appealing an instructor’s belief that some form of academic dishonesty has in fact occurred.

**Statement**

Academic Integrity (AI) is a fundamental value for the Eastern Kentucky University community of students, faculty, and staff. It should be clearly understood that academic dishonesty and incidents of academic dishonesty will have serious consequences. Anyone who knowingly assists in any form of academic dishonesty shall be considered as responsible as the student who accepts such assistance and shall be subject to the same sanctions. Academic dishonesty can occur in different forms, some of which include cheating, plagiarism, and fabrication.

**Pledge**

*Signing the Eastern Kentucky University Honor Code.*

The AI Pledge, below, is administered through the Terms of Usage for EKU Direct.

I hereby affirm that I understand, accept, and will uphold the responsibilities and stipulations of the Eastern Kentucky University Honor Code and Academic Integrity Policy.

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**PROCEDURES FOR DEALING WITH ACADEMIC INTEGRITY CASES:**

**Step 1 - When a Violation is Suspected**

If an incident of alleged violation of the AI Policy is suspected, any member of the EKU community can initiate the process of review by reporting the incident, directly to the responsible faculty/staff member. The responsible faculty/staff member may elect to conduct his/her own review of the allegations (Option A) or may elect for the matter to be referred to the Academic Integrity Office (Option B). Prior to selecting either option, the faculty/staff member should (1) contact the AI Office to determine if the student has a prior violation, and (2) inform the appropriate Department Chair of the incident.

If a mid-term or final grade is to be reported to the University during the pendency of the academic integrity procedures, the responsible faculty member shall report an “incomplete” for the involved student until the final resolution of the matter.

**Option A: The Faculty/Staff Member Conducts Review**

If the responsible faculty/staff member chooses to continue the review of the allegations autonomously, the faculty/staff member should obtain and assess the applicable information in determining whether a violation of the AI policy has occurred. If the faculty/staff member determines that an AI policy violation has occurred, a notification of the violation must be made to the Office of Academic Integrity for recordkeeping within 10 academic days of the alleged violation. At this point, the faculty/staff also notifies the student in writing of the allegation, the sanction, AND the right to contest the allegation and sanction according to the AI Policy procedure. If the student accepts responsibility for the violation and the sanction in writing, the case is closed. There is no appeal from this decision. Upon determination of responsibility, the Assistant Director for Student Rights and Responsibilities, for Academic Integrity (Assistant Director for AI) will enter the reported data in the database.
Note: The faculty/staff involved in Step 1 should request information from the Assistant Director for AI regarding the student’s previous violations of the AI Policy prior to determining a sanction in this particular case.

If the student does not accept responsibility and chooses to contest the allegation and/or sanction, the faculty/staff member will refer the case to the AI Office, within five academic days of the meeting. The Assistant Director for AI will meet with the student to discuss the charge and/or sanctions and the right to contest these. If the student chooses not to contest the charge and sanction, the case is closed. There is no appeal from this decision. Notification of the violation is made by the AI Office into the database for recordkeeping. If the student contests the allegation and/or sanction, the AI Office will schedule a hearing, as soon as practicable, with the specific College Academic Integrity Committee from which the incident occurred.

Option B: Faculty/Staff Member Refers the Case to AI Office

If a faculty/staff member chooses to refer the case directly to the AI Office, the faculty/staff member will send all information concerning the matter to the AI Office and the Assistant Director for AI will meet with the student to discuss the alleged violation. If the student chooses not to contest the allegation and sanction, the sanction is imposed; the case is closed. There is no appeal from this decision. If the student contests the allegation and/or sanction, the AI Office will schedule a hearing, as soon as practicable, with the specific College Academic Integrity Committee from which the incident occurred.

Step 2 - College Academic Integrity Committee Hearing

At the College AI Hearing, both the student and the faculty/staff member will present their information. Both the student and faculty/staff member are permitted to bring witnesses with relevant testimony to the hearing in person. At the College AI Hearing the faculty/staff member will only function as a witness and shall not serve in an adversarial capacity. The committee members will review all of the information presented and then deliberate in private. At the discretion of the Chair of the Committee, the proceeding may be extended to an additional meeting. At this level of hearing and continuing throughout the process, the student has the option of having a Peer Advisor present. Absent exceptional circumstances beyond the control of the student as determined by the Chair of the Committee, if the student who has been notified of the hearing fails to appear, the proceeding may take place in his or her absence; the Committee’s decision will be binding. If the Committee determines that the student has violated the AI Policy, before the sanctioning stage of the hearing, the Assistant Director for AI will provide the Committee information regarding whether the student has any previous AI Policy violations recorded or sanctions imposed. The Committee will deliberate again in private in order to determine the appropriate sanction for this violation. The Chair will announce the decision of the Committee, within five academic days, after the close of the hearing.

Step 3 - Appealing the Decision of the College Academic Integrity Committee

A student can appeal the decision of the College AI Committee to the University AI Committee. This appeal can only be made based upon irregularities in procedure, new evidence not available for the first hearing, or punishment not consistent with the violation. The student will notify, in writing, the AI Office of their request to appeal to the University AI Committee within five academic days of the College AI Committee’s decision, and a meeting of the University AI Committee will be scheduled as soon as practicable.
**Step 4 - University Academic Integrity Committee Hearing**

At the University AI Committee appeal review meeting, the Committee members will consider all the written information supplied by the student, and the material considered by the College AI Committee, including any response from the faculty/staff member. The Committee can modify or set aside the applied response including sanction, refer the case back to the College AI Committee, or uphold the decision. The decision of the University AI Committee is final, unless the Committee determines that suspension or expulsion is the appropriate sanction to be imposed. The Chair will announce the decision of the committee, within five academic days, after the close of the hearing.

**Steps 5 through 8**

The following steps will **ONLY** be necessary if it is determined that the student may face the sanctions of suspension or expulsion for the alleged AI Policy violation. According to KRS 164.370, the Eastern Kentucky University Board of Regents may delegate its authority to suspend or expel a student. The Board has designated the Student Disciplinary Council as the only body authorized to suspend or expel a student. See Board of Regent's minutes October 7, 1978).

*KRS 164.370 provides that: “Each Board of Regents may invest the faculty or a committee of the faculty and students with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination, or immoral conduct. In every case of suspension or expulsion of a student the person suspended or expelled may appeal to the Board of Regents. The Board of Regents shall prescribe the manner and the mode of procedure on appeal. The decision of the Board of Regents shall be final.”*

**Step 5 - Suspension, Expulsion, or "FX" Grade Recommendation**

If the College AI Committee or University AI Committee or Assistant Director for AI recommends that the sanction of suspension or expulsion is appropriate or if the "FX" grade is recommended as a sanction for an AI Policy violation, the matter must be referred to the Student Disciplinary Council. As soon as practicable, the AI Office will schedule a hearing before the Student Disciplinary Council.

**Step 6 - Student Disciplinary Council Hearing**

At the Student Disciplinary Council hearing, both the student and the faculty/staff member will present their information. At the Student Disciplinary Council hearing, the faculty/staff member will function only as a witness and shall not serve in any adversarial capacity. The Council will review all of the information presented and then deliberate in private. Absent exceptional circumstances beyond the control of the student as determined by the Chair of the Council, if the student who has been notified of the hearing fails to appear, the proceeding may take place in his or her absence, and the Committee's decision will be binding.

If the Council determines that the student has violated the AI policy, before the sanctioning stage of the meeting, the Assistant Director for AI will provide the Council information whether the student has any previous AI policy violations recorded and sanctions imposed. The Council will deliberate again in private in order to determine the appropriate sanction for this violation. The Chair will announce the decision of the Council to those present at the conclusion of the hearing.
Step 7 - Appealing the Decision of the Student Disciplinary Council

If the student chooses to contest the allegation and/or sanction, the student can appeal to the Provost. The student will notify, in writing, the Office of the Provost of his or her request and grounds for such request, within five academic days of the Student Disciplinary Council’s decision. An appeal to the Provost can only be based upon irregularities in procedure, new evidence not available for the first hearing, or punishment not consistent with the violation. The Provost will render a decision, in writing, within ten academic days of receipt of the appeal.

Step 8 - Appealing the Decision of the Provost

If the Provost upholds the decision of the Student Disciplinary Council, and if the student chooses to contest the allegation and/or sanction, the student can appeal to the Board of Regents. The student will notify, in writing, the AI Office of his or her request and grounds for such request, within five academic days of the Provost’s decision. As soon as practicable, the AI Office will schedule a hearing. An appeal to the Board of Regents can only be based upon irregularities in procedure, new evidence not available at the first hearing, or punishment not consistent with the violation; the decision of the Board of Regents is final.

DEFINITIONS:

Assistant Director for Student Rights and Responsibilities (Assistant Director for AI)

A faculty member who coordinates the implementation of the EKU Academic Integrity Policy. The Assistant Director for AI does not take part in any actual hearings, but is available to answer procedural questions.

Cheating

Cheating is an act or an attempted act of deception by which a student seeks to misrepresent that he or she has mastered information on an academic exercise. Cheating includes, but is not limited to, the following:

- Giving or receiving assistance not authorized by the instructor or university representative
- Participating in unauthorized collaboration on an academic exercise
- Using unapproved or misusing electronic devices or aids during an academic exercise
- Turning in substantial similar papers/assignments as other student(s)

College Academic Integrity Committee

The College Academic Integrity Committee is comprised of 5 members (1 faculty from the department where the incident arose, 2 faculty from the college at large, and 2 students from the college at large but not from the department where the incident arose.) If this case involves a graduate student, at least one of the students on the Committee will be a graduate student. One member, elected by the Committee, will serve as Chair. The College may form a standing committee for this purpose.

Day

In this document, day refers to days within an academic term. If the academic day occurs on a weekend, holiday, or University break or if the University is closed due to inclement weather, an action required within a specified number of academic days shall be due on the first day practicable on which University is open during an academic term.
Fabrication

Fabrication is a form of deception and occurs when a student misrepresents written or verbal information in an academic exercise. Fabrication includes, but is not limited to, the following:

- Citation of information not taken from the source indicated. This may include the incorrect documentation of secondary source materials.
- Listing sources in a bibliography not directly used in the academic exercise
- Submission in a paper, thesis, lab report, practicum log, or other academic exercise of falsified, invented, or fictitious data or evidence or deliberate and knowing concealment or distortion of the true nature origin or function of such data or evidence.
- Submitting as your own any academic exercise (verbal, written, electronic, or artistic work) prepared totally or in part by another person

"FX" Notation

"FX" grade denotes failure in the course due to academic dishonesty.

Peer Advisor

An accused student has the right to have another willing student act as his or her advisor/advocate and to assist the student throughout the process, beginning at step 2 and continuing through step 8. The student can be any presently enrolled EKU student.

Plagiarism

Plagiarism occurs when a student represents work taken from another source as his or her own. It is imperative that a student give credit to information, words, ideas, and images that are integrated into his or her own work. Acknowledgement of a source of information in any form should consist of complete, accurate, and specific references and, if verbatim statements are included, quotation marks as well. Examples of plagiarism include, but are not limited to, the following:

- Using words, ideas, or images from another source (including the Internet), whether in quotation marks or not, without giving credit to that source in the form a bibliographic citation
- Using facts, statistics, or other supporting materials that are not clearly common knowledge without acknowledgement of the source

Provost

Refers to the Provost and Vice President for Academic Affairs or the Associate Provost for Academic and Faculty Affairs.

Silent Advisor

An accused student has the right to have an attorney present at any proceeding at Step 2 and continuing through Step 8. The attorney is not permitted to speak in any hearing through this process.
**Student Disciplinary Council**

The Student Disciplinary Council is comprised of seven members, one faculty from each of the Colleges, and two students (one undergraduate and one graduate student) named by the President of the University. One member, elected by the Council, serves as Chair.

**Triviality**

A case may be dismissed if it is found to be trivial. A trivial case is one with no possible consequences to a matter of legitimate concern of the academic community or one with no tendency to undermine trust within the community.

**University Academic Integrity Committee**

The University Academic Integrity Committee is comprised of six members. At the beginning of the academic year, there will be two names (1 faculty, 1 student) from each college and one name (faculty/staff) from the Library submitted to the President’s office for appointment to the Committee. For each AI hearing, the College from which the incident arose will have both the faculty and student serve as members of this specific Committee. The remaining members of the Committee will be randomly drawn from two separate categories in order for the make-up of the Committee to be three faculty and three students. One member, elected by the Committee, will serve as Chair. An appeal to this Committee can only be based upon irregularities in procedure, new evidence not available for the first hearing, or punishment not consistent with the violation.

**University**

Eastern Kentucky University

**RESPONSIBILITIES:**

**Assistant Director for AI**

The Assistant Director for AI is responsible for maintaining all records of all incidents involving the EKU AI policy.

**College Academic Integrity Committee**

The Committee is responsible for determining the facts, and, if the student is found to have violated the AI policy, the Committee must determine the appropriate sanction. A minimum of 3 Committee members must be present. To determine that a violation has occurred, 3 of the 5 Committee members must agree. To determine the sanction, 3 of the 5 Committee members must agree.

**University Academic Integrity Committee**

The Committee is responsible for hearing appeals from the College AI Committee of AI policy sanctions. It can modify or set aside the applied sanction, refer the case back to the College AI Committee, or uphold the decision. A minimum of 4 Committee members must be present. To determine that a violation has/has not occurred, 4 of the 6 Committee members must agree. To determine the sanction, 4 of the 6 Committee members must agree. The decision of the University AI Committee is final, unless the Committee determines suspension or expulsion or the awarding of the "FX" grade is the appropriate sanction to be imposed.
VIOLATIONS OF THE POLICY:

Minimum Sanction

The standard minimum sanction for an AI Policy violation shall be the assignment of an "F" for the test, assignment or activity in which an incident of academic dishonesty occurred; the student will not be allowed to retake or rewrite the test, assignment or activity. A student assigned an "F" for the course will not be permitted to drop or withdraw from the course.

Sanctions

In addition to the minimum sanctions for an AI Policy violation, other appropriate educational sanctions may be assigned; these sanctions may be given even if this is the first violation of the AI Policy. Such sanctions could include, but are not limited to, the following:

- Removal from the course
- Educational sanctions
- Community service
- Precluded from graduating with Honors
- An assigned "F" for the course
- "FX" notation on transcript*
- Suspension**
- Expulsion**

* Note: Per the Academic Integrity Policy 4.1.3, Eastern Kentucky University's Student Disciplinary Council is the only body authorized to make a permanent "FX" notation on transcript.

** Note: In accordance with KRS 164.370, the Board of Regents of Eastern Kentucky University has delegated authority to the Student Disciplinary Council as the only body authorized to suspend or expel a student.

"FX" Notation

The "FX" grade is a final and permanent notation on the student's transcript. The "FX" grade can only be imposed by the Student Disciplinary Council. Upon exhaustion of the appeals process set forth in the Academic Integrity Policy, 4.1.3, the notation cannot be removed. A student may retake the course where the "FX" notation is applied, and the new grade will replace the "FX" in the calculation of the student's GPA. The "FX" notation, however, will remain on the student's transcript.

SEXUAL MISCONDUCT

The University prohibits sexual misconduct in any form, including sexual assault or sexual abuse, sexual harassment, and other forms of nonconsensual sexual conduct, all of which can be forms of sexual discrimination.

It is the position of the University that sexual misconduct in any form will not be tolerated. University disciplinary processes will be available to a student and enforced against a person found to have engaged in the behavior. The University is committed to fair and prompt procedures to investigate and adjudicate reports of sexual misconduct and to the education of the University community about the importance of responding to all forms of sexual
misconduct. Special emphasis is placed on the rights, needs, and privacy of the student with a complaint, as well as the rights of the accused. At the same time, the University adheres to all federal, state, and local requirements for intervention and crime reporting related to sexual misconduct.

**PROCESS AND PROCEDURES**

**HEARING LEVELS:**

I. **Level one - Student Judicial Committees**

   Not applicable to sexual misconduct cases

II. **Level two - Executive Director of Student Rights and Responsibilities**

   1. Campus-wide jurisdiction
   2. Case will be heard by the Executive Director of Student Rights and Responsibilities
   3. Hearings scheduled as needed
   4. Appeal of Decisions—Vice President for Student Affairs/Dean of Students

III. **Level three - Student Disciplinary Council**

   1. Campus-wide jurisdiction
   2. Case is heard by the Student Disciplinary Council (composed of faculty, staff, and students).
   3. Hearing scheduled as needed
   4. Appeal of Decisions:
      a. Vice President for Student Affairs/Dean of Students
      b. President
      c. Board of Regents

**PROCESS - SEXUAL MISCONDUCT CASES:**

1. The Executive Director and/or designee shall review reports of sexual misconduct to determine if there is evidence of a violation of the [General Regulations for Student Behavior](#).

2. If there is insufficient evidence, the case is dismissed.

3. If evidence of a violation exists, the designated staff members shall contact and meet, separately, with the accused student and alleged victim.

4. Charges of sexual misconduct shall be presented to the accused student in writing and shall be sufficiently specific to permit preparation of a defense.
5. If the accused student accepts responsibility for the alleged violation, the Executive Director of Student Rights and Responsibilities shall impose sanctions. There is no route of appeal.

6. If the alleged violation may result in suspension or expulsion, the accused student may elect to withdraw from the University in lieu of disciplinary action. The accused student shall sign a statement acknowledging that they have been advised of their rights to a hearing and an appeal but instead will voluntarily withdraw from the University.

7. If the accused student does not accept responsibility in a case that may result in suspension or expulsion, the case shall be referred to the Student Disciplinary Council.

8. Upon notice to the accused student and alleged victim of the time and place of the hearing, the Student Disciplinary Council shall hear the evidence and determine whether it is more likely than not that the accused student violated the General Regulations for Student Behavior, and, if the decision is that there was a violation, shall determine the appropriate sanction(s).

9. The accused student and the alleged victim are each entitled to the opportunity to have one advisor present during the campus disciplinary proceedings. During any hearing the advisor may only confer with the accused student or alleged victim, respectively, and is not permitted to speak. In addition to the right to an advisor, the accused student and the alleged victim have the right to testify on their own behalf, to present evidence and witnesses, to hear and question adverse witnesses, and to rebut unfavorable inferences. The accused student and the alleged victim shall be informed of all the statements and evidence submitted against him or her and the names of those providing the evidence. The decision of the hearing committee shall be based solely on the evidence submitted at the hearing and improperly acquired evidence should not be admitted.

10. In cases involving suspension or expulsion, a record shall be made of the hearing, maintained in the files of the Executive Director of Student Rights and Responsibilities, and a copy shall be made available for inspection by the accused and his or her advisor as well as inspection by the alleged victim and his or her advisor, and for use on appeal.

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### APPEAL OF DISCIPLINARY DECISIONS

The University has the authority to penalize or impose sanctions on students who violate University regulations. In determining possible sanctions, the University shall consider such matters as the nature of the particular offense, the welfare of the student and University community, and prior disciplinary record of the student.

Usual sanctions are explained on the [sanctions] page. In addition to these sanctions, other sanctions as appropriate for a particular case, may be imposed. Each level of hearing body may use creative educational sanctions that are designed to be developmental in nature. The sanctions of expulsion and suspension may be applied only by the Student Disciplinary Council, as designated by the [Board of Regents under Kentucky Revised Statutes 164.370](https://statutes.louisville.edu/164.370) for offenses which are of such severity or nature that expulsion or suspension of the responsible student is in the best interest of the University.

Both the accused student and the alleged victim have the right to appeal the decision of the committee or agency hearing the case which imposes a penalty or sanction.
AN APPEAL OF A DISCIPLINARY DECISION MAY BE MADE ONLY ON THE FOLLOWING GROUNDS INCLUDING:

1. Irregularity in proceedings,
2. Punishment inconsistent with the nature of the offense,
3. Or additional pertinent evidence not available for the original hearing.

Appeals will be directed to the level immediately above that which originally heard the case. Appeal decisions of the Executive Director of Student Rights and Responsibilities shall be written and submitted to the Vice President for Student Affairs/Dean of Students within five class days following the decision. Appeals from the Student Disciplinary Council shall be directed to the Vice President for Student Affairs/Dean of Students. If the Vice President for Student Affairs/Dean of Students upholds a sanction of expulsion or suspension, an appeal may be made to the President of the University. In the event the President considers the punishment to be inconsistent with the best interests of the University community, the President may request that the case be reopened and reheard by the Student Disciplinary Council. If the President upholds the sanction of suspension or expulsion, an appeal may be taken to the Board of Regents. The decision of the Board of Regents is final.

FREQUENTLY ASKED QUESTIONS (FAQ’S)

1. What do I do if I experience sexual misconduct?

Report and seek assistance from EKU Police (859-622-1111) or the Vice President for Student Affairs/Dean of Students (859-622-1721). They will help you file your report and provide helpful information and additional resources.

If the incident occurs on campus, contact EKU Police (859-622-1111).

If the incident occurs off campus, contact the appropriate local law enforcement officials.

2. How do I file charges?

If the accused individual is an EKU student, the alleged victim may choose to:

- Go forward and file criminal charges with local law enforcement officials; OR
- Go forward with the University’s administrative process and your case would be heard by either the Executive Director of Student Rights and Responsibilities or the Student Disciplinary Council; OR
- Go forward with both processes and procedures.

If the accused individual is NOT an EKU student, and the incident occurs on campus, contact EKU Police (859-622-1111).

If the accused individual is NOT an EKU student, and the incident occurs off campus, contact the local law enforcement officials.

If you choose to file criminal charges with EKU Police, and there is sufficient evidence, your case will be heard through the Madison County Court system.
If you choose to use the University’s administrative process, and there is sufficient evidence, your case will be heard by either the Executive Director of Student Rights and Responsibilities or the Student Disciplinary Council. These procedures can be found in detail under the tab entitled "Process and Procedures".

3. What other resources are available to me?

There are numerous helpful resources you may contact. University resources are available to both the accused student and the alleged victim.

**On Campus:**

- EKU Police, Mattox Hall, Phone: 859-622-1111
- Vice President for Student Affairs/Dean of Students, SSB, Room 540, Phone: 859-622-1721
- EKU Student Health Services, Rowlett Bldg., Room 103, Phone: 859-622-1761
- EKU Counseling Center, SSB, Room 571, Phone: 859-622-1303
- EKU SAFE, Keith Bldg., Room 126, Phone: 859-622-7297
- EKU Title IX Coordinator, Coates Bldg., Room 103, Phone: 859-622-6784

**Off Campus:**

- Bluegrass Rape Crisis Center: 24 Hours a day, Phone: 1-800-656-HOPE (4673)
- Pattie A. Clay Hospital: 24 Hours a day, Phone: 859-623-3131
- Richmond Police Department: 24 Hours a day, Phone: 859-623-1162.

4. Will my information remain confidential if I tell someone such as the EKU Police or another University official?

You can expect the University to take acts of alleged sexual misconduct very seriously. To make informed choices about your situation, you should be aware of who has an obligation to report an alleged incident and who can keep your information private and confidential. Before sharing your information, ask them about their ability to maintain your privacy. Different people on campus have different requirements for reporting incidents of sexual misconduct depending on their roles at the University. Private information concerning both parties, the accused student and the alleged victim, is respected.

On campus resources such as the EKU Counseling Center, EKU Student Health Services, and chaplains as well as off campus resources such as the Bluegrass Rape Crisis Center and Pattie A. Clay Hospital may keep your information confidential.

Offices that are required by law to report incidents of sexual misconduct for statistical purposes (Clery Act, Minger Act) include, but are not limited to, the Vice President for Student Affairs/Dean of Students, EKU SAFE, EKU Police, Equal Opportunity Office, EKU Title IX Coordinator, Office of Student Rights and Responsibilities, and other administrative offices. Faculty are also required to report incidents.

5. Do I have to identify the accused person?

Yes. If you want to go forward with the administrative disciplinary process at the University through the Office of Student Rights and Responsibilities, the accused person will need to be identified. You should be aware that by not providing a name, the University’s ability to investigate and respond is limited.
6. What will the University do to help me after I make a report?

As soon as a report is received, the University will take measures necessary to help you which may include, but are not limited to:

- Issuing a No Contact Order for both the alleged victim and the accused student
- Modification of living arrangements
- Receiving academic accommodations:
  - Rescheduling of assignment and exams
  - Receiving a grade of Incomplete (I) in class
  - Transferring class sections.

The rights and concerns of both the alleged victim and the accused student will be considered. All of these are dependent on the facts of each situation and the seriousness of the offense.

7. Should I still report an incident if I was under the influence?

Yes. The University does not want to keep you from reporting such an incident. The University will not sanction you for your use of drugs or alcohol in the event of sexual misconduct.

8. What do I do if I am accused of sexual misconduct?

DO NOT CONTACT THE ALLEGED VICTIM BY ANY MEANS INCLUDING ELECTRONIC COMMUNICATION OR THROUGH A THIRD PARTY.

You may immediately want to contact someone in the campus community who can act as your advisor. The Vice President for Student Affairs/Dean of Students is available to explain the University's procedures for dealing with sexual misconduct complaints.

9. If I file a police report, will I be protected against retaliation?

Retaliation by either the alleged victim or accused student or a third party acting on behalf of the alleged victim or accused student will not be tolerated. Those individuals will be subject to further disciplinary action, as stated in the General Regulations Concerning Student Behavior. If you become the victim of retaliation, the police can charge the accused with intimidating a witness/victim, which is a felony.