This student code of conduct handbook is designed to acquaint the undergraduate and graduate student body with the rules, regulations, policies, structure and services of the University of Pikeville. You are encouraged to read this document in its entirety and refer to it when you have questions. If any part is unclear, please seek clarification from the Office of Student Services or any other University of Pikeville official.

The general policies of the university are established by the board of trustees and are administered by the university departments under the responsibility and authority of the president. Administration, faculty and students contribute to policy decisions through a variety of campus committees.

It is the policy of the university that no student shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination in any program sponsored by the university because of age, gender, race, color, creed, religion, disability, sexual orientation or national origin. The student code of conduct handbook is not intended to cover every infraction or issue that may occur, but rather be used as a tool for providing general information and to set expectations.
UNIVERSITY OF PIKEVILLE STATEMENT OF MISSION

The University of Pikeville is the leading higher education institution of Central Appalachia. Founded in 1889, UPIKE remains steadfast in our commitment to preparing students for the future while creating intellectual, cultural and economic opportunities for Appalachia. Maintaining our commitment to Christian principles, UPIKE recognizes the infinite worth of each person, respecting and accepting a variety of religious expressions.

UPIKE achieves its mission by:

• Creating a pathway to higher education for all students who desire to embark upon that journey and attracting and retaining high caliber students who will be future regional, national and global leaders.

• Preparing graduates through quality academic programs, grounded in the liberal arts, and through involvement in community service, experiential learning, research, athletics, humanitarian efforts and global outreach.

• Achieving academic excellence by maintaining academic rigor and relevancy in undergraduate, graduate and professional degree programs.

• Attracting and retaining distinguished faculty, staff, administrators, trustees and alumni who are dedicated to meeting the individual needs of students, promoting a caring and supportive environment conducive to learning, and meeting the needs of an evolving university; and

• Providing superior infrastructure with state-of-the-art classrooms, clinics, instructional materials, physical facilities, technological infrastructure and campus amenities through sound fiscal policy and efficient and effective administrative services.
ACCREDITATION STATEMENT

The University of Pikeville is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, masters and doctoral degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia, 30033-4097 or call 404-679-4500 for questions about the accreditation of the University of Pikeville. (2012)

The University of Pikeville RN-BSN program is accredited by the Accreditation Commission for Education in Nursing (ACEN), 3343 Peachtree Road NE, Suite 850, Atlanta, Georgia 30326; telephone 404-975-5000; www.acenursing.org. The university’s program for the associate of science degree in nursing has monitoring approval status by the Kentucky Board of Nursing.

The university’s degree program in social work has begun the initial accreditation process with the Council on Social Work Education and has been granted candidacy status. The University of Pikeville-Kentucky College of Osteopathic Medicine has been granted accreditation by the American Osteopathic Association’s Commission on Osteopathic College Accreditation. This body is recognized by the U.S. Department of Education as the accrediting agency for colleges educating osteopathic physicians.
ADMINISTRATIVE OFFICES

Academic Affairs
The Academic Affairs Office has administrative responsibilities for academic programs, registration and related academic services. This office is also responsible for the coordination of policies and procedures pertaining to faculty, curriculum, instruction and class scheduling.

Business Affairs
Business Affairs is responsible for all business operations of the university and for all university property. Departments operating within this complex include the Business Office, Information and Technology, Dining Services, and Facilities Management.

Student Services
Student Services is responsible for student life and engagement at the University of Pikeville. This office is responsible for the Student Government Association, residence life, student lounge, health services, campus activities, intramural sports, spiritual life, campus clubs and organizations, Greek Life, career counseling, Trio programs, testing, disability services, student conduct and public safety.

Admissions and Financial Aid
The Admissions Office acts as the primary agent for the acceptance of prospective students and develops an admissions program that is responsive to student and university needs. The Financial Aid Office is committed to making the University of Pikeville accessible to qualified students who have financial needs and meet specified guidelines. In addition, the Financial Aid office has a full time Veterans Services Certified official to work with veterans at every stage of the college process.

Public Affairs
The Office of Public Affairs is responsible for public relations, brand management, special events, graphic design and publications, the university Web site and the copy/print center for all departments on campus.

Advancement
The Office of Advancement is responsible for the solicitation of gifts from both private and corporate donors through the use of annual giving, alumni affairs, planned giving and prospect research and development.

Administrative Officers
Burton Webb, Ph.D. .................................................................President
Paul Patton .................................................................Chancellor
David Hutchens ........................................ Vice President for Advancement and Alumni Relations
Boyd R. Buser, D.O. .................... Vice President for Health Services and Dean of KYCOM
Andrew Buzelli, O.D., M.S. ......................... Vice President of Optometric Education
                      Founding Dean of KYCO
Reneé Watson .................................................................Dean of Student Services
Thomas Hess, Ph.D. .................................................................Vice President for Academic Affairs and Dean of the College of Arts and Sciences
Teresa Lockhart .................................................................Vice President for Enrollment Management
(Vacant) .................................................................Vice President for Business Affairs
Statement of Non-Discrimination

It is the policy of the university that no student shall be excluded from participating in, be denied the benefits of or be subjected to discrimination in any program sponsored by the university because of gender, race, religion, sexual orientation, age, handicap or national origin. In order to promote a broad learning environment, the University of Pikeville welcomes applications from individuals of diverse backgrounds.

Academic Advising

Responsibility for general coordination of the advising system at the University of Pikeville rests with the dean of the college of arts and sciences. When students enter the university they are assigned a faculty advisor. The major objectives of the university advising program are:

1. To provide individual assistance to each student in order to help the student advance within his/her program.
2. To assist with scheduling.
3. To review academic credentials for graduation.
4. To acquaint students with services provided by the university.

ACE Program

The ACE Program (Academic and Cultural Enrichment) is a federally funded program that offers a variety of programs and activities designed to provide comprehensive academic support and improve academic performance and increase student retention and graduation rates. Students interested in becoming a member of the ACE Program must apply and qualify for the program. Students may apply for this program in the ACE offices located in the Armington Learning Center, Rm. 011 or obtain information by calling 218-5701.

Student Sickness and Accident Insurance Plan

The University of Pikeville believes it is essential for students to be protected against unexpected accidents or illnesses and therefore provides an option for students to purchase a sickness and accident insurance plan. Information on this policy can be found in the Office of Student Services.

Allara Library

Allara Library has collections of books (both circulating and reference), periodicals, databases, microforms and videos and can supply free, on interlibrary loan, books or photocopies of articles it lacks. Special Collections houses the university archives and a collection of Kentucky/Appalachian history and genealogy. For more information, please check the pamphlets in the library or ask a librarian. See also the Medical Library (Ext. 5150, KYCOM Telemedical Learning and Resource Center) and the Curriculum Center (Ext. 5318, Administration Building 213).

Bookstore

The University Bookstore, located in the lower level of the Pikeville parking garage on Hambley Boulevard, offers books, clothing, school supplies, sports items and gifts. During final exams of fall and spring semesters, the bookstore buys back textbooks from students. The bookstore was established primarily to meet the needs of students, faculty and staff, but the public is also welcome to make purchases.
Career Counseling
Career Counseling is located in the Student Services office. This service provides assistance with resume writing, job seeking skills and finding a job after college. This office also maintains a list of available jobs for students.

Computing Services
The University of Pikeville maintains several public access facilities located in the following buildings throughout campus: Administration 212, 308 and the Education Resource Center in 213, Allara Library main floor, Tutoring Center 001 and 028, ACE Writing Center Armington 011, Armington 115, Record Memorial Nursing Lab 308 and the KYCOM Telemedical Learning and Resource Center third floor, 413 and Community Technology Center 136. To obtain a PCNET account or an ID Card, report to the Information Technology Office located on the second floor of the Community Technology Center Building.

Counseling Service
Counseling services are provided through both Humana as well as a private counselor, Lovonne Fleming Richardson, director of clinical services with Appalachian Community Care. These services provide an initial point of contact for students in crisis/distress as well as for students who may be facing academic, financial or personal issues. Students may contact the office at 606-253-3045 or by cell phone at 606-899-0388. Additional support is available through Humana at 855-270-3349.

Dining Hall Policies
All food served should be eaten in the dining hall. Food, plates, silverware, cups and other supplies are not to be removed from the dining hall. To ensure a pleasant dining atmosphere, everyone is requested to refrain from the use of abusive language, boisterous conduct and excessive distractions at meal time. Appropriate dress is expected at all times. For reasons of safety and health, bare feet and other inappropriate dress are not permitted. It is necessary that all diners return dishes, etc., to the busing station. Each student must present their university student ID upon entering the dining facility. Using another’s university student ID to gain access to the dining facility is prohibited at all times.

Disability Services
The Disability Services office is located on the second floor of the Administration Building next to the Student Success office. Students with disabilities must make the disability known to this office and must provide current and comprehensive documentation concerning the nature and extent of the disability in order to be granted accommodations under Section 504 and ADA. For assistance, call 218-5232.

Food Service Information
The university food service is operated by Aramark Food Services Inc., which maintains the university dining hall (City View Café), located in the Coal Building and Java City, located in Wickham Hall.

Post Office
The main post office for the entire campus is located in Wickham Hall. Mailboxes are available for all residence hall students and are assigned through the campus post office.
Health Services
The Pike County Health Department provides Health Services to UPIKE students. Services available include: Treatment of minor medical issues; wellness service; family planning; male health clinic; providing of limited over the counter medication; dental referrals; and limited access to a physician. Students are responsible for all prescription medication. Health services is located in the Armington Science Building, Room 201. The phone number is 606-218-5240.

Spiritual Life Committee
The Spiritual Life Committee consists of the campus chaplain, faculty, staff and student members and is responsible for religious activities at the university. They plan and conduct programs, which include weekly chapel services, group experiences, Bible study and community involvement. The Spiritual Life Committee seeks to be sensitive to the religious needs of the entire university community.

Student Lounge
The university’s Student Lounge is located on the ground floor of Wickham Hall. It offers an opportunity for students to relax, study and enjoy time with fellow students. A pool table is located in the lounge and pool cues may be checked out in the office of student services. There are also televisions, couches, gaming consoles, computer stations, an air-hockey table, arcade games, tables and chairs for students to use at their leisure. The university asks that all students respect the property of the university so that all students may enjoy the Student Lounge. Destruction of university property is grounds for disciplinary action up to and including separation from the university.

Student Success
The Office for Student Success serves as a student advocate and campus liaison. Student Success can assist students with a variety of topics related to academic success: time management and study skills, calculating gpa, properly communicating with faculty and staff, getting involved on campus, and using campus resources. In addition, the office provides academic recovery workshops for students on academic probation and monitors academic progress of those not in good academic standing. For more information on these services, Walmart Wednesday, or What’s Up Wednesday, contact Ambria Ray at 606-218-5626 or Mandy Stacy at 606-218-5259 or email studentsuccess@upike.edu. The Office for Student Success is located on the second floor of the Administration Building.

Testing Center
The Testing Center is located on the second floor of the Administration Building next to the Office of Student Success. This office serves as an information resource center for all national and in-house testing programs. Proctoring for correspondence, on-line and ADA accommodated testing is also available by appointment. Juniors and seniors in good academic standing may apply for employment as proctors for the national ACT and SAT. For assistance, call 218-5232 or e-mail katherinpepetot@upike.edu.

Academic Assistance Center
The University of Pikeville provides academic assistance to all students enrolled in coursework at the university. The Academic Assistance Center is staffed with current students who have excelled in their academic coursework and are equipped with the knowledge and skills to assist with college level writing/composition as well as courses in their particular majors. The Academic Assistance Center is committed to the
success of every University of Pikeville student. All students employed as academic assistants take part in scheduled training sessions and impromptu meetings designed to guarantee successful assistance sessions. There is no fee for university students who take advantage of this service.

The Academic Assistance Center is located in Allara Library, room 016, and operates on a drop-in or scheduled basis. The location of the center in the library allows easy access to the extensive support services of the library as well as individual, personalized service. The center has assistants available daily, Monday through Thursday, as allowed by individual course schedules, and from 3 p.m. until 9 p.m. Each semester a schedule is posted on campus bulletin boards, on Facebook under Academic Assistance Program, and on the Academic Assistance link of the library Web site to provide students with detailed days and times when there is available assistance for specific courses or areas of study. This schedule is also provided to the faculty, athletic coaches and Student Services personnel.

Students off-campus may contact the center via phone, email, SKYPE, or the library link on the university Web site.

Contact Information:
ElizabethShockey@upike.edu
Academic Assistance Center
Location: Allara Library 016
606-218-5622

Veterans
The director of military/veteran’s initiatives conducts concept development, coordination and implementation of military/veteran recruiting, programs and initiatives. The director implements efficiencies in existing programs that affect military/veteran opportunities, plan and oversee university programs involving military and veteran outreach, partnerships and services, identify new initiatives with military/veteran organizations and collaboratively coordinate projects across university departments. The Office for Veterans Benefits is located in the Administration Building, Room 201, in the Financial Aid Office suite. For assistance, contact toddmclean@upike.edu or at 606-218-5732.

STUDENT CODE OF CONDUCT

All students attending the University of Pikeville are expected to follow the student code of conduct and to conform to the rules and regulations of the university. It is understood and agreed upon by each student that failure to meet this obligation shall justify disciplinary action taken through the Office of Student Services. Disciplinary sanctions do not appear on a student’s academic transcript, but they are a part of the student’s educational record with the university. The university is not limited by this list or other published regulations when it initiates disciplinary action.

- Any conduct that violates any provision of federal, state, or local laws, whether or not the violation occurs on university property or in connection with any university program or activity.
• Possession, use, or display of firearms, facsimile firearms, ammunition, explosives or other weapons on property owned or controlled by the university.

• Conduct themselves in any manner that would impede, interferes with, or disrupt any university teaching, research, administrative, disciplinary, public service, learning, residence hall community, dining services or authorized activity.

• Conduct themselves in a manner that threatens or endangers the health or safety of another student or employee of the university, or of visitors on the campus.

• Engages in a physical altercation.

• Violation of the university’s Sexual Misconduct Policy.

• Any activity or behavior which damages, defaces, destroys, tampers with or removes, without authorization, property of the university, property belonging to any student or employee of the university or property of a visitor on the campus.

• Possession or use of university issued keys for unauthorized purposes.

• Acts that subject a probationary member of a group to dangerous, harmful or degrading acts.

• The use, possession, or consumption of any alcoholic beverage or paraphernalia in a university classroom building, laboratory, auditorium, library building, gallery, residence hall, faculty or administrative office, athletic facility, or any campus area, including but not limited to, underage possession of alcohol, underage consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, driving while intoxicated is prohibited on university property.

• The illegal use, possession, or sale of a drug, narcotic, drug paraphernalia, or non-prescribed legal drug.

According to Kentucky law 218A.50, drug paraphernalia means all equipment, products and materials of any kind are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body controlled substance.

Moreover, drug paraphernalia includes but is not limited to kits, isomerization devices, testing equipment, scales and balances, diluents and adulterants, separation gins and sifters, blenders, bowls, containers, spoons, and mixing devices, capsules, balloons, envelopes, hypodermic syringes, other containers and objects used by a student and intended or designed to be used for are prohibited.

• Speech that either orally or in writing, is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

• Prankish behavior that causes any material, object, trash, human or animal waste or debris to be placed on thrown onto any university property, or behavior that damages, defaces, or removes any portion of university property, structure or memorial located on the university campus.
• Harassment, defined as any conduct that is severe, pervasive, or persistent such as to create an objectively hostile environment that interferes with, or diminishes the ability of, an individual to participate in or benefit from the services, activities or privileges, provided by the university.
• Unauthorized use of property, equipment, resources, supplies, buildings or facilities owned and controlled by the university. This includes unauthorized use or entry into property, buildings or facilities owned or controlled by the university.
• Furnishing false information to, or withholding material information from, any university official, faculty member or staff member acting in the course of their duties.
• Refusing to identify oneself to a university official, faculty member or staff member acting in his or her official capacity.
• Altering or assisting in the alteration of any official nonacademic record or document (including parking tickets, permits, athletic/event tickets).
• Inappropriate or disproportionate use of technology resources owned or controlled by the university or the use of information technology resources for illegal, threatening, or intentionally destructive purposes. This includes, but is not limited to, circumventing system or network security, committing copyright infringement, transmitting unsolicited or harassing e-mail, sharing a university issued password, falsifying an e-mail header and using resources for personal or financial gain or profit.
• Stalking as defined under the university’s Sexual Misconduct Policy.
• Conduct of a repeated berating or abusive nature.
• Gambling, including in the residence halls.

In the case of disruptive activity on campus, neither the dean of students nor any university official will negotiate or attempt to negotiate with any person(s) so engaged. When such a situation arises the dean of students or other university official will take immediate action to utilize all lawful measures to halt and eliminate any disruptive activity that comes to their attention, and may initiate disciplinary proceedings.

DISCIPLINARY SANCTIONS

The University of Pikeville supports the concept of educational discipline. Therefore, when a student is not a danger to the university community, or when repetition of misconduct is unlikely, the university will make an effort to educate the student through disciplinary sanctions. A student may receive more than one of the sanctions listed below for any single violation. Disciplinary sanctions include, but are not limited to:

• **Written Warning** - A written notice to the student that the student has violated the student code of conduct that such behavior is unacceptable, and that further violations will result in more serious disciplinary sanctions.
• **Disciplinary Probation** - Disciplinary probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation to the student code of conduct during the probationary period.
- **Loss of Privileges** - Denial of specific privileges for a designated period of time.
- **Fines** - Previously established fines may be imposed.
- **Restitution** - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Educational Sanctions** - Assignments made to assist in the educational outcome of the disciplinary process (e.g., participation in counseling, community service, attendance at programs, writing a reflection paper, etc.) These assignments are designed to address the specific issues that arise in each disciplinary case.
- **Residence Hall Reassignment** - Mandatory room/hall change. May occur when the student has been or may be a danger to her/himself, to other residents, or to the facility, or when it is determined that a reassignment will minimize the risk of repeated violations of the student code of conduct.
- **Residence Hall Suspension** - Student may not reside in any residence hall for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- **Residence Hall Expulsion** - Permanent separation of the student from residence halls.
- **Disciplinary Suspension** - Student may not attend the university for a definite period of time, after which the student is eligible to apply for readmission. Conditions for readmission may be specified.
- **Disciplinary Expulsion** - Permanent separation of the student from the university.

Any of the following sanctions may be imposed upon groups or organizations found to have violated the student code of conduct:
- Any disciplinary sanctions listed above.
- Deactivation - Loss of all privileges, including university recognition, for a specified period of time. Conditions for reactivation may be specified.

**Disciplinary sanctions, including suspension and expulsion, do not appear on a student's academic transcript, but they are a part of the student's educational record with the university.**

**Disciplinary Suspension**
A disciplinary suspension will automatically be issued by the dean of students when a student is in violation of:
- Possession or use of a weapon on campus (firearms, ammunition, explosives, facsimile weapons, or other weapons) or property owned or controlled by the university.
- Engaging in the illegal sale of a drug or narcotic or drug paraphernalia.
- However, the dean of students may issue a disciplinary suspension for other violations of the student code of conduct.

**Complaints**
Complaints for alleged violations of the student code of conduct may be filed by anyone with the dean of students in Student Services.
Complaints about sexual misconduct (i.e., sexual harassment, sexual assault, domestic violence, dating violence, stalking and sexual exploitation) should be submitted pursuant to the university’s Sexual Misconduct Policy.

Complaints about all other forms of unlawful activity or behavior of a student by a university employee or third party should be submitted to public safety or the office of student services.

**Bullying**

The university is committed to providing students the right to study in a safe, supportive and secure environment. Incidents of bullying will not be tolerated as they jeopardize this commitment. Bullying is conduct intended to cause harm either physically or psychologically, which is provoked and which may continue over a long period of time.

**Parental Notification Policy**

The Family Educational Right to Privacy Act (FERPA), administered by the U.S. Department of Education, states that it is permissible for the university to notify the parents or guardians of underage students (below 21) when those students are found responsible for alcohol and other drug-related offenses. The university endorses the concept that the student, parents/guardians and the university are in a partnership in which each partner has the responsibility to promote a healthy and productive educational experience for the student.

The university imposes disciplinary policies and procedures in order to provide a positive learning experience for the student, protect the campus community, and maintain an environment conducive to learning. Students who have violated university alcohol and/or drug policies can benefit from candid discussion with their parents/guardian concerning the specifics of their disciplinary violations and how their use of alcohol and/or drugs can detract from their educational goals.

The university will also notify a parent/guardian when a student expresses suicide ideation/self-harm, has devised a plan, and has the means to carry out their plan.

In support of this philosophy, parents and/or guardians of underage students may be notified when the student is found responsible for an alcohol or other drug related offense and a sanction of disciplinary probation or a more severe disciplinary sanction is imposed.

Moreover, all cases on appeal go before the judicial board and only those with a finding for suspension or expulsion have an appeal to the appeal board.

**APPEAL PROCESS**

**Cases Involving Non-Suspension**

A report of suspected violation at the University of Pikeville shall be conducted in the following manner.

Student meets with the dean of students or their designee
Dean of students may investigate the matter further OR
Dean of students may determine there is no finding or violation OR
Dean of students may determine that evidence supports a finding or violation and propose an appropriate sanction.

If the proposed sanction does not include suspension or expulsion from the university, the case will be resolved with an Administrative Disposition or an appeal to the Judicial Board.

The student must choose one of two options:
- Choose not to dispute the Administrative Disposition findings and sanction(s) and waive their right to an appeal.
- Dispute the sanction(s) to the Judicial Board

Cases Involving Suspension/Expulsion

A report of suspected violation of the University of Pikeville shall be conducted in the following manner.

Student meets with the dean of students or their designee
Dean of students may investigate the matter further OR
Dean of students may determine there is no finding or violation OR
Dean of students may determine an appropriate sanction is suspension.

The student must:
- Appeal to the appeal board if the student wants the decision overturned.

An appeal must be submitted to the dean of students within one week of being notified as to the decision. Appeals submitted after this timeframe will not be reviewed. When writing an appeal, the student must state their rationale. Grounds for appeal are limited to the following:
- The university made a procedural error, which could have significantly affected the outcome.
- Previously unavailable and relevant evidence was found that could impact the final result.
- The determination of whether a violation occurred was arbitrary and unjustified by the evidence presented.
- The sanction(s) imposed or other measures taken are too severe based on the evidence of record.

The dean of students will forward the appeal either to the Judicial Board or the Appeal Board.

The judicial board chair will contact the appellant and schedule a time and location to hear the appeal when it does not involve suspension/expulsion.

Moreover, the dean of students will contact the appeal board when the case involves suspension/expulsion to schedule a time to hear the appeal. The dean of students will contact the appellant and inform the appellant of the date, time and location of the appeal.

A decision should be made within one week from the time the appeal was heard. The judicial board chair or the appeal board chair (when applicable) is responsible for notifying the appellant in writing of the final decision. The decision made by the judicial board/appeal board is final.
Members of the judicial board are appointed by the faculty executive committee and by the president of the student government association, while members of the appeal board consist of faculty and not students selected from the faculty executive committee or appointed by the vice president of academic affairs.

**Student Conduct Records**

Student conduct records (non-academic) are kept with student services. A university official will only release student conduct information upon receipt of a signed, dated written consent of the student which must specify the timeframe along with the party to whom the disclosure may be made.

Moreover, the University of Pikeville does not consider records relating to treatment provided by physician, psychiatrist, psychologist, counselor or other recognized professionals or paraprofessionals and disclosed only to individuals providing treatment(s) as part of the students’ educational record. As a result, the student must specify if records of this nature may be disclosed. Plus, identify the party to whom the disclosure may be made by way of signed, dated and written consent. All requests may be made either in person or via email to the dean of students.

**INVoluntary Withdrawal**

The university places the utmost priority on student welfare and community safety. When a student demonstrates conduct that violates the student code of conduct or other university policies, that conduct will be addressed through the appropriate disciplinary processes. This policy outlines the criteria and procedures for when and how a student may be involuntarily withdrawn from the university for demonstrating behavior that creates a direct threat to the safety or health of others or that unreasonably disrupts the normal education processes and orderly operation of the university. There may be situations in which both this policy and the code of conduct and/or other university policies are applicable.

**Criteria**

A student may be involuntarily withdrawn from the university if it is determined, in accordance with the procedures listed below, that the student:

a. Demonstrates behavior that is unreasonably disruptive to the normal education processes and orderly operation of the university;

b. Demonstrates behavior that endangers others or that creates a direct threat that the student may endanger others.

**Determination**

The involuntary withdrawal process begins when the dean of students receives a referral or other information regarding a student who appears to be demonstrating behavior consistent with one or more of the criteria listed above. If, after reviewing the information received, the dean of students determines that the student has demonstrated behavior consistent with one or more of the criteria for involuntary withdrawal from the university as stated above, the dean of students will inform the student of this determination. At the time of this communication, the staff member will inform any student who is involuntarily withdrawn about the student’s right to appeal the decision.
to the vice president for enrollment management, and will explain to the student the conditions for returning to the university community (see below).

Prior to proceeding with the involuntarily withdrawal process, the staff member will always encourage the student to voluntarily withdraw.

**Appeal**

A student may appeal the staff member’s determination regarding involuntary withdrawal (or the designated conditions for readmission following an involuntary withdrawal) to the vice president for enrollment management. A student has five (5) business days to request this appeal. Within five (5) business days of being received by the university, the vice president for enrollment management shall review all the available information (i.e.—all of the information made available to the dean of students and any additional information subsequently made available by the student), and shall, if deemed necessary by the vice president for enrollment management, have the opportunity to ask the student additional questions.

After reviewing all the available information described above, the vice president for enrollment management shall assess whether the student has or has not met the criteria for involuntary withdrawal from the university as stated above. The decision of the vice president for enrollment management will promptly be communicated to the student in writing. This decision is final.

**Interim Suspension Pending Appeal**

A student who demonstrates behavior that creates an immediate direct threat to others, or who demonstrates behavior that is immediately and significantly disruptive to the normal education processes and orderly operation of the university, may be suspended from the university on an interim basis pending an appeal. All decisions regarding interim suspensions pending appeals will be made by the dean of students in consultation with the vice president for enrollment management.

**Effect of Involuntary Withdrawal**

Students who have been involuntarily withdrawn from the university are generally not permitted to be on university premises or participate in university events. However, a student who has been involuntarily withdrawn or suspended on an interim basis pending an appeal, may be on campus, with the permission of the dean of students for the purposes of participating in the processes detailed in this policy or as otherwise required and appropriate in the discretion of the dean of students.

While subject to interim suspension the dean of students will coordinate communication with the student’s faculty concerning their course obligations, the receipt of lecture notes and/or recorded lectures if requested, and will arrange for the submission of course work by the student. Students are responsible for contacting appropriate university offices in order to ensure that their academic and financial affairs are in order (including any on-campus housing). All determinations as to the effect of an involuntary withdrawal in these areas will be made by the applicable offices in accordance with existing university policies.
Returning to Campus—Conditions for Readmission

A student who has satisfied the conditions for readmission outlined at the time of his or her involuntary withdrawal will be considered for readmission to the university. Readmission conditions will be individually tailored so as to be appropriate to each student but will always be premised on the notion that the student is no longer a direct threat to others and/or no longer demonstrates behavior that is disruptive to the normal educational processes and orderly operation of the university. Specific conditions for readmission might include:

a. Appropriate documentation indicating that the student no longer demonstrates the behavior which led to the involuntary withdrawal;

b. Verification from a mental health professional or other appropriate care provider that the student is complying with a treatment plan (or has been satisfactorily complying with a treatment plan for a designated length of time);

Students wishing to be readmitted must schedule a face-to-face meeting with the dean of students to discuss the student’s compliance with, and appropriate documentation of, the designated conditions for readmission. All determinations as to whether the conditions for readmission have been satisfied will be made by the dean of students. These determinations are final.

Because conduct that gives rise to an involuntary withdrawal under this policy might also result in sanctions in accordance with the student code of conduct, it is possible that a student who has met the designated conditions for readmission following an involuntary withdrawal might still not be eligible for re-enrollment due to student conduct sanctions (similarly, it is possible that a student who has satisfied all student conduct sanctions might still not be eligible for re-enrollment because of an inability to meet the designated conditions for readmission in accordance with this policy). The dean of students may make such reasonable exceptions to this policy and these procedures as circumstances may require for the welfare of the institution and its students; provided that fundamental elements of fairness and due process are observed.

SEXUAL MISCONDUCT POLICY

I. Introduction and Scope

The University of Pikeville is committed to creating and maintaining a community where all persons who participate in university programs and activities can work and learn together in an atmosphere free of sexual misconduct. Therefore, the university will not tolerate sexual misconduct as defined in this policy. Such acts are prohibited by university policy, as well as state and federal law. Persons whom the university determines more likely than not have violated this policy are subject to penalties up to and including dismissal or separation from the university, regardless of whether they are also facing criminal or civil charges before a government agency or court of law.

This policy applies to all university students, faculty and staff, as well as third parties who interact with the university community, and all university-sponsored programs, events and activities, regardless of where the alleged sexual misconduct occurs. The university will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct and, when appropriate, to discipline
behavior that violates this policy on sexual misconduct. The university also will take steps in the event of sexual misconduct to remedy its discriminatory effects on the survivor and others, if appropriate.

Gender-based discrimination or harassment that is not covered by this policy should be addressed through the university’s other policies on equal opportunity, harassment and discrimination.

Nothing contained in this policy shall be construed to supplant or modify existing laws of the Commonwealth of Kentucky and the United States. This policy shall not be used to remedy acts which are crimes under the laws of the Commonwealth of Kentucky or the United States.

II. Defining Sexual Misconduct

A. UPIKE Policy Definitions

University policy prohibits gender discrimination. Sexual misconduct is a form of gender discrimination. Different forms of sexual misconduct are explained in this policy. The determination of what constitutes sexual misconduct will vary with the facts and circumstances of each case. For acts of gender discrimination that are not covered by one of the forms of sexual misconduct addressed in this policy, please see the university’s other policies on discrimination.

Sexual harassment can take one of two forms. The first form involves unwelcome verbal, electronic, physical and/or visual conduct based on sex, which both (1) unreasonably interferes with a person’s work or educational performance, and (2) creates an environment that both a reasonable person and the specific person being harassed would find intimidating, hostile or offensive. This form may come from a supervisor, an educator or from any other person at the university. The second form involves either (1) submission to unwelcome advances of a supervisor or educator as an express or implied condition of receiving work or educational benefits, or (2) a tangible work or educational detriment resulting from a person’s failure or refusal to submit to sexual demands of a supervisor or educator. Examples of sexual harassment include (but are not limited to):

- Unwelcome sexual flirtation or advances.
- Offering employment, promotions, grades or other benefits in exchange for sexual favors.
- Making or threatening reprisals for refusing sexual advances.
- Unwelcome visual and/or electronic conduct such as leering; making sexual gestures; displaying sexually suggestive objects or pictures, cartoons or posters; and suggestive or obscene letters, notes or invitations.
- Unwelcome verbal or electronic conduct such as derogatory comments; epithets; slurs; sexual innuendo; sexual jokes; graphic verbal commentaries about a person’s body; and sexually degrading words used to describe a person.
- Unwelcome physical conduct such as unwarranted, suggestive or offensive touching; and impeding or blocking movement.

Sexual Assault refers to any sexual act directed against another person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the
survivor is incapable of giving consent, as well as incest or statutory rape. Examples of sexual assault for purposes of this policy include but are not limited to:

- Intentional touching of another person’s intimate parts without that person’s consent;
- Other intentional sexual contact with another person without that person’s consent;
- Coercing, forcing or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the survivor;
- A person with whom the survivor shares a child in common;
- A person who is or was residing in the same household as the survivor; or
- Any person against someone who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor.

**Stalking** occurs when someone engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**Sexual exploitation** occurs when someone takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation for purposes of this policy include but are not necessarily limited to:

- Prostituting another person;
- Recording images (e.g., video, photographs) or audio of another person’s sexual activity, intimate body parts or nakedness without that person’s consent;
- Distributing images (e.g., video, photographs) or audio of another person’s sexual activity, intimate body parts or nakedness if the person distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- Viewing another person’s sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

**Unwelcome conduct** does not have to include intent to harm, be directed at a specific target or involve repeated incidents, and can involve persons of the same or opposite sex. Participation in conduct or the failure to complain does not always mean the conduct was welcome. The fact that a person has welcomed some conduct does not necessarily mean a person welcomed other conduct. Similarly, the fact that a person
may have invited, requested or otherwise consented to conduct on one occasion does not necessarily mean the conduct is welcome on a later occasion.

Consent as used in this policy is defined as follows:

**Consent is informed.** Consent is an affirmative, knowing, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

**Consent is voluntary.** It must be given without coercion, force, threats or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Even though consent does not necessarily need to be verbal, relying purely on non-verbal communication can lead to misunderstandings. So, a spoken agreement is the most clearly indicated form of consent. It may not, in any way, be inferred from silence, passivity, lack of resistance or lack of an active response alone. Assuming that consent was given by the absence of a “no” is wrong.

**Consent is revocable.** Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

**Consent cannot be given when a person is incapacitated.** A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. Consent must be given with rational and reasonable judgment, so if the survivor was physically incapacitated from the consumption of alcohol or drugs, unconsciousness, or any other kind of inability, consent cannot be obtained.

**B. Criminal definitions**

Section 304 of the Violence Against Women Reauthorization Act (VAWA), known as the SaVE Act provision, obligates the university’s policy to include the definitions used by Kentucky’s penal code (KRS Chapters 500 to 534) for “domestic violence,” “dating violence,” “sexual assault,” “stalking,” and “consent” with respect to sexual offenses. Kentucky’s penal code does not define domestic violence or dating violence, although other crimes may apply to those circumstances. Kentucky’s penal code defines sexual abuse in lieu of sexual assault, stalking, and lack of consent, which are set forth below. Please note that the Kentucky penal code definitions are for your information only as required by federal law. For purposes of applying the university’s policy, the definitions in Part A, above, will govern.
510.110 Sexual abuse in the first degree

(1) A person is guilty of sexual abuse in the first degree when:

(a) He or she subjects another person to sexual contact by forcible compulsion; or

(b) He or she subjects another person to sexual contact who is incapable of consent because he or she:

1. Is physically helpless;

2. Is less than twelve (12) years old; or

3. Is mentally incapacitated; or

(c) Being twenty-one (21) years old or more, he or she:

1. Subjects another person who is less than sixteen (16) years old to sexual contact;

2. Engages in masturbation in the presence of another person who is less than sixteen (16) years old and knows or has reason to know the other person is present; or

3. Engages in masturbation while using the Internet, telephone or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate; or

(d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she, regardless of his or her age, subjects a minor who is less than eighteen (18) years old, with whom he or she comes into contact as a result of that position, to sexual contact or engages in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.

510.120 Sexual abuse in the second degree

(1) A person is guilty of sexual abuse in the second degree when:

(a) He or she subjects another person to sexual contact who is incapable of consent because he or she is an individual with an intellectual disability;

(b) He or she is at least eighteen (18) years old but less than twenty-one (21) years old and subjects another person who is less than sixteen (16) years old to sexual contact; or

(c) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who is at least eighteen (18) years old and who he or she knows is incarcerated, supervised, evaluated,
or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact.

(2) In any prosecution under subsection (1)(b) of this section, it is a defense that:

(a) The other person’s lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and

(b) The other person was at least fourteen (14) years old; and

(c) The actor was less than five (5) years older than the other person.

510.130 Sexual abuse in the third degree

(1) A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter’s consent.

(2) In any prosecution under this section, it is a defense that:

(a) The other person’s lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and

(b) The other person was at least fourteen (14) years old; and

(c) The actor was less than eighteen (18) years old.

508.130 Definitions for KRS 508.130 to 508.150

As used in KRS 508.130 to 508.150, unless the context requires otherwise:

(1) (a) To “stalk” means to engage in an intentional course of conduct:

1. Directed at a specific person or persons;

2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and

3. Which serves no legitimate purpose.

(b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

(2) “Course of conduct” means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose. One (1) or more of these acts may include the use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including computers, the Internet or other electronic network, cameras or other recording devices, telephones or other personal communications devices, scanners or other copying devices, and any device that enables the use of a transmitting device. Constitutionally protected activity is not included within the meaning of “course of conduct.” If the defendant claims that he was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.
(3) “Protective order” means:
   (a) An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;
   (b) A foreign protective order, as defined in KRS 403.7521(1);
   (c) An order issued under KRS 431.064;
   (d) A restraining order issued in accordance with KRS 508.155; and
   (e) Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender.

508.140 Stalking in the first degree
(1) A person is guilty of stalking in the first degree,
   (a) When he intentionally:
       1. Stalks another person; and
       2. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:
          a. Sexual contact as defined in KRS 510.010;
          b. Serious physical injury; or
          c. Death; and
   (b) 1. A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice; or
       2. A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice; or
       3. The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or
       4. The act or acts were committed while the defendant had a deadly weapon on or about his person.

508.150 Stalking in the second degree
(1) A person is guilty of stalking in the second degree when he intentionally:
   (a) Stalks another person; and
   (b) Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:
       1. Sexual contact as defined in KRS 510.010;
2. Physical injury; or
3. Death.

510.020 Lack of consent
(1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.
(2) Lack of consent results from:
   (a) Forcible compulsion;
   (b) Incapacity to consent; or
   (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor’s conduct.
(3) A person is deemed incapable of consent when he or she is:
   (a) Less than sixteen (16) years old;
   (b) An individual with an intellectual disability or an individual that suffers from a mental illness;
   (c) Mentally incapacitated;
   (d) Physically helpless; or
   (e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.
(4) The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

III. TITLE IX COORDINATOR
The university’s Title IX coordinator and deputy coordinators play the main role in carrying out the university’s commitment to provide a positive learning, teaching and working environment for the entire university community. By providing training on preventing sexual misconduct and retaliation, the Title IX coordinator and deputy coordinators strive to maintain a safe campus and provide a good university experience for all.

The responsibilities and functions of the Title IX coordinator and deputy coordinators are set out in this policy, but in general, the Title IX coordinator and deputy coordinators receive and oversee the university’s response to reports and complaints that involve possible gender discrimination, including sexual misconduct, to monitor outcomes, identify and address patterns and assess effects on the campus climate so the university can address issues that affect the wider university community.

More specifically, the Title IX coordinator and deputy coordinators monitor compliance with the reporting, complaint, investigation, hearing and appeals processes outlined in this policy. Upon a finding of prohibited sexual misconduct under this
policy, the Title IX coordinator and deputy coordinators determine whether campus-wide remedies are needed in response, including but not limited to revision of policies; increased monitoring, supervision or security; and increased education and prevention efforts. The Title IX coordinator and deputy coordinators also review sanctions issued under this policy to ensure that they, along with any interim measures and long-term measures taken, are reasonably calculated to stop the sexual misconduct and prevent its re-occurrence.

The office and contact information for the university’s Title IX coordinator and deputy coordinators are identified in Appendix A to this policy.

If any person has a question, complaint or concern they believe is covered by these policies and procedures or some other aspect of Title IX, they should contact either Title IX coordinator or one of the deputy coordinators. Reports of sexual misconduct can also be made to “Responsible Employees” as described in this policy.

IV. REPORTING
The university strongly encourages persons who have experienced sexual misconduct, or knows of someone who has experienced sexual misconduct, to report the incident to the university per this policy. In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911 or 606-218-5940. Calling 911 will put you in touch with local police. Calling 606-218-5940 will put you in touch with Public Safety.

A. Responsible Employees
In addition to the Title IX coordinator and deputy coordinators, the university considers certain people to be “Responsible Employees” which means they are university employees who are required to report alleged sexual misconduct to the Title IX coordinator or deputy coordinator. You are encouraged to speak to a “Responsible Employee” to make reports of sexual misconduct. The following persons are “Responsible Employees” under this policy: the university’s Title IX coordinator, the university’s Deputy Title IX coordinators, the President of the university, Members of the President’s Executive Staff, faculty, library staff, the Director for Student Success and all Resident Assistants who serve in university-owned residence halls.

Any member of the university community can file a report with the Title IX coordinator, deputy coordinators or “Responsible Employees.” If a survivor shares an incident of sexual misconduct with a “Responsible Employee,” he or she needs to know that it is the “Responsible Employee’s” responsibility to notify the Title IX coordinator or a deputy coordinator of the incident immediately.

B. Reporting Timeframe
Any person may file a complaint of sexual misconduct at any time. Early reporting is encouraged to preserve evidence and provide the survivor with information regarding rights, options and resources available under this policy and federal/state laws.

The Title IX coordinator or deputy coordinator will provide survivors of sexual misconduct with information about available support services and resources, and also assist survivors in notifying law enforcement, including the local police, if a survivor elects to do so. Survivors are not required to report to area law enforcement in order to receive assistance from or pursue options within the university. Reporting sexual
misconduct to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the survivor decides to proceed with criminal charges.

C. Reporting Options

This section addresses options for reporting sexual misconduct. The university may investigate sexual misconduct even without a formal complaint whenever it knows or has reasonable cause to believe that sexual misconduct in violation of this policy has occurred.

1. Official Report: Persons are strongly encouraged to make an official report of any incident of sexual misconduct to the Title IX coordinator or appropriate deputy coordinator regardless of whether the incident occurred on or off campus. Official reports can be made directly to the Title IX coordinator or appropriate deputy coordinator via a written statement or an appointment. Official reporting initiates a course of immediate action. In cases where a complainant states he or she does not want to pursue a formal complaint, the ability of the university to investigate may be limited. Even if a complainant does not want to pursue an investigation, under some circumstances the Title IX coordinator or deputy coordinator may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. When determining whether to go forward with an investigation, the Title IX coordinator or deputy coordinator may consider factors such as the seriousness of the allegation, the age of the complainant, whether there have been other complaints or reports against the accused, and the rights of the accused to receive information about the complainant and the allegations if a hearing and possible sanctions may result from the investigation.

If a person decides to make an official report, a detailed (written, typed, emailed, or handwritten) statement of the alleged incident(s) should be submitted to the Title IX coordinator or deputy coordinator. This formal statement should be signed and dated. The statement should be as specific as possible, including dates, times, locations, a description of the alleged misconduct and the name(s) of the accused person(s), and further provide a list of any person(s) who may have information that would be helpful to the investigation and review. The Title IX coordinator or deputy coordinator will promptly investigate all formal reports.

2. Confidential Disclosure: Despite the university’s strong interest in having persons report complaints of sexual misconduct, the university realizes that not everyone is prepared to make an official report to the university. You can seek help from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety or the safety of others. If a person desires that details of the incident be kept confidential, they should speak with a counselor, clergy (e.g., the Campus Chaplain) or other professional provider who by law can maintain confidentiality. Such professionals generally are not required to report personally identifiable information given in confidence unless given permission. If the person chooses not to pursue a judicial process option (e.g., criminal charges), generally no further action will be taken unless the professional who receives the concern believes there is an imminent threat to the survivor or others. Persons who disclose incidents of sexual misconduct to counselors, clergy or other professional providers who can
maintain confidentiality should discuss whether to have that person report the misconduct to the university and request interim measures required by Title IX, or request discretionary support measures from the university without reporting the nature of the conduct.

3. Requests via a Counselor, Clergy or other Provider: A survivor may have his/her counselor, clergy or other professional provider who can maintain confidentiality request interim measures from the university on the survivor’s behalf. The request may trigger the university’s obligation to investigate. To the extent a counselor, clergy or other professional provider who can maintain confidentiality makes a disclosure but, consistent with the survivor’s wishes, asks the university not to investigate or otherwise notify the accused of the report, the Title IX coordinator or deputy coordinator will consider whether he/she can honor the request while still providing a safe and nondiscriminatory environment for all students, faculty and staff, and to take interim measures to protect the survivor as needed.

D. Confidentiality

Reports and personal information will be kept as confidential as possible to the extent the law allows and to the extent confidentiality is consistent with the university’s need to protect the safety of the university community. Requests for confidentiality will be evaluated by the Title IX coordinator or deputy coordinator assigned to the report. Complete confidentiality cannot be promised as the university will need to thoroughly investigate the case, and may need to share some information with relevant administrators of the university in order to further protect and prevent incidents. Reports to law enforcement may be shared with the university’s Title IX coordinator or deputy coordinator. The university may be required by law to publish non-identifying information in campus crime statistics.

All university employees (with the exception of those who may be bound by confidentiality laws or privileges such as medical professionals, counselors and chaplains) must share information that they learn of regarding a report of sexual misconduct with the Title IX coordinator or deputy coordinator so they can investigate the matter and determine whether steps are needed to ensure the safety of the university community.

It is the survivor’s choice as to whether he/she participates in an investigation; however, the university may proceed with an investigation without the survivor’s participation.

E. Drug and Alcohol Amnesty

The university offers amnesty (immunity) to students who may have violated the university’s policies concerning the use of drugs and/or alcohol at the time of the incident when he or she became a survivor of, or witnessed, sexual misconduct. Therefore, no alcohol or drug charges are applied to a student who reports that he or she was under the influence of alcohol and/or drugs at the time of a sexual misconduct incident. The university’s amnesty policy refers and is limited to amnesty from violations of the Substance Abuse Policy.

The purpose of this section is to encourage reporting. Survivors or bystanders (witnesses) should not let his or her use of alcohol or drugs deter them from reporting
an incident. When conducting the investigation, the university’s primary focus will be addressing the sexual misconduct violation and not alcohol/drug use violations that may be discovered or disclosed. However, the university may provide referrals to counseling and may require educational options on drugs and alcohol, rather than disciplinary sanctions, in such cases. However, the amnesty policy will not tolerate or excuse repeated violations of the university’s Substance Abuse Policy. Being granted amnesty once does not mean in any way the person violating policy will be protected in the future.

V. ASSISTANCE AND BYSTANDER INTERVENTION

A. Safety Escorts
The university’s Office of Public Safety provides safety escorts 24 hours a day, seven days a week. This service provides students, faculty, and staff with walking or motor vehicle escort between locations on campus.

B. Bystanders
Regardless of whether someone is trained as a “Responder” or escort, the university strongly encourages bystanders to “step up” on behalf of another person’s wellbeing and safety. The reporting options listed in this policy are available for bystanders as well. There are also safe and positive options for bystanders who intervene during an incident in order to prevent harm when there was a risk or act of violence. These options include:

Be aware of what is going on around you. Trust your instincts. Assume personal responsibility and say or do something – don’t assume that someone else will help.

Assess the situation. You have to decide what the safest way is for you and others involved to help. Gauge whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the number one priority. When in doubt, call for help. Other possible people to reach out to for assistance in helping are faculty, staff, supervisors, counselors, etc.

Decide whether to use direct or indirect action to resolve the problem. For example:

- Direct Actions: Point out someone’s behavior in a manner that will help de-escalate the situation, talk to a friend to ensure he/she is okay, call the police.
- Indirect Action: Make up an excuse to help someone get away from a potential offender, and call the local authorities.

Intervene – with reinforcements. If you gauge it is safe to intervene, you’re likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.

- Remember to intervene in a compassionate, non-threatening manner.
- Be aware of available resources for assisting persons on campus and in the community.
- Encourage them to seek assistance and offer them resources for assistance.

Remember, 911 is often the best way to intervene if there is a question of safety for anyone.
VI. WRITTEN NOTICE OF RIGHTS AND OPTIONS

Any person who reports an incident of sexual misconduct, regardless of whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy. These rights and options include the right(s) of a survivor to:

- Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, the university or your workplace.
- Seek a criminal complaint for threats, assault and battery, or other related offenses.
- Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish).
- Request the police remain at the scene until your safety is otherwise ensured.
- Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend’s residence.
- Obtain a copy of the police incident report at no cost from the police department.

VII. PROCEDURES SURVIVORS SHOULD FOLLOW

If an incident of sexual misconduct occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime. Evidence of violence, such as bruising or other visible injuries following an incident of sexual assault, should be documented by taking photographs. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

VIII. INTERIM MEASURES AND ACCOMMODATIONS

The Title IX coordinator and deputy coordinators have the right to take necessary measures to protect a person’s rights and personal safety. Therefore, interim measures will be available to protect persons from any kind of retaliation or threatening situations during and after the investigation process. These measures include but are not limited to changes in class schedules, living or working arrangements; safety escorts; parking arrangements; dining arrangements; and resources for professional counseling. Regardless of whether a person reports an incident of sexual misconduct to law enforcement or pursues any formal action, if they report such an incident to the university, the university is committed to providing as safe a learning or working environment for the survivor and all other members of the community.
environment as possible.

The Title IX coordinator or deputy coordinator determines which measures are appropriate for survivors on a case-by-case basis. Upon receiving a report of sexual misconduct, the Title IX coordinator or deputy coordinator will ask the survivor or his/her counsel, provider or advocate what interim measures, if any, are sought. If the survivor or his/her counselor, provider or advocate identifies an interim measure that is not already provided by the university, the Title IX coordinator or deputy coordinator will consider whether the request can be granted. In those instances where interim measures affect both a survivor and the accused, the Title IX coordinator or deputy coordinator will minimize the burden on the survivor wherever appropriate.

When a survivor’s counselor or other confidential disclosure provider asks for any of the above-listed interim measures without disclosing that sexual misconduct is the basis for the request, the Title IX coordinator or deputy coordinator will consider the request consistent with its general policy of allowing counselors, providers and advocates to seek such measures for survivors of trauma without requiring that the nature of trauma be disclosed.

The university is also committed to ensuring that orders of protection issued by courts are upheld on all university-owned, used and controlled property, as well as properties immediately adjacent to the university. Therefore, if any member of the university community obtains an order of protection or restraining order, he or she should promptly inform the Title IX coordinator or deputy coordinator and provide him/her with a copy of that order so the university can enforce it. The university is also committed to protecting survivors from further harm, and if the Title IX coordinator or deputy coordinator determines that an person’s presence on campus poses a danger to one or more members of the university community, he/she can issue an institutional “No Contact” or “No Trespass” order barring that person from university property.

IX. INVESTIGATION AND HEARING PROCESS

The university’s Title IX coordinator or deputy coordinator will investigate alleged violations of this policy regardless of whether the conduct is alleged to have occurred on-campus or off-campus. Each report must be evaluated on a case-by-case basis, taking into account the relevant circumstances of each case. The investigation process may include interviews, reviewing student and/or employee files, and gathering and examining other relevant evidence. The investigation process will be balanced and fair and give both the accused and the complainant the chance to discuss their involvement in the reported incident. Allegations of sexual assault will not be referred to informal mediation.

If the investigation concludes that evidence exists to suggest that a violation of this policy more likely than not occurred, the Title IX coordinator or deputy coordinator will refer the case for a hearing before the university’s Sexual Misconduct Board, which for purposes of this policy will consist of:¹

¹ In the event of a conflict of interest, the board member who has the conflict will recuse himself/herself from the committee and the university president will appoint a replacement.
Director of public safety
Director for student success
Athletic director (if the incident involves an athlete)
Human resources representative

For undergraduate students: dean of students and vice president for academic affairs/ dean of the College of Arts and Sciences.

For graduate students: Associate dean of students for the College of Medicine or dean of the College for the College of Business, dean for the College of Optometric Education.

For faculty, staff and administration: To be assessed by the Title IX coordinator or their designee.

Each party will have the following hearing rights:

- The right to notice of the specific allegations at issue, including notice of anticipated witnesses and evidence to be addressed at hearing.
- The right to access information and evidence directly related to them within a reasonable time before hearing.
- The right to attend the hearing. The university may proceed with a hearing even if a party declines to exercise his or her right to attend.
- The right to have an advisor of their choice present at the hearing and speak on his/her own behalf. Advisors may not directly participate in the hearing. Invoking the right not to speak will not be considered an admission of responsibility.
- The right to introduce evidence and question witnesses at the hearing, provided, however, that the complainant and the accused will not be allowed to directly question each other.

Hearings will be closed to the public. The Title IX coordinator may accommodate concerns for the personal safety, well-being and/or fears of participants during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, video conference or other means as appropriate.

Prior to a hearing, the Sexual Misconduct Board will elect a chairperson among themselves for purposes of that hearing. That chairperson will be responsible for conducting the hearing, ruling on objections, and ensuring written notice of the Sexual Misconduct Board’s decisions is prepared. Following a hearing, the Sexual Misconduct Board will deliberate and determine whether, given the evidence and testimony presented, it is more likely than not that a violation of this policy occurred. Possible hearing outcomes include, but are not limited to, changes to class schedules; changes to living arrangements; suspension, separation or expulsion from the University; and reporting the incident to the local police. The measure taken will depend upon the individual circumstances.

The Title IX coordinator will inform both parties in writing of the outcome the investigation and/or hearing within seven (7) business days of the investigation and/or hearing’s conclusion. Notice of the outcome will include key findings and any penalties or protective measures directly related to the party.
As a general rule, the university will complete the investigation and hearing process within sixty (60) calendar days from receipt of a report. However, the university may extend that time frame under special circumstances such as complex cases requiring extensive investigation and breaks between academic periods making relevant parties or officials unavailable. The university will work to keep extensions to a minimum and will keep the parties informed of the status of their case.

Survivors always have the option to file a criminal report in addition to or in lieu of a report under this policy. In no case should a survivor be dissuaded from reporting sexual misconduct to law enforcement. Regardless whether a survivor elects to file a criminal report, the university will conduct a separate investigation of its own consistent with this policy. If the accused is not affiliated with the university, an investigation will still be conducted. The Title IX coordinator or deputy coordinator may issue a “No Contact” or “No Trespass” order to an accused unless and until the accused is found not responsible. If the accused is a student or faculty from a visiting institution, the university reserves the right to contact that institution for further investigation.

Throughout the process, arrangements will be made to prevent the parties from having direct contact or communication with each other.

The Title IX coordinator will keep a record of the hearing and investigation process for each case.

**X. APPEAL PROCESS**

Once a decision has been made and both parties have been notified of the outcome, either party may appeal that outcome to the Vice President for Enrollment Management. Appeals must be received by the Vice President for Enrollment Management no later than five (5) business days after the date the underlying decision is issued. Appeals received after the deadline will not be processed. Appeals should be marked “confidential” and submitted by email or mail to the Vice President for Enrollment Management.

Both parties will be notified in writing by the Vice President for Enrollment Management that an appeal was received. The burden of proof lies with the appellant.

The Vice President for Enrollment Management will assess and decide the appeal based on the investigation and hearing record from the previous levels within twenty-one (21) calendar days of receiving the appeal, unless circumstances require more time, in which case the Vice President for Enrollment Management will advise the parties of the need for more time. Grounds for appeal are limited to the following:

- The university made a procedural error, which could have significantly affected the outcome.
- Previously unavailable and relevant evidence was found that could impact the final result.
- The determination of whether a violation occurred was arbitrary and unjustified by the evidence presented at hearing.
- The penalties imposed or other protective measures taken are too severe based on the evidence of record.
Vice president for enrollment management will notify the parties of the outcome of the appeal. Appeal decisions are final. The Title IX coordinator will keep a record of the appeal process.

XI. NO RETALIATION OR DETERRENCE FOR FILING REPORTS

The university strictly prohibits retaliation for making a report under this policy or participating in an investigation or hearing under this policy. Examples of retaliation include, but are not limited to, a face-to-face threat, a digital message and/or physical intimidation. Retaliation can be by someone other than the accused. Any person who feels they have been retaliated against as a result of a report under this policy should contact the Title IX coordinator or a deputy coordinator immediately.

XII. RESOURCES

A. On-Campus Resources

In-person counseling:

Appalachian Community Care LLC
111 Caroline Avenue
Pikeville, KY 41501
606-253-3045 – office
606-899-0388 – cell

Off-Campus Resources

Humana
Student Assistance Program
855-270-3349

The Title IX coordinator or deputy coordinator can provide information about area counselors for survivors of sexual misconduct. A formal report is not required to access these resources.

B. Online Resources

If a person feels the need to pursue further help and counseling, there are institutions and charity groups that are specialized and specifically trained to aid survivors of different violent crimes. A formal report is not required to access these resources. These are some nationwide websites that provide help:

National Domestic Violence Hotline
http://www.thehotline.org/

Stalking Resource Center
http://www.victimsofcrime.org/our-programs/stalking-resource-center

National Sexual Assault Hotline
http://www.rainn.org/get-help/national-sexual-assault-online-hotline

Girls Health Website
http://www.girlshealth.gov/safety/saferelationships/daterape.html
C. Off-Campus Resources

In addition to the resources listed above, the following off-campus resources are available:

- Emergency Services (911).
- Rape Crisis Center (800.656.4673)
- National Sexual Assault Hotline (800-656-4673)

XIII. TRAINING AND EDUCATION

All students, faculty and staff must annually complete university-sponsored training on sexual misconduct issues within the dates and times arranged by the Title IX coordinator. Failure to do so may result in corrective action. Annual training will, at minimum, cover the following:

- University policies and procedures for reporting and addressing sexual misconduct;
- Reminders that the university prohibits the offenses of domestic violence, dating violence, sexual assault, sexual exploitation and stalking;
- The definitions for domestic violence, dating violence, sexual assault, sexual exploitation and stalking;
- The definition of consent and “welcome” conduct;
- Training on safe and positive options for bystander intervention that may be carried out by any person to prevent harm or intervene when there is a risk of sexual misconduct against a person other than such person;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding sexual misconduct;
- Procedures survivors should follow if sexual misconduct has occurred;
- Procedures for institutional disciplinary action in cases of alleged sexual misconduct;
- Information about existing counseling, health, mental health, survivor advocacy, legal assistance, and other services available for survivors both on campus and in the community; and
- Information about survivor options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the survivor and if such accommodations are reasonably available, regardless of whether the survivor chooses to report the crime to campus police or local law enforcement.

In addition, the university provides informational resources such as crime bulletins and alerts and bulletin board campaigns.
**Faculty and Staff**

Both faculty and staff play an important role in helping the university carry out its commitment to prevent sexual misconduct. Many times survivors turn to teachers and staff members for help. Therefore, it is necessary to know the procedures to aid the student and to file a complaint. Also, the ability to notice signs of sex discrimination could protect the survivor from further harm.

All employees, including faculty and staff, will be required to take an online training program that will include an evaluation in order to facilitate a working understanding of Title IX and the university’s related policies and procedures. Employees must complete training on an annual basis per schedules set by the Title IX coordinator. Employees who fail to complete training within the time allowed are subject to disciplinary action consistent with university policy.

**Students**

Students need to go through training which will enable them to seek help if they encounter sexual misconduct, as well gain knowledge about related university policies and resources. Student training aims to educate students about what Title IX means, what qualifies as sexual misconduct and what rights students have under university policy and the law. Training is not only important to a student’s personal safety but also to help others who might be in risk of or already subject to sexual misconduct. Many times survivors feel intimidated to seek authorities help, but with the guidance and help of a friend they find the courage to report the incident.

All students, including incoming freshmen and transfers, will be required to take an online training program that will include an evaluation in order to facilitate a working understanding of sexual misconduct and the university’s related policies and procedures. Students must complete training on an annual basis per schedules set by the Title IX coordinator. Students who fail to complete the training within the time allowed will not be able to register for the following semester until they have completed the training. Other educational programs and materials will be provided to students throughout the academic year through Student Services.

**DISABILITY SERVICES AND ACCOMMODATIONS**

**Disability Accommodation Policy**

The University of Pikeville seeks to provide equal opportunity for success for qualified students with disabilities without compromising the caliber of instruction. The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against individuals with disabilities. The following policy statement describes the procedures the university will follow in providing reasonable accommodations to qualified persons with disabilities:

Prior to admission an applicant seeking accommodations should arrange an interview with the Disability Student Services office to discuss how projected accommodations will interface with degree program requirements. A student having a disability requiring accommodation must provide the university with documentation from a qualified health care provider.
1. The documentation provided by a physician or a certified psychologist must indicate the nature and extent of the student’s limitation(s) and recommended accommodation(s).
2. The documentation must be not more than three years old. More current documentation may be required on a case-by-case basis.
3. It is the student’s responsibility to inform the institution through the Disability Student Services Office of his or her limitations and of the need for accommodation. Such disclosure should be done no later than two weeks before the first day of classes for any academic term.
4. Documentation of the need for reasonable accommodations should be submitted to the Disabilities Student Services Office two weeks prior to the first day of classes for which the student is requesting accommodation. The accommodations officer will keep the documentation in a separate file.
5. The Disabilities Student Services Office, upon review of the relevant documentation of the disability, will determine reasonable accommodation in each particular case and for each individual class. The student and relevant professor may be consulted during this process.
6. The Disabilities Student Services Office will communicate to the relevant faculty member, the Registrar and the student, elements of accommodation for each particular class.
7. Requests for accommodation must be made each term. The student should make this request in writing no later than two weeks before the first day of classes, and present this written request for accommodation to the Disabilities Student Services Office.
8. Records concerning a student’s requests for reasonable accommodations will be maintained separate and apart from a student’s official file with the Registrar’s office.

**Family Educational Rights and Privacy Act of 1974 (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student’s education records within 45 days after the day the university receives a request for access. A student should submit a written request to the Office of the Registrar that identifies the record(s) the student wishes to inspect. The Registrar’s office will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Registrar’s office, the Registrar’s office will advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student’s education records that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.
A student who wishes to ask the university to amend a record should write the Office of the Registrar, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the university decides not to amend the record as requested, the university will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the university discloses Personally Identifiable Information (PII) from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

Among other things, the university may disclose education records without a student’s prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is typically includes a person employed by the university in an administrative, supervisory, academic, research, or support staff position (including security personnel and health staff); a person serving on the board of trustees; or someone serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the university who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the university.

Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Under FERPA, the university may disclose appropriately designated “directory information” without written consent, unless you have advised the university to the contrary in accordance with university procedures. The primary purpose of directory information is to allow the university to include information from your education records in certain school publications. Examples include:

- A playbill, showing your role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists; and
- Graduation programs; and

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside
organizations without an eligible student’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

If you do not want the university to disclose any or all of the types of information designated below as directory information from your education records without your prior written consent, you must notify the Office of the Registrar in writing by the first class day of each semester. The university has designated the following information as directory information:

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

**Service and Assistance Animal Policy for Students**

The University of Pikeville desires to comply with the law on reasonable accommodations for qualified students with disabilities. Accordingly, the university has adopted rules for qualified students with disabilities who require service dogs or assistance animals as reasonable accommodations. This policy addresses two kinds of animals: (1) service dogs, which are generally permitted throughout campus and at university functions if they meet the rules and criteria addressed below; and (2) assistance animals, which may be kept in residence halls if they meet the rules and criteria addressed below. This policy also addresses qualified students with disabilities who do not require a service dog or assistance animal, but have a disability that prevents or limits their ability to be in contact with such animals. The university assumes no liability for the health and well-being of animals brought to campus under this policy.
Service Dogs

For purposes of this policy, service dogs are trained dogs that meet the requirements of this section and therefore generally may be used throughout campus and at university functions consistent with this section. A qualified student with a disability (including a physical, sensory, psychiatric, intellectual or other mental disability) may have a service dog on campus, including in the student’s residence hall, if the dog is individually trained to do work or perform tasks for the benefit of that student. The work or task the service dog performs must be directly related to the student’s disability. Notwithstanding the above, the following are not permitted under this section:

a. Any animal that is not a dog (although in some cases miniature horses may be allowed).

b. Animals that serve solely as a crime deterrent.

c. Emotional support, comfort, or companionship animals.

d. Animals that pose a direct threat to the health or safety of others.

e. Animals that the owner cannot effectively control.

f. Animals that are not housebroke

Unless the student’s need for his/her service dog is readily apparent, a student wishing to have a service dog on campus must provide the Disability Student Services Office with documentation from his/her medical provider confirming:

a. That the service dog is needed because of a disability, and

b. What work or task the animal has been trained to perform.

Except as stated above, students covered by this section are not required to provide documentation or information (a) about the nature of their disability; or (b) proving their dog has been certified, trained or licensed as a service dog. The Disability Student Services Office will evaluate and address requests for the use of service dogs consistent with the criteria outlined above and applicable law. Students using service dogs pursuant to this section are responsible for their dog, including but not limited to behavior management, feeding, grooming, veterinary care and waste removal.

Assistance Animals

For purposes of this policy, assistance animals are animals other than service dogs that meet the requirements of this section and therefore may be kept in a student’s residence hall consistent with this section (students with dogs approved as service dogs under the previous section do not need to have their dogs separately approved as an assistance animal under this section). Qualified students with disabilities who live in university residence halls may have assistance animals in their residence hall as a reasonable accommodation if:

a. The student has a disability;

b. The animal is needed to afford the student with a disability an equal opportunity to use and enjoy university housing; and

1. There is an identifiable relationship or nexus between the student’s disability and the assistance the animal provides. Assistance animals that meet these requirements are not limited to dogs or trained animals so long as the animal’s ameliorative effects are reasonably supported.
Notwithstanding the above, the following are not permitted as assistance animals under this section:

2. Animals that pose a direct threat to the health and safety of others.
3. Animals that would cause substantial physical damage to the property of others.
4. Animals that would pose an undue financial and administrative burden on the university.
5. Animals that would fundamentally alter the nature of the university’s operations.

c. A student wishing to have an assistance animal in her residence hall pursuant to this section must provide the Disability Student Services Office with documentation from her medical provider, psychiatrist, social worker or other mental health professional confirming:

1. That the student has a disability, and
2. That the animal provides support that alleviates at least one of the identified symptoms or effects of the student’s disability.

The Disability Student Services Office will evaluate and address requests for the use of assistance animals consistent with criteria, feeding, grooming, veterinary care and waste removal.

Student with Disabilities and Incompatible with Animals

Students with disabilities that are incompatible with animals on campus may request a reasonable accommodation from the Disability Student Services Office. Reasonable accommodations will be addressed on a case-by-case basis but may include classroom seating arrangements and/or residence hall assignments allowing for separation from the animal(s) at issue. The Disability Student Services Office will evaluate requests for such accommodations consistent with applicable law.

Behavior and Etiquette of Service Animals

Control requirements

• The animal must be as unobtrusive as possible.
• Injuries to or caused by the service animal must be reported to Student Services or the disability resource coordinator.
• Exclusion from campus: A service animal may be excluded from campus when that animal’s behavior poses a direct threat to the health and safety of others. Infractions will be handled on an individual basis. Consequences may include but are not limited to, muzzling a barking animal, refresher training for the animal and the handler or exclusion of the animal from the university.

Service animal etiquette

• The animal must not sniff people, food or the belongings of others.
• The animal must not initiate contact with others without the handler’s permission.
• The animal must not display any disruptive behaviors such as barking,
whining, growling or rubbing against people.

- The animal must avoid licking and scratching or other grooming behaviors in public.
- The animal must not block an aisle or passageway.
- The animal must never be more than three feet from the handler.
- The animal must be trained not to be attracted to food that is nearby.

**Public etiquette for interaction with a service animal**

- Do not pet a service animal.
- Do not feed a service animal.
- Do not deliberately startle a service animal.
- Do not separate or attempt to separate a service animal from a handler.
- Do not hesitate to offer assistance by asking if assistance is needed.

**Relief Areas**

Handlers of service animals should meet with the Housing Operations Supervisor before the start of each semester to discuss procedures for identifying proper waste disposal areas on campus. The handler is ultimately responsible for all the cleanliness, grooming and health of the animal and must take responsibility for the proper disposal of all waste.

**When a Service Animal May be Asked to Leave or Barred from a University of Pikeville Facility or Program**

A service animal may be asked to leave a UPIKE facility or program if the animal’s behavior or presence poses a direct threat to the health or safety of others. For example, a service animal that displays vicious behavior towards people may be excluded. Service animals may also be excluded in areas where the presence of a service animal fundamentally alters the nature of a program or activity or is disruptive. Examples may include, but are not limited to, research labs, areas requiring protective clothing, food preparation areas and primate labs.

In addition, animals not covered under the ADA service animal definition can be asked to leave a UPIKE facility or program. Questions related to the use of service animals on campus should be directed to the Disability Student Services Office, (606) 218-5224, or Disability Resource Coordinator, (606)218-5232.

**Emergency Situations**

In the case of an emergency, emergency and public safety personnel should be made aware that there is a service animal on the premises. Every effort should be made to keep the animal with its owner.

**TOBACCO FREE CAMPUS**

The university is dedicated to providing a healthy, comfortable and educationally productive learning environment for faculty, staff, students and visitors. As such, it shall be the policy of the university that tobacco use will not be allowed in either indoor or outdoor areas of the campus.

This policy applies to all employees, students, visitors, contractors and externally affiliated individuals or companies renting university-owned space on university-owned and operated property campus grounds.
Compliance

All University of Pikeville students, faculty, staff, contractors and visitors must comply with this policy. Individuals observed using tobacco on the campus will be informed and asked to stop.

Organizers of public events, such as conferences, meetings, public lectures, social events and cultural events using campus facilities must advise participants in such events of this policy and require compliance.

Students or employees of the University of Pikeville in violation of this policy may be subject to disciplinary action as indicated below.

Persons engaging in tobacco use and/or the use of tobacco products in violation of this policy may be subject to the following:

- Students will be referred to the dean of students. Violation of this policy is a violation of the student code of conduct and can result in, but not limited to fines, community service, loss of residence hall room, or other sanctions.
- Employees will be referred to their supervisor and/or Human Resources for appropriate action.
- Contractors will be referred to their respective employers for appropriate action.
- Visitors will be required to leave the campus if they fail to conform to the policy when advised.

No person who makes a complaint of a violation of this policy or who furnishes information concerning a violation of this policy shall be retaliated against in any manner.

Students Rights and Responsibilities

Any student who has been charged with a violation and thus alleged to be involved in an inappropriate behavior is guaranteed the following rights in order to insure fundamental fairness.

Each student has the right to:

1. Be informed in writing of the specific violation and inappropriate behavior in which the student is suspected of involvement and informed that the judicial process is stated in the University of Pikeville Student Handbook.
2. Know the nature of the evidence against the accused and to be able to state his or her position.
3. Offer a defense by presenting material and/or witnesses on behalf of the accused student.

If there is an appeal of any disciplinary action, the student has the right to:

1. Be present throughout all judicial proceedings concerning the particular case except the deliberation process.
2. Be informed both orally and in writing of the results.
3. Appeal the decision made by the dean of students to the Judicial Board or university President. (see criteria for appeal process).

The university places the utmost priority on student welfare and community safety. When a student demonstrates conduct that violates the university’s student code
of conduct or other university policies, that conduct will be addressed through the appropriate disciplinary processes. This policy is not intended to be disciplinary in nature. Rather, this policy outlines the criteria and procedures for when and how a student may be involuntarily withdrawn from the university for demonstrating behavior that creates a direct threat to the safety or health of others or that unreasonably disrupts the normal education processes and orderly operation of the university. There may be situations in which both this policy and the student code of conduct and/or other university policies are applicable.

**Criteria**

A student may be involuntarily withdrawn from the university if it is determined, in accordance with the procedures listed below, that the student: (a) Demonstrates behavior that is unreasonably disruptive to the normal education processes and orderly operation of the university; (b) Demonstrates behavior that endangers others or that creates a direct threat that the student may endanger others.

**Determination**

The involuntary withdrawal process begins when the dean of students Office receives a referral or other information regarding a student who appears to be demonstrating behavior consistent with one or more of the criteria listed above. If, after reviewing the information received, the dean of students determines that the student has demonstrated behavior consistent with one or more of the criteria for involuntary withdrawal from the university as stated above, the dean of students will inform the student of this determination. At the time of this communication, the staff member will inform any student who is involuntarily withdrawn about the student’s right to appeal the decision to the university president, and will explain to the student the conditions for returning to the university community (see below). Prior to proceeding with the involuntarily withdrawal process, the staff member will always encourage the student to voluntarily withdraw.

**Appeal**

A student may appeal the staff member’s determination regarding involuntary withdrawal (or the designated conditions for readmission following an involuntary withdrawal) to the university President. A student has one week to request this appeal. Within seven days of being received by the university, the university President shall review all the available information (i.e.—all of the information made available to the dean of students Office and any additional information subsequently made available by the student), and shall, if deemed necessary by the university president, have the opportunity to ask the student additional questions. After reviewing all the available information described above, the university President shall assess whether the student has or has not met the criteria for involuntary withdrawal from the university as stated above. The decision of the university president will promptly be communicated to the student in writing. This decision is final.

**Interim Suspension Pending Appeal**

A student who demonstrates behavior that creates an immediate direct threat to others, or who demonstrates behavior that is immediately and significantly disruptive to the normal education processes and orderly operation of the university, may be
suspended from the university on an interim basis pending an appeal. All decisions regarding interim suspensions pending appeals will be made by the dean of students in consultation with the university President.

**Effect of Involuntary Withdrawal**

Students who have been involuntarily withdrawn from the university are generally not permitted to be on university premises or participate in university events. However, a student who has been involuntarily withdrawn or suspended on an interim basis pending an appeal may be on campus, with the permission of the dean of students for the purposes of participating in the processes detailed in this policy or as otherwise required and appropriate in the discretion of the dean of students. While subject to interim suspension, the dean of students will coordinate communication with the student’s faculty concerning their course obligations, the receipt of lecture notes and/or recorded lectures if requested, and will arrange for the submission of course work by the student.

Students are responsible for contacting appropriate university offices in order to ensure that their academic and financial affairs are in order (including any on-campus housing). All determinations as to the effect of an involuntary withdrawal in these areas will be made by the applicable offices in accordance with existing university policies.

**Returning to Campus—Conditions for Readmission**

A student who has satisfied the conditions for readmission outlined at the time of his or her involuntary withdrawal will be considered for readmission to the university.

Readmission conditions will be individually-tailored so as to be appropriate to each student but will always be premised on the notion that the student is no longer a direct threat to others, and/or no longer demonstrates behavior that is disruptive to the normal educational processes and orderly operation of the university. Specific conditions for readmission might include:

a. Appropriate documentation indicating that the student no longer demonstrates the behavior which led to the involuntary withdrawal;

b. Verification from a mental health professional or other appropriate care provider that the student is complying with a treatment plan (or has been satisfactorily complying with a treatment plan for a designated length of time);

Students wishing to be readmitted must schedule a face-to-face meeting with the dean of students to discuss the student’s compliance with, and appropriate documentation of, the designated conditions for readmission. All determinations as to whether the conditions for readmission have been satisfied will be made by the dean of students. These determinations are final. Because conduct that gives rise to an involuntary withdrawal under this policy might also result in sanctions in accordance with the student code of conduct, it is possible that a student who has met the designated conditions for readmission following an involuntary withdrawal might still not be eligible for re-enrollment due to student conduct sanctions (similarly, it is possible that a student who has satisfied all student conduct sanctions might still not be eligible for re-enrollment because of an inability to meet the designated conditions for readmission in accordance with this policy). The dean of students may make such reasonable exceptions to this policy and these procedures as circumstances may require for the welfare of the
institution and its students; provided that fundamental elements of fairness and due process are observed.

**ACADEMIC HONESTY**

The University of Pikeville is an academic community and like all other communities, it can function properly only if its members adhere to clearly established goals and values. Essential is the commitment to the principles of truth and academic honesty. In order to articulate fully its commitment to academic honesty and to protect members of its community from the results of dishonest conduct, the University of Pikeville has adopted the following policies to deal with cases of academic dishonesty. Academic dishonesty includes, but is not limited to, the following acts:

1. **Cheating**: intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise.
2. **Plagiarism**: the deliberate or accidental taking of another’s ideas, work or words as one’s own without properly documenting or crediting the original source in any academic exercise.
3. **Fabrication**: the deliberate falsification or invention of any information or citation in an academic exercise.
4. **Facilitating Academic Dishonesty**: intentionally or knowingly helping or attempting to help another violate any provision of this policy.

If an act of academic dishonesty is determined to have occurred, sanctions will be imposed depending on the perceived intent and extent of the offense. Possible sanctions may include, but are not limited to the following:

1. Giving a warning.
2. Reducing the grade for the academic exercise.
3. Giving an “F” or zero for the academic exercise.
4. Giving a failing grade in the course with the inability to withdraw.
5. Reporting the matter to the dean of the college of arts and sciences for further possible action.

**FINAL COURSE GRADE APPEAL PROCEDURE**

1. **Meeting with Faculty Member**: A student who seeks appeal of a final course grade will first speak with the instructor concerned. If the instructor determines that a miscalculation resulted in an incorrect grade or that new and compelling evidence warrants a different grade, the instructor will submit a request for a change of grade to the division chair. If this request is approved by the division chair, it will be forwarded to the Dean of the College of Arts and Sciences for final approval and action by the Office of the Registrar.

2. **Meeting with division chair**: A student wishing to proceed further with an appeal will then speak to the division chair. The division chair should keep a written record of all discussions and forward a copy to the Dean of the College of Arts and Sciences. If there is any question about the decision reached in this conference, the aggrieved student will request a meeting with the Dean of the College of Arts and Sciences.
3. **Conference:** Upon receiving a student’s request, the Dean of the College of Arts and Sciences will call a conference with the student, the instructor and the division chair. If a satisfactory solution is not found, the appeal will continue. The Dean of the College of Arts and Sciences will keep a written record of this conference.

4. **The Hearing:** If the student wishes to proceed further on the appeal, he/she will register his/her grievance on a “Request for Hearing” form obtained from the Registrar’s Office. The “Request for Hearing” form must be filed within 60 calendar days following the beginning of the next regular fall or spring semester after the grade in question was assigned. Grade appeals will normally be heard only during fall or spring semesters, although the executive committee may determine to hear an appeal during summer or during school breaks if, in its judgment, the student’s academic situation warrants it and if the necessary faculty members are available.

   a. **The Committee:** The committee shall consist of the elected members of the executive Committee and two students selected by the Student Government Association. In any proceeding, faculty and student representatives from the Division involved in the grievance shall be excluded. In addition, either the student or the faculty member may request the removal of any person from the committee. The committee will decide if a reasonable basis exists for this request.

   b. **Selection of Chair:** The chair of the executive committee will sit as chair of the committee unless disqualified; in which case, the committee will select a chair by a simple majority of votes in a secret ballot.

   The chair will:
   i. Have full voting rights,  
   ii. Determine the status of all observers,  
   iii. Set reasonable time limits for presentation and discussion,  
   iv. Rule on the admissibility of evidence; and  
   v. Be responsible to rule on such other questions as may arise.

   d. **Notice of Hearing:** The committee chair will call the hearing within 10 working days after the receipt of the “Request for Hearing” form. Either the student bringing the appeal or the faculty member concerned may request, in writing, a time extension of up to 30 calendar days. The extension will automatically be granted. Further time extensions may also be granted, but only with the approval of the executive committee. Notices of date, time and place will be sent to the executive committee, the student, the instructor, the division chair and the Dean of the College of Arts and Sciences.

   e. **Conducting the Hearing:** The hearing will be conducted in an orderly impartial manner. The student bringing the complaint and the faculty member involved will have the right to participate in the discussion. Each will have the right to be accompanied by an advisor from the university community (current student, faculty member or administrator). The advisor may verbally participate in the proceedings.
f. **Recording the Hearing:** The hearing will be recorded and the recording retained by the dean of the college of arts and sciences. This recording will be kept in confidence and will be destroyed one calendar year after the decision of the hearing committee.

g. **Committee Deliberations:** The committee, in closed session, will carefully consider all of the evidence. In reaching its findings and recommendations, the committee will consider the reliability of the witnesses and the authenticity and accuracy of the documented evidence regarding the point at issue. The committee will make its decision solely on the basis of the evidence presented at the hearing. The decision of the committee shall be final.

h. **Committee Report:** The committee will prepare and sign a written report of its findings and decision. The report will be sent to the executive committee and copies of the report will be sent to the Dean of the College of Arts and Sciences, the division chair, the instructor and the student.

5. **Conclusion:** The registrar will inform the student and the instructor of the decision’s effect upon the grade.

**ADMINISTRATIVE WITHDRAWAL**

Class attendance policies are set by the instructor for the course in which the student is enrolled. Policies are printed on the course syllabi, which are presented during the first two weeks of class. Students are expected to adhere to such policies. Failure to attend class as prescribed may result in grade reduction, class failure or administrative withdrawal. Instructors are expected to document and report excessive absences to the administrative assistant to the dean of the college of arts and sciences. The attendance record is necessary to document last date of attendance for financial aid purposes.

Students who accumulate excessive absences (six consecutive MWF class meetings; four consecutive TR class meetings or two consecutive weekly class meetings) will receive a warning of pending administrative withdrawal. If the student fails to return to class or to complete the official withdrawal form within one week of the warning, an administrative withdrawal will be initiated. A student who is administratively withdrawn at any point during the semester will receive a grade of “Q” to indicate an administrative withdrawal. This grade will be calculated by zero quality points divided by hours attempted.

Faculty members will report excessive consecutive absences on the attendance report form. Upon receipt of the report, the administrative assistant to the Dean of the College of Arts and Sciences will determine if the student has stopped attending other classes. Then, warning of pending administrative withdrawal will be issued for all courses that the student is not attending. A follow-up will be done one week later to determine if the student has returned to class or withdrawn. If the student has done neither, the administrative withdrawal takes place. Students will be notified that they have been withdrawn and that they have the right to appeal and present appropriate documentation. Copies of the administrative withdrawal will be sent to the instructor, the academic advisor, the Business Office, Office of Student Financial Services, Student Services and the Registrar.
Students who are subject to an administrative withdrawal will also be subject to the Refund Policy/Return of Title IV Funds Policy as outlined earlier. The student is responsible for all charges on account through the date of administrative (or self) withdrawal which are not covered by financial aid. These charges are comprised of tuition in addition to any charges incurred for room and board, parking fines, bookstore charges, etc. Room charges will accumulate through the week that a residence hall checkout sheet is completed with Residence Hall Director or Resident Assistant. All students who withdraw (self-withdrawal or administrative withdrawal) before a semester is complete must arrange to settle business office accounts.

Because there are instances when the student has a legitimate reason for not completing the withdrawal, students have the right to appeal an administrative withdrawal by presenting a written request and supporting documentation (doctor’s statement, etc.) to the Office of Academic Affairs. If the appeal is approved, the student may consult with his/her instructor(s) to determine if he/she may be able to return to class and the student’s transcript will be revised to reflect an official withdrawal with the grade of “W,” “WP” or “WF” (based on the date of withdrawal) or a completed semester with grades assigned by the instructor(s).

Reinstatement to the university does not mean an automatic return of student financial aid. Because the reinstatement of financial aid may vary due to the differences in financial aid program regulations and satisfactory academic progress requirements, a student must consult the Office of Student Financial Services for more information regarding financial aid status before returning to class.

STUDENT WRITTEN GRIEVANCES

If, at any time, any student feels that he or she has been wrongly treated by a member of the university community, the student may present a written grievance to a designated university official as follows:

A student’s grievance concerning a faculty member should be made to the head of the faculty member’s department, the Vice President for Academic Affairs or the President.

A grievance concerning a staff member should be made to the vice president responsible for the staff member’s department or to the president. A grievance concerning another student should be made to the dean of students in the undergraduate program. Students may contact the Associate Dean of Student Services in the Kentucky College of Osteopathic Medicine or the President and the Kentucky College of Optometry, Office of Student Affairs. Students can also refer to the Kentucky College of Optometry Professional Student Handbook for further details regarding grievance policies and procedures.

After a written grievance is received, a response to the grievance will be issued within five business days.
INCLEMENT WEATHER POLICY

In the event of extreme weather conditions, the University of Pikeville will defer to the Inclement Weather Plan which can be found on the university website. However, we recognize that road conditions vary on isolated mountain roads and hollows. No one should jeopardize his/her safety on hazardous roads. Notices of the closing of the university will be made over local radio and TV stations. Should weather conditions require the cancellation of evening classes, announcements will be made over local radio and TV stations and notices will be posted on campus.

STUDENT PUBLICATIONS

The University of Pikeville respects the basic principles of free speech, but will not approve the use of institutional publications or organizations for partisan political purposes or the dissemination of material which denigrate or offend any group or individual because of age, gender, race, color, creed, religion, handicap, sexual orientation or national origin.

The institution publishes a weekly newsletter entitled, The Bear Facts. This publication includes items of interest concerning campus activities, sports, chapel programs, special guests and other campus news. In addition, the Humanities Division of the University publishes Voices from the Hill, a collection of writings by students enrolled in the English classes at the university. All students are urged to read and contribute to these publications. Other student publications may be useful and necessary from time to time. Students wishing to publish under the name of the University of Pikeville must receive prior approval from the Student Services Office and the Office of Public Affairs. This prior approval is necessary for all types of publications, including electronic or computer-aided publications.

STUDENT ROLE IN DECISION MAKING

The University of Pikeville recognizes that students have innovative ideas and can offer constructive suggestions which, when implemented, improve the general welfare of the students. The university encourages students to become an integral part of the decision making process by affording students the opportunity to take part in various standing committees. These students chosen by the student government association (SGA) have full voting rights on the following standing committees: curriculum committee, instructional resource committee, teacher educational committee, student services committee, spiritual life committee and the special events committee. The SGA president and vice president serve as non-voting student representatives to the Board of Trustees. Also the SGA may provide additional student forums for other ideas concerning student welfare.
STUDENT ORGANIZATIONS

Student Government Association

The Student Government Association (SGA) works in cooperation with the faculty and administration to build a better and stronger University of Pikeville. SGA is responsible for sponsoring many of the activities on campus and takes the lead in establishing desirable patterns of campus and community citizenship. The SGA Senate is made up of elected representatives of the student body and campus organizations. Elections are held in the spring of each school year and the student body is encouraged to vote for their representatives. All students are considered members; but to be considered an active member, the student needs to attend the monthly meetings. The SGA office is located on the ground floor of Wickham Hall.

National Honor Societies

Qualified students are provided the opportunity to participate in the following honor societies:

Alpha Mu Gamma

Alpha Mu Gamma is a national collegiate foreign language honor society. The aims of Alpha Mu Gamma are to (1) recognize achievement in foreign language study, (2) nurture an interest in the study of foreign languages, literatures and civilizations, (3) stimulate a desire for linguistic attainment and (4) foster sympathetic understanding of other peoples through the medium of language. Membership is generally offered to students who have a 3.0 overall grade point average and who have earned two A’s in one foreign language. Students may be admitted at any stage in their university careers. Upon initiation a member receives a parchment certificate of membership and may wear the scroll-shaped gold pin or key.

Beta Beta Beta

Beta Beta Beta (Tri-Beta) is the National Biological Honor Society. It has more than 500 chapters in colleges and universities across the United States. Founded in 1922 at Oklahoma State University, Tri-Beta promotes the enrichment of the undergraduate experience in biology through activities, research and other means that complement the formal instruction received in the classroom.

Chi Omicron Mu

Chi Omicron Mu is the communication honor society of the University of Pikeville. Chi Omicron Mu exists to further the mission of the communication department. The purposes of Chi Omicron Mu shall be: (a) to recognize, foster and reward outstanding scholastic achievement in communication studies; (b) to stimulate interest in the field of communication; (c) to promote and encourage professional development among communication majors; (d) to provide an opportunity to discuss and exchange ideas in the field of communication. Membership is generally offered to students that: (a) maintain a minimum GPA of 2.5 and a minimum communication GPA of 3.0; (b) are enrolled as a student in good standing as determined by the institution’s policies; (c) have a sophomore standing or higher, with a communication major or minor; (d) exhibit high standards of personal and professional character and support the purposes of the honor society.
Kappa Sigma Chi

Kappa Sigma Chi is the criminal justice honor society of the University of Pikeville. Kappa Sigma Chi’s objectives are as follows: (a) to improve criminal justice through educational activities; (b) to foster professionalism in law enforcement personnel and agencies; (c) to promote professional, academic and public awareness of criminal justice issues; (d) to encourage the establishment and expansion of higher education and professional training in criminal justice; (e) to provide a unified voice for professionals in, and students of, criminal justice; (f) to promote high standards of ethical conduct, professional training and high education within the criminal justice field.

Lambda Pi Eta

Lambda Pi Eta is the national honor society for communication scholars. As an accredited member of the Association of College Honor Societies it represents what Aristotle described in his book, Rhetoric, as the three ingredients of persuasion: Logos (Lambda) meaning logic, Pathos (Pi) relating to emotion and Ethos (Eta) defined as character credibility and ethics. Lambda Pi Eta is focused on simulating, fostering, encouraging and rewarding scholastic achievement in communication studies.

Lambda Sigma

Lambda Sigma is a national honor society for second-year college students dedicated to fostering leadership, scholarship, fellowship and service among its members as they promote the interests of the colleges and universities they represent. Candidates for membership are those first-year students who have placed in the top 35 percent of the class academically at the time of selection and who have shown strong evidence of leadership. Students meeting these qualifications are eligible for selection in the spring term following completion of at least one academic term. Members are selected in the spring and are active members during their second year. Membership consists of not more than 50 students nor fewer than 15 students.

Phi Alpha Theta

Phi Alpha Theta is a professional society whose mission is to promote the study of history through the encouragement of research, good teaching, publication and the exchange of learning and ideas among historians. This honor society seeks to bring students, teachers and writers of history together for intellectual and social exchanges that promote and assist historical research and publication by members in a variety of ways. Members must have taken at least 12 hours in history and have an overall GPA of at least 3.0 and a GPA in history of 3.1.

Phi Eta Sigma

Phi Eta Sigma is a society for the recognition of freshmen honor students. Founded at the university of Illinois in 1923, the society now has chapters on more than 200 campuses. The University of Pikeville chapter was established in the spring of 1983. Freshmen who are full-time degree students may join the society if they achieve a 3.5 GPA in their first semester or a cumulative 3.5 grade point average in their freshman year. Phi Eta Sigma members assist other students by disseminating information on how to study and by serving as tutors. Senior members are qualified to apply for scholarships, which the national society gives to aid those continuing with graduate or professional education.
Psi Chi
Psi Chi is the National Honor Society in Psychology, founded in 1929, for the purpose of encouraging, stimulating and maintaining excellence in scholarship and advancing the science of psychology. Psi Chi has chapters located in more than 940 colleges and universities. The University of Pikeville chapter was installed in the fall of 2000. Membership is open to psychology majors and minors who have completed nine semester hours of psychology, achieved a cumulative and psychology GPA of at least 3.0 and ranked in the upper 35 percent of their class in general scholarship.

Sigma Beta Delta
Sigma Beta Delta is an international honor society that recognizes, encourages and rewards scholarship, accomplishments and character among students of business. A candidate for membership must have completed at least one-half of the degree program in which he or she is enrolled, rank in the upper 20 percent of the junior and senior classes, posses a GPA of at least 3.0 in both his or her major and overall and be selected by majority vote of the business faculty. The principles of Sigma Beta Delta are wisdom, honor and pursuit of meaningful aspirations. Membership is limited to those of high scholarship and of good moral character.

Sigma Tau Delta
Sigma Tau Delta’s central purpose is to confer distinction upon students of the English language and literature in undergraduate, graduate and professional studies. Established in 1924, Sigma Tau Delta provides opportunities to members to be recognized for their outstanding achievements to enrich their education, help them make career choices and advance their careers. Students with a minimum of a “B” average in English and in general scholarship and who have completed at least three semesters of college work are eligible to participate.

Sigma Zeta
Sigma Zeta is a national honor society that encourages and fosters the attainment of greater knowledge in the fields of science and mathematics and recognizes outstanding scholastic achievement through active, graduate and honorary memberships. The Beta Xi Chapter was installed in the spring of 1999. Membership is open to students who have declared majors in mathematics, computer science and natural science, completed at least 15 semester hours in these areas with at least a 3.0 GPA and earned an overall GPA of 2.75.

Theta Alpha Kappa
This religion honor society is the only national honor society serving the needs of those involved in the study of religion and/or theology at both the baccalaureate and post-baccalaureate levels of higher education. Honoring excellence in these academic fields is its purpose and it currently hosts more than 200 local chapters throughout the United States at institutions large and small, public and private. Undergraduate students who have been enrolled in an institution with a TAK chapter for three semesters, have completed 12 hours in religion, have a 3.5 GPA in their Religion courses and a 3.0 GPA overall and are in the top 35 percent of their class qualify. The Alpha Eta Chapter was installed at the University of Pikeville in 2004.
Clubs and Organizations

All clubs and organizations that wish to remain active must complete an annual organization form. These forms are available in the Student Services office.

All events and meetings are to be placed on the student activities calendar in the Office of Student Services as they are planned.

Fraternities and Sororities

The university has two fraternities and two sororities housed on campus. Students are encouraged to attend recruitment week to become interested in these social organizations.

Forming a New Club or Organization

Students interested in forming a new organization must pick up an annual organizational approval form from the Office of Student Services and secure a member of the university faculty or staff who will serve as advisor to the organization. The Coordinator for Student Engagement and Leadership Development must be presented with a completed Organizational Approval Form as well as a copy of the organization’s statement of purpose or constitution.

Student Organization Conduct

Student organizations are expected to conform to the rules and regulations established by the University of Pikeville. Members representing the University of Pikeville at off-campus events are to conform to the rules and regulations established by the university. Student organizations traveling under the banner of the University of Pikeville are expected to obey all university rules. If damages to university owned property are the result of any student activity, the damages will be assessed and billed to the organization.

All fundraising projects must have the approval of the Coordinator for Student Engagement and Leadership Development and the dean of students.

University of Pikeville Athletic Teams

The University offers intercollegiate competition in the following sports: basketball, baseball, softball, golf, bowling, soccer, tennis, track and field, football, women’s volleyball, women’s lacrosse, cross country, cheerleading, and dance and jazz. The Bears are members of the National Association of Intercollegiate Athletics (NAIA) and the Mid-South Athletic Conference. All full-time students enrolled in four-year programs are encouraged to compete for positions on the various teams. NAIA by-laws do not permit students enrolled in two-year programs to compete in intercollegiate competitions at four-year institutions.

Men’s and Women’s Intramurals

The Intramural Program is open to all students and has as its primary function organizing and promoting competitive and recreational activities for voluntary participation by the entire student body, faculty and staff.
UNIVERSITY PARKING REGULATIONS

I. Purpose

Campus parking at the University of Pikeville is a privilege which entails certain responsibilities. It is the vehicle operator’s responsibility to know and abide by the university’s parking regulations as well as state and local laws. The following regulations have been established to ensure the proper maintenance, control and use of all university parking facilities.

II. General Guidelines
(Note: These guidelines are in effect 24 hours a day, 365 days a year, including all holidays.)

A. Vehicle Registration

The University of Pikeville requires that all vehicles parked on campus be registered with the University of Pikeville Public Safety department. To register your vehicle you must complete a vehicle registration form located in the Public Safety department office. All vehicles must have a valid parking permit visible in the rear window at all times while parking on campus.

B. Parking on Campus

1. The lots on campus are reserved 24 hours a day for VALID PERMIT HOLDERS ONLY. College Square and UPIKE South residents may NOT park on campus. The lower Record Memorial lot and the Parking Garage are open to those students.

2. Within these lots are a few specific reserved spaces for dorm directors, disabled parking, etc. These individual spaces are clearly marked with “RESERVED” signs. Violators will be ticketed or towed.

3. All disabled parking on campus is reserved 24 hours a day for vehicles with a valid state-issued handicap parking placard. The placard must be displayed in the window and the owner of the placard must be present.

4. The lot located behind Allara Library is reserved for fleet vehicles, vendor parking, and reserved parking for staff.

5. The lot located behind Derriana Hall is designated for visitors and reserved parking. One hour visitor spaces are not to be used by students (resident or commuter) during business hours (Monday-Friday 7 a.m. to 5 p.m.) These parking spaces are reserved for visitors who need short-term (one hour or less) parking.

C. Permit Guidelines

1. Permits are issued on a graded basis. Grades are as follows:
   a. Original permit - Included in comprehensive fee
   b. Subsequent permits or replacement permit - $10

2. All University of Pikeville resident student permits are valid for one year beginning July 1 and expiring on June 30 of the next year.

3. Permits are issued under the following designations:
   a. On or Off Campus Resident student parking (one year expiration)
   b. Faculty/Staff parking (No expiration)
   c. Fleet vehicle or specialty lots (No expiration)
III. Penalties

A. General Policies
1. Vehicles without permits will be wheel-locked and towed at the owner’s expense.
2. Illegally parking – even for a moment – may result in a ticket from University of Pikeville Public Safety department.
3. If a vehicle is disabled, it is the responsibility of the operator to contact Public Safety prior to receipt of any citation.
4. All violations are the responsibility of the person registering the vehicle.
5. Excessive violations will result in the loss of parking privileges.

B. List of Fines
1. Disabled Parking $100
2. Fire Lane $100
3. Visitor Only $50
4. Reserved Parking $50
5. All other violations $20

C. Fines
1. Fines are added to the account of the person registering the vehicle.
2. Parking fines must be paid with cash, check, or credit card; they may not be deducted from scholarship or grant money.
3. All fines are paid in the Business Office located in the Administration Building.

D. Towing/Immobilization
Vehicles not authorized to park on University of Pikeville property (no permit) will be subject to immediate towing 24 hours a day, Seven days a week. (Once the tow truck has been called towing fees will apply.)

IV. Appeals
A. Parking appeals may be made in the UPIKE Public Safety department or online at www.upike.edu/student-services/publicsafety before the next parking appeals meeting, no exceptions.
B. The University of Pikeville Judicial Board is responsible for hearing all of the parking appeals. The Judicial Board meets twice a semester, once near mid-terms and again the week before finals to hear all of the parking appeals.
D. Appeals are not to be considered granted or denied until written notification is given to Office of Public Safety and is presented to the Judicial Board.
E. No person sitting on the Judicial Board can appeal his/her own citation. They may elect to designate someone to sit on the Judicial Board while their appeals are heard.
F. The Judicial Board’s decision is final and cannot be appealed again.
INTELLECTUAL PROPERTY RIGHT POLICY

Introduction
The University of Pikeville is committed to providing an environment that supports the learning, teaching, scholarship, and creative activity of all of its faculty, students, and staff. Within this context, this Intellectual Property Rights Policy (the “Policy”) is intended:

1. To encourage excellence and innovation in teaching, scholarship, and creative activities by identifying and protecting the intellectual property rights of faculty, staff, students and the university;
2. To encourage the notion that creative and scholarly works produced at the University of Pikeville should advance the state of knowledge and contribute to the public good;
3. To clarify the interests of the university and to acknowledge and protect the traditional property rights of scholars with respect to products of their intellectual endeavors (e.g., faculty-authored books, articles, manuscripts, plays, writings, musical scores and works of art); and
4. To guide policy and process for commercial uses of employee-created intellectual property other than the traditional products of scholarly work.

This policy covers all types of intellectual property, including; in particular, works protected by copyright, patent and trade secret laws. Although the following list is not exhaustive, it provides typical examples of the kinds of work the policy addresses: inventions, discoveries, trade secrets, trade and service marks, writings, art works, musical compositions and performances, software, literary works, and architecture.

Policy
The University of Pikeville owns the rights to all works, inventions, developments and discoveries (herein referred to as “work” or “works”) created by employees within the scope of their employment or whose creation involves the substantial use of university equipment, services, or resources. This includes, but is not limited to, any patentable invention, computer-related software, and databases. This policy will not be applied to such traditional scholarly works as faculty-authored books, articles, manuscripts, plays, writings, musical scores and works of art (hereinafter referred to as “scholarly works”), nor to Regular Instructional Works (including, but not limited to, online courses, course materials, lecture notes and laboratory manuals, unless directed or commissioned by the university) developed without substantial university support and used solely for the purpose of assisting or enhancing the faculty member’s instructional assignment. In determining whether university support is substantial, factors such as the following shall be considered: (i) whether the creation of the work involved the use of special services, equipment, facilities or technological information that go beyond what is traditionally provided to faculty members generally in the preparation of course materials; and (ii) whether the work in question was created as a specific requirement of employment or as an assigned instructional duty. If the creator needs clarification as to whether a work is considered a Regular Instructional Work he/she should consult with the appropriate division chair and the Vice President for Academic Affairs and Dean of the College of Arts and Sciences. In the case of the Kentucky College of Osteopathic Medicine, the appropriate Associate Dean and the Vice President for Health Affairs and Dean of the
college should be consulted. In the case of the Kentucky College of Optometry, the appropriate Associate Dean and the Vice President of Optometric Education and Dean of the college. This policy applies to all students, faculty, and staff of the university, including the College of Osteopathic Medicine. Subsequent references to the terms “employee” or “employees” shall include any of the foregoing.

The “work-for-hire” rule in the Copyright Act grants the university ownership of the copyright to all copyrightable works produced by its employees within the scope of their employment. (Please see Heading I below concerning the ownership of intellectual property and Heading II concerning an employee’s scope of employment.) However, in the case of scholarly works, such as faculty authored books, articles, manuscripts, plays, writings, musical scores and works of art, the university cedes copyright ownership to the author/creator(s). It is not the intent of this policy to change the relationship between author/creator and the university that has existed through the years in relation to copyright ownership of scholarly works or regular instructional works referred to above.

The use of university equipment, services or resources is “substantial” when it entails a kind or level of use not ordinarily available to all, or virtually all, faculty and/or staff. (Please see Heading III below for the definition of “substantial use.”) Where question arises as to whether a particular work involves “substantial use” or falls within the “scope of employment,” the matter shall be referred to the Intellectual Property Committee (IPC) who will be responsible for policy decisions regarding intellectual property and making recommendations to the President of the university for final approval. The IPC membership will include the Vice President for Academic Affairs and Dean of the College of Arts and Sciences, the Vice President for Health Affairs and Dean of the College of the Kentucky College of Osteopathic Medicine, the Chief Financial Officer, the Vice President of Optometric Education and the Dean of the Kentucky College of Optometry, the division chair/associate Dean of the Faculty member involved, the chair of the executive committee of the undergraduate faculty, the chair of KYCOM and KYCO faculty congress (or their surrogates if necessary).

When employee-created intellectual property results from third-party grants, contracts, or awards made to the University of Pikeville, the intellectual property is owned by the university unless written agreement involving the university, the employee, and the sponsor establishes an alternative ownership arrangement. No such agreement shall be entered into without the review and approval of the Vice President for Academic Affairs and Dean of the College of Arts and Sciences (undergraduate), the Vice President for Health Affairs and Dean of the Kentucky College of Osteopathic Medicine or the Vice President of Optometric Education and Dean of the Kentucky College of Optometry (medical and optometry school).

A compilation is a work formed by the collection and assembly of university-owned and employee-owned intellectual property in such a way that the resulting work as a whole constitutes an original work of authorship. If a work is a compilation, each contributing employee shall retain all ownership interests in his/her intellectual property; but by allowing the work to become part of the compilation, he/she thereby grants a non-exclusive, royalty-free license to the university for use of his/her contribution. While the University of Pikeville shall own rights to the compilation, it shall own no rights to the underlying work beyond said license and will share any net proceeds from the compilation as described below.
If an employee creates intellectual property other than a scholarly work or Regular Instructional Works and which may lead to commercial development, then he/she is expected to immediately notify his/her immediate supervisor and the Vice President for Academic Affairs and Dean of the College of Arts and Sciences, the Vice President for Health Affairs and Dean of the College of the Kentucky College of Osteopathic Medicine for medical school employees, and the Vice President of Optometric Education and Dean of the Kentucky College of Optometry for optometry school employees in order to provide them with sufficient information to permit the university to evaluate the work, both its ownership and its commercial potential, and, if appropriate, to take steps to protect the intellectual property rights. If ownership rests with the university, but the university elects not to exercise its ownership rights, then ownership rights and responsibilities related to patenting, copyrighting and licensing shall rest with the author(s). In such a case, the university retains a nonexclusive, royalty-free right to use the work for non-commercial purposes.

In the case of employee-owned intellectual property, the author/creator may petition the university to accept assignment of ownership rights and the attendant control of and responsibility for development. The university, however, is under no obligation to accept this assignment and would do so only when independent evaluation indicates that accepting the assignment would further the mission and work of the university.

**Revenue Sharing**

The university wishes to encourage excellence and innovation in teaching, scholarship and creative activities and to support the notion that works produced at the University of Pikeville should be used for the greatest possible public benefit. In the context of these aims, the university endorses the legitimate expectation of employee author/creators to share in any net revenues produced by licensing or other development of intellectual property. Accordingly, for any work in which the university asserts ownership interest under this policy, the university and the author/creator(s) will share any annual net revenue (revenues less recovery of all legal and other costs involved in protecting the intellectual property rights of the work, licensing costs, and other directly related administrative costs) in the following percentages, unless different contractual agreements have been reached in relation to particular works:

<table>
<thead>
<tr>
<th>Net Revenue</th>
<th>Author/Creator(s)</th>
<th>University of Pikeville</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; $10,000</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>$10,000-$50,000</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>$50,000-$100,000</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>&gt;$100,000</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

If a work involves more than one employee as author/creator, the author/creators will divide their share equally unless they provide the university with an alternative revenue distribution agreed upon by them. Net revenues received by the university under this policy should be directed toward support of scholarly, research or creative activity on the part of faculty and staff where feasible.

Recognizing that this area is complex and rapidly evolving, the University of Pikeville remains open to the possibility of arriving at special agreements as the need may arise in relation to particular projects. This policy shall be reviewed periodically by the Intellectual Property Committee and revised as necessary.
I. Who owns intellectual property?

When does the university own employee-created intellectual property?

Any one of these circumstances will result in university ownership:

1. If intellectual property is created by an employee within the scope of employment; or
2. If intellectual property is created on university time with substantial use of university equipment, services or resources; or
3. If intellectual property is commissioned by the university
   • pursuant to a signed contract; or
   • if it fits within one of the nine categories of works considered works for hire under copyright law.
4. If intellectual property results from research supported by federal funds or third party sponsorship and no written agreement involving the university, the researcher and the sponsor have established an alternative ownership arrangement

When does an employee own intellectual property?

1. If it is unrelated to the employee’s job or class responsibilities and the employee has not made substantial use of university equipment, services or resources; or
2. If it is an work that has been released to the author/creator in accordance with this policy; or
3. If the intellectual property is embodied in such traditional scholarly works as faculty authored books, articles, manuscripts, plays, writings, musical scores, and works of art even though such a work may be within the scope of employment and even if significant university resources were used unless the work is:
   • created by someone who was specifically hired or required to create it or commissioned by the university. In either of these cases, the university, not the creator, will own the intellectual property.

II. What is meant by “within the scope of employment?”

Works related to an employee’s job responsibilities, even if he or she is not specifically requested to create them, will belong to the university as works-for-hire. A copyright work is related to your job responsibilities if it is the kind of work you are employed to do and you do it, at least in part, for your use at work, or for use by fellow employees, your employer or your employer’s clients. The work should be performed substantially at work using work facilities, but your use of personal time or other facilities to create the work will not change its basic nature if it is related to your job as described above. Works that have nothing to do with job duties will remain the property of the employee, so long as he or she makes no more than incidental use of university facilities.

For example, if your job is “Safety Engineer,” a software program that you create on your own initiative to run on each employee’s computer to show a graphic of their nearest fire exits is related to your job duties and will belong to the university, even if no one asked you to create it and you did some of the programming at home on your
own computer. A program that you create that does not relate to your job, that neither you nor others use at work, and that you create on your own time would belong to you.

III. What is meant by “substantial use?”

The Intellectual Property Rights Policy uses the phrase “substantial use of university equipment, services, or resources” in determining when the university claims ownership of employee-created intellectual property, not including work identified in the Policy as traditional “scholarly works” or “Regular Instructional Works.” The purpose of this section is to amplify the intended meaning of “substantial use.”

For purpose of this policy, “substantial use” is the use of resources other than those “ordinarily available” to most or all faculty and/or staff. At this date, such ordinarily available resources include office space and personal office equipment, office computer work stations, library and other general use information resources, and the means of network access to such resources. Involvement of students receiving funding through the external grants or federal programs is also excluded from the definition of “substantial use.” By contrast, utilization of university laboratories or special instrumentation, dedicated assistance by university employees, special financial assistance, or extensive use of shared facilities would constitute substantial use. The understanding of “substantial use” may be revised from time to time to reflect changes in technological paradigms.

IV. Disclosure Procedures

Procedures for disclosure of intellectual property should be discussed with the Vice President for Academic Affairs and Dean of the College of Arts and Sciences in the undergraduate program, with the Vice President for Health Affairs and Dean of the Kentucky College of Osteopathic Medicine, and with the Vice President of Optometric Education and Dean of the Kentucky College of Optometry.

Acknowledgement: This policy borrows from intellectual property policies at the university of Texas System, Berea College, Centre College and Transylvania University.

COPYRIGHT POLICY

The Copyright Act of 1976 provides copyright protection for original works of authorship that are fixed in a tangible format. This policy governs the use of copyrighted works at the University of Pikeville.

It is the intent of the University of Pikeville, the University of Pikeville Kentucky College of Osteopathic Medicine (KYCOM) and the University of Pikeville Kentucky College of Optometry (KYCO) to support and abide by the provisions of the United States Copyright Law (Title 17, United States Code, Sect. 101, et seq.) The following policies are intended to be used as guidelines for all University employees who wish to use copyrighted material in the course of their duties at the University. This includes, but is not limited to, reproducing, altering, or performing works that are protected by copyright.

Two other laws which also address the use of copyrighted works are the 1998 Digital Millennium Copyright Act (DMCA) and the 2002 Technology, Education, and Copyright Harmonization (TEACH) Act. The DMCA restricts the use of copyrighted works in
electronic formats. The TEACH Act permits additional distribution rights for online education. The University of Pikeville, KYCOM and KYCO both support and abide by the restrictions of both the DMCA and the TEACH Act.

U.S. copyright law contains many gray areas and the goal of this policy is to provide administrators, faculty, librarians, students, employees and others with a standard approach for addressing complex copyright issues. This policy covers classroom issues such as photocopying, online and distance education, and course packs. It also covers library uses such as print and electronic Reserves, ILL, and document delivery. Other copyright and intellectual property policies may complement this policy by providing guidance on copyright issues beyond text-based materials used in the classroom and library.

The following policy provides practical guidelines and procedures to follow on copyright-related matters; however, it is not a substitute for legal advice and proper legal assistance should be obtained when necessary. The University copyright officer will be able to assist you.

Copyright Officer
Karen Evans
Director of Library Services
(606) 218-5606
KarenEvans@upike.edu

Members of the University community who willfully disregard the copyright policy do so at their own risk and assume all liability.

Approved Undergraduate Faculty (October 28, 2010)
Approved KYCOM Faculty (November 2010)
Approved UPIKE Board of Trustees (February 5, 2011)

Guidelines and Procedures

What is the purpose of Copyright Law?
The rights granted by the copyright act are intended to benefit creators of original works including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations. This means that virtually any creative work—including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials and other printed materials; unpublished materials such as analysts’ and consultants’ reports; and non-print materials, including electronic content, computer programs and other software, sound recordings, motion pictures, video files, sculptures and other artistic works—is almost certainly protected by copyright. Exclusive rights are granted to the creator of original work which includes the rights to reproduce, distribute, publicly perform and publicly display their works.

These rights provide copyright holders control over the use of their creations and an ability to benefit, monetarily and otherwise, from the use of their works.

In the U.S., the general rule of copyright duration for a work created on or after January 1, 1978, is the author’s life plus 70 years after the author’s death. This is often referred to as “life-plus-70.” Works created by companies or other types of organizations generally have a copyright term of 95 years.

Copyright law does not protect ideas, data or facts.
What are the rights of copyright owners?

Copyright is designed to provide legal protection for the authors of original works, including literary, dramatic, musical, artistic, or any other intellectual product. Publication is not essential to claim copyright protection; however, in order to take legal action, the copyright must be registered with the U.S. Copyright Office. Section 106 of the Copyright Act gives the owner exclusive rights to control who can do the following:

1. Publicly display the work.
2. Reproduce copies of the work.
3. Prepare derivative works based on the work.
4. Distribute copies of the work by sale, rental, lease or lending.
5. Publicly perform the work.

The rights above are subject to “Fair Use” limitations which apply to all media with medium specific limitations.

What is Fair Use?

Fair Use, covered in Section 107 of the Copyright Act of 1976, allows scholars and students limited use for educational purposes. Fair Use is expressed in guidelines and consists of four factors that must be considered. The Copyright Clearance Center has an excellent explanation of how to determine Fair Use for academic purposes.

The following must be considered:

1. The purpose and character of the use.
2. The nature of the copyrighted work with special consideration given to the difference between a creative work and an informational work.
3. How substantive the portion or amount of the work to be used versus the work as a whole.
4. Effect of the use on the potential market for the work.

Permission for copying in excess of Fair Use can be obtained through the Copyright Clearance Center (http://www.copyright.com.) and the cost will be charged to the academic department. Permission of the department chair is required before you make the request.

Copyright Law and Printed Materials

Works that may be used freely

Some publications, primarily scholarly, will include a notice stating that the work can be used freely for educational purposes.

Other works may be in the public domain, so their use is not protected by copyright.

1. Publications dated 1922 or earlier.
2. Works published before January 1, 1978, that do not contain a copyright notice.

Photocopying

Copies made for classroom use must meet the Fair Use guidelines and include a notice that it is a copyright work. See “Library Reserves” below for more guidelines.
Photocopying Sheet Music
The following guidelines pertain to the copying of sheet music.

1. Emergency copying for a performance is allowed, as long as a replacement copy is subsequently purchased.
2. An entire performable section is allowed if it is out of print or only available in a larger work.
3. Excerpts to be used in class, but not performed should not exceed 10 percent of the entire work and should not equal a performable unit.

Signage
Effective signage regarding photocopies and copyright must be posted at every photocopy machine on campus.

COPYRIGHT LAW AND POLICY

General Information
Section 107 of the copyright act requires that all items placed on library Reserve meet the Fair Use guidelines as to the purpose of use, brevity of selection, spontaneity and cumulative effect. Each copy must also include a notice that the item is copyrighted material. For the Fair Use Test, visit the Copyright Clearance Center at: http://www.copyright.com/Services/copyrightoncampus/basics/fairuse_rules.html

Reserve materials should be a reasonable portion of the reading and required material for the course. Reserve material is not intended to substitute for textbooks.

Books
Books owned by the library that are part of the circulating collection, personal copies of the faculty member, or copies owned by the department may be placed on Reserve without copyright permissions. The selection assigned must meet Fair Use guidelines. The amount used in the class usually cannot exceed one chapter or one selection from an edited collection of readings or essays. Required workbooks or textbooks cannot be placed on Reserve.

Journals
Only one article from an issue of a journal or newspaper may be placed on Reserve without obtaining copyright permission.

Media
Media items owned by the library, personal copies of the faculty member, or copies owned by the department may be placed on Reserve. Please note that some library videocassettes/DVDs have public performance rights, but most do not. However, copyright allows their use in face-to-face teaching situations.

Recordings that have been illegally copied or recorded will not be placed on reserve.

Photocopies
The guidelines below apply to both print and electronic Reserves. All photocopies placed on Reserve are considered to be the property of the faculty member. The copies will either be returned or destroyed at the end of the semester. The following items can be placed on Reserve without acquiring copyright permission.

- Exams created by the faculty member
- Lecture notes
• Government documents
• Works that are in the public domain
• Works that do not include a copyright notice and were first published before January 1, 1978.

If the following items meet the Fair Use guidelines, they can be placed on Reserve. A reasonable number of photocopies (one copy for every 10-20 students) is allowed.
• One copy of an article from a single journal issue
• One short story, essay or poem
• One chapter of a book
• One chart, drawing, diagram, cartoon, illustration or graph

In order to comply with the copyright guidelines, the library staff will require the following items, as applicable.
• Faculty must sign a form that they are complying with copyright guidelines when placing items on Reserve.
• All items must contain a notice of copyright. The library staff will have a standard form that can be filled out, copied, and placed with the material.
• Student work placed on Reserve will require a signed permission form from the student.

Items that cannot be placed on Reserve:
• Photocopied pages of a workbook
• Anthologies created by using photocopies from different works
• Items that were on Reserve the previous semester for which copyright permission has not been obtained by the faculty member.

Items will be returned if the library staff determines that there is an infringement of copyright law. You may obtain the needed permissions and re-submit the material. In order to obtain permission, please visit the Copyright Clearance Center at http://www.copyright.com. The cost will be covered by the department but departmental procedures must be followed.

Copyright Law and Interlibrary Loan

General Information
Interlibrary Loan (ILL) is a service that allows University of Pikeville, KYCOM and KYCO students, faculty and staff to borrow copyrighted materials, including books, journals, and other materials from other libraries. Interlibrary loan activities are primarily governed by section 108 of the Copyright Law of 1976 and are further restricted by the Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines, which limit aggregate quantities for photocopying. Section 107 (Fair Use Guidelines) may also apply to certain interlibrary loan transactions.

Books and other materials:
• Most books and other materials may be borrowed without violation of copyright as long as they adhere to the Fair Use guidelines.
• Textbooks may not be requested if they are required for a course taught at the University of Pikeville. Interlibrary loan services are not intended as an alternative to purchasing a required text for a course, and requesting them would be a violation of the Fair Use guidelines.
• Circulation of collections is at the discretion of the lending library. Many libraries choose not to lend certain collections, such as Reference, Audio-Visual, or Genealogy materials.

Periodicals and Photocopying

Section 108 of the copyright act specifies that a library may copy “no more than one article or other contribution to a copyrighted collection or periodical issue, or ... a small part of any other copyrighted work.” The copy must become the property of the requestor and its use is limited to “private study, scholarship or research.”

The University of Pikeville libraries adhere to the CONTU Guidelines, which offer guidance as to what a “small part” of a work may be.

The CONTU Guidelines state that five is the maximum number of photo copied articles that can be requested from the most recent five years of a periodical to which the libraries do not subscribe. Individuals requesting copies in excess of the CONTU allowance may be asked to pay a royalty or the fee necessary to obtain such copies commercially.

The following may be copied and distributed through Interlibrary Loan:

• Entire works or sections of works that are in the public domain;
• Entire works or sections of works by the U.S. government;
• Entire works or sections of works used with permission from the copyright holder;
• Entire works or sections of works used under the provision of Section 108 (reproduction by libraries and archives);
• Portions of books, journal issues, and other print resources that meet a reasonable determination of fair use;
• Works used under the provisions of a contract or license agreement (These agreements may differ from, and often take precedence over, what is allowed under copyright law.); and
• Copyrighted works owned by the University of Pikeville libraries, or another library, if after a reasonable investigation, the copyrighted work cannot be obtained at a fair price.

The Interlibrary Loan office is legally obligated to display prominently the following notice and to include the same text on all request forms:

NOTICE

WARNING CONCERNING COPYRIGHT RESTRICTIONS The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.
Digital Resources

No clear-cut guidelines have been developed yet pertaining specifically to digital resources. Electronic resources and subscriptions usually require license agreements which detail who, how and where the resources may be accessed. These license agreements vary widely and must be regarded individually in terms of copyright issues. It is the responsibility of the Lending Library to ascertain whether fulfilling an Interlibrary Loan request is in violation of their license agreement. The University of Pikeville libraries do not “lend” electronic access or copies of materials obtained electronically to people or libraries under any circumstance that may violate their license agreements.

Copyright Law and Multimedia

Multimedia materials include but are not limited to still and moving images, sounds, data, digital texts and Web services. The use of these materials in the classroom is protected under copyright law unless there is specific reason to believe that they are in the public domain. Students may read, watch and copy multimedia materials presented in the classroom for private use but may not copy and distribute these materials. If students use parts of these multimedia texts in research and written work, they must credit these sources appropriately. Students must obtain permission from the copyright holders to share the material beyond the classroom. Use of these materials is permitted in an educational institution as long as certain conditions are met. Section 110 (1) of the Copyright Act of 1976 specifies that the following is permitted: “performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made.”

Additional text of the copyright act and portions of the House Report (94-1476) combine to provide the following, more detailed list of conditions [from Virginia M. Helms, supra]:

• They must be shown as part of the instructional program.
• They must be shown by students, instructors or guest lecturers.
• They must be shown either in a classroom or other school location devoted to instruction such as a studio, workshop, library, gymnasium or auditorium if it is used for instruction.
• They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
• They must be shown only to students and educators.
• They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.
• Multimedia texts may not be used in a classroom setting for entertainment or recreation, whatever the work’s intellectual content.

Making and Using PowerPoint Slides from Copyrighted Works

Faculty members are responsible for obtaining copyright permissions for classroom materials. Copyright ownership of slides and photographs encompasses control over display as well as reproduction. However, Section 110 of the Copyright Act of 1976 addresses the display of copyrighted slides and photographs in educational settings by
allowing “display of a work by instructors or pupils in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction” so long as the copy of the artwork was lawfully made. Furthermore, the purpose of the display must be integral to the course.

Faculty members have access to the ARTStor database which does allow use of most of the material in the classroom.

Copyright and Distance Learning
A Brief Guide to the Technology, Education, and Copyright Harmonization (TEACH) Act

Copyright law does not distinguish between copyrighted materials by format. Print and digital materials are handled in the same manner. However, distance education and online course management systems created new issues due to the need to digitize, display and copy material. Students at distant locations were at a disadvantage due to copyright restrictions that limited use to face-to-face teaching situations. The TEACH Act amends sections of 110(2) and 112(f) of the U.S. Copyright Act to permit greater latitude in the use and display of copyrighted materials for distance education.

If an institution meets the requirements of the TEACH Act:
- Instructors have the right to use a wide range of material in distance learning.
- Students may participate in class from any location.
- Storing, digitizing and copying of documents is permissible.

A partial listing of requirements that must be met under the TEACH Act:
- The institution must be an accredited, non-profit educational institution.
- Students must be informed that the material is covered by copyright and a notice of copyright must be displayed on the materials.
- Technological measures to prevent unauthorized users and/or excessive printing, copying, (other than assigning a password), must be in place.
- Access must be terminated at the end of the class.
- Use must be limited to students in a class.
- Use cannot include transmission of textbooks or materials that would normally be purchased, such as workbooks.
- Fair Use guidelines do apply.
- A full list or requirements is available at www.copyright.gov/legislation/archive.

If it is necessary to conduct an online class without live interactive feedback, apply the following rules to confirm the educational use exemption applies. Check U.S. code Title 17 Chapter 1 section 110 to determine if in fact you need to worry about transmitting copyright works in the first place. If you feel that copyright still applies to the works you want to use in your class then please follow these rules of thumb in their use:
1. Incorporate copyrighted works in limited amounts and then only if a faculty member or the institution possesses a legal copy of the work.
2. Address any copyright issues by properly citing the source. Include in your citation:
   - any copyright notice on the original item
– appropriate citations and attributions to the source
– A “do not copy under penalty of law...” statement is necessary.

Please use the official University of Pikeville notice available from the copyright officer.

If your use does not fit easily into the above rules of thumb you will need to apply Title 17 Chapter 1 section 107, the Fair Use guidelines. Please contact the Director of Copyright Policy for the University of Pikeville to determine if your use passes the “fair use exceptions.”

Course Management Systems

The guidelines that apply to classroom use also apply to use of copyrighted material on a Course Management System (CMS). Some things to remember:

• Fair use applies to all material just as it does in print.
• A CMS does not substitute for purchasing textbooks or workbooks.
• Providing links to online database content subscribed to by the library is allowed and is the preferable method for providing access.
• Remember that the rights included with the purchases of textbooks vary by publisher. Some will allow scanning and posting but some do not.
• Copyright notices must be included with copyrighted material.
• Be certain that copyrighted materials are removed at the end of the semester.

Copyright and Software

Personal Use

All software is copyrighted and may not be duplicated without the permission of the author. Major applications such as Microsoft Word and PowerPoint as well as utilities such as Norton Anti Virus, clip art and the operating system (Windows), are samples of copyrighted software. When software is purchased, the buyer has the right to use it but does not own the software. The buyer can legally install and use one copy on one machine unless a multiple user license has been purchased. Shareware is user supported software that is distributed by the author, but it is not free. Usually, shareware is accompanied by a request for evaluation of the software for a set period of time after which the user is expected to either pay for the software or delete it. Freeware is software that has been placed in the public domain by the author and can be copied and distributed without cost.

Fair Use and Software

Fair Use laws do not apply to software. Universities and colleges are subject to the same software copyright laws as corporations and individuals. Software cannot be duplicated without authority from the publisher. The following activities will violate copyright restrictions pertaining to software:

• Using one set of disks to install software on several computers without purchasing a site license.
• Borrowing or loaning software.
• Installing university-owned software on a home computer, unless a copy is purchased by the university for that purpose.

Unauthorized duplication of software, also known as software piracy, is a federal crime carrying significant penalties for universities and corporations. To protect creativity and
intellectual endeavors, software piracy will not be tolerated by the university.


**Digital Millennium Copyright Act (DMCA)**

On October 28, 1998, the Digital Millennium Copyright Act (DMCA) was signed into law. Title II of this Act gives protection from liability for copyright infringement to online service providers (OSP), such as colleges and universities, who comply with the provisions of the act. Users providing copyrighted information on a Web site hosted by the University of Pikeville are reminded that repeated copyright infringement may result in loss of network access. To report suspected copyright infringement on a Web site hosted by the University of Pikeville, users should contact the University of Pikeville Assistant Vice President for Information Technology:

Corrine Bolt - Assistant Vice President for Information Technology  
University of Pikeville • 147 Sycamore Street • Pikeville, KY 41501  
Phone: (606) 218-5327 • Fax: (606) 218-5174 • E-mail: CorrineBolt@upike.edu

**CAMPUS DINING FACILITIES**

**Dining Hall Hours**

<table>
<thead>
<tr>
<th>Meal</th>
<th>Days</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>Monday–Friday</td>
<td>7 a.m.–9:30 a.m.</td>
</tr>
<tr>
<td>Continental Breakfast</td>
<td>Monday–Friday</td>
<td>9:30 a.m.–10:30 a.m.</td>
</tr>
<tr>
<td>Lunch</td>
<td>Monday–Friday</td>
<td>11 a.m.–2:00 p.m.</td>
</tr>
<tr>
<td>Grill Items Only</td>
<td>Monday–Friday</td>
<td>2:00 p.m.–4:00 p.m.</td>
</tr>
<tr>
<td>Dinner</td>
<td>Monday–Thursday</td>
<td>4:30 p.m.–8:00 p.m.</td>
</tr>
<tr>
<td></td>
<td>Friday</td>
<td>4:30 p.m.–6:30 p.m.</td>
</tr>
<tr>
<td>Brunch</td>
<td>Saturday</td>
<td>11:30 a.m.–1:30 p.m.</td>
</tr>
<tr>
<td></td>
<td>Sunday</td>
<td>11:30 a.m.–2:00 p.m.</td>
</tr>
<tr>
<td>Dinner</td>
<td>Saturday</td>
<td>4:30 p.m.–6:30 p.m.</td>
</tr>
<tr>
<td></td>
<td>Sunday</td>
<td>4:30 p.m.–7:00 p.m.</td>
</tr>
</tbody>
</table>

The hours listed above are adhered to during the fall and spring semesters. Summer hours vary at the need of those on campus.

**Meal Costs**

Individual meal costs for those students who do not live in university housing*:

**Breakfast: $5.25 Lunch: $6.50 Dinner: $7.25**

*Meal plans are available for non-resident students.

**Java City Hours**

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mon.-Thur.</td>
<td>7 a.m.–11 p.m.</td>
</tr>
<tr>
<td>Fri.</td>
<td>7 a.m.–4 p.m.</td>
</tr>
</tbody>
</table>

For more information call:  
University of Pikeville Dining Service  
Director of Food Service  
(606) 218-5032
Dear Residents:

The residence hall staff welcomes you to university housing. We hope that living in university housing will be an educational and enjoyable experience for you.

The staff includes the Hall Directors and Resident Assistants. They have the responsibility for maintaining an atmosphere that is friendly, pleasant and conducive to the establishment of good study and personal habits. Housing personnel will provide information, assist with housing and campus needs and, in emergencies, make referrals to other university officials as needed, and function as a liaison between you and other members of the university community.

To help maintain pleasant, safe and sanitary conditions for everyone residing in the residence halls, your cooperation with the regulations covered in this guide is mandatory. Please read it carefully. If there is a particular item you do not understand, please ask a member of the residential staff for clarification.

All residents are expected to read and observe the campus regulations contained in the student code of conduct handbook as well. If you need a copy, come by the Office of Student Services located on the first floor of the Administration Building.

Sincerely,

The Residence Life Staff

Accreditation Statement

The University of Pikeville is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, masters and doctoral degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia, 30033-4097 or call 404-679-4500 for questions about the accreditation of the University of Pikeville. (2012)

Statement of Non-Discrimination

It is the policy of the university that no student shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination in any program sponsored by the university because of gender, race, religion, sexual orientation, age, handicap, or national origin. In order to promote a broad learning environment, the University of Pikeville welcomes applications from individuals of diverse backgrounds.

University Housing Policies

1. Residence hall rooms will be assigned to students by the housing staff. Once assigned a room, a student must continue to occupy that room; moving to another room requires permission from the residence director. The university reserves the right to reassign individuals to different rooms at any time if such reassignments are deemed necessary.

2. Room occupants assume obligation for having received the room and all its furniture and fixtures in good condition unless a written report to the contrary is made by them to the residence director within 24 hours after occupancy.

3. Room occupants will arrange for their own linens, blankets and pillows, and towels.
4. Room occupants will not be permitted to remove any furniture from the room. External radio and TV aerials are not permitted. All outside furniture and appliances must be approved by public safety.

5. Kentucky law prohibits the use of any device containing a heating element, such as portable heaters, hotplates, George Foreman-type grills, toaster ovens, toasters and coffee makers. No candles are allowed in residence hall rooms as well. There will be a fine assessed each time a candle or any device containing a heating element is found. Extension cords are also not permitted. Surge protectors with breakers are allowed.

6. The university is a tobacco and drug-free campus. If caught with any tobacco products in the residence halls, fines will be assessed. If found in possession of illegal drugs, the student will be referred to the dean of students. The student will be subject to university discipline, up to and including possible dismissal from the university.

7. The university does not assume responsibility for loss of or damages to clothing, valuables or other personal property for any reason or for injury to persons. Thefts should be reported to the residence hall director or resident assistant. Rooms should be locked at all times. Students are encouraged to make sure their personal property is covered by insurance. Information concerning available insurance coverage can be obtained from the Housing and Student Services offices.

8. **Fire Drills and Alarms.** It is critical that all students vacate any building in less than three minutes during a fire alarm. If you fail to vacate a facility during any alarm, you are in violation of state laws and will be subject to disciplinary action, a fine will be assessed and legal action taken.

   Fire drills will be held at various times with a minimum of four annually. When the fire alarm sounds, all residents are to proceed quickly and orderly to the nearest stairs and then outside according to the escape plan that is posted on each door. Please familiarize yourself with this plan. You will be notified when you can return to the building and your room after the fire alarm has been silenced and the building cleared by proper personnel.

   All residence halls are equipped with alternating current powered smoke detectors with a battery backup in case electrical service is interrupted. If a loud persistent chirping is heard from the smoke detector, it has been activated and the room should be vacated. If an intermittent chirp is heard from the smoke detector, the battery may need replacing and Facilities Management or the Housing Office should be notified. It is the occupants’ responsibility to test the smoke detector weekly by pressing the test button. Occupants will be charged a fine for covering or disconnecting a smoke detector on the first offense. On the second offense, you may be dismissed from university housing.

9. Deliberate destruction or defacement of university property will not be tolerated and violators will be subject to disciplinary action up to and including separation from university housing.
10. Room occupants are expected to make their own beds and to keep their rooms clean and orderly. Clothing, towels or other articles are not to be hung or displayed in the windows. Health and safety inspections will be conducted routinely.

11. Alcoholic beverages or paraphernalia are not permitted on the campus or in residence housing. Violations will result in disciplinary action, plus possible parental notification (if under age of 21). The university reserves the right to conduct room inspections at any time.

12. Firearms, ammunition, fireworks, explosives, knives with blades in excess of three inches (including hunting knives), or any other type of weapon are not permitted on campus in any form. **Violators are subject to arrest, fine, imprisonment and immediate separation from the university.** The university reserves the right to conduct room inspections at any time.

13. Sexual Misconduct as defined in the university’s Sexual Misconduct Policy will not be tolerated on campus. These are criminal offenses and are punishable as felonies. Fighting also will not be tolerated. Violation of any of these crimes may lead to immediate separation from university housing.

14. Students who are reported as having extreme absences from class will be reported to the appropriate university official(s). This can include student success, athletic department, or the dean of their college.

15. Students are not allowed to have pets in the residence halls. This includes fish, hamsters, dogs, cats, etc. A fine plus clean up fees/damages will be assessed. (Exceptions are made for service animals.)

16. In all residence halls, quiet hours will be observed after 9 p.m. on all nights except Friday and Saturday. On those two nights, quiet hours will be observed after 10 p.m. **Radios, stereos, TVs and musical instruments are not to be played in a manner which will disturb other residents at any time.** Quiet hours are in effect both inside and outside the residence halls.

17. Athletic activities are to be confined to areas designated for such use and are not to be carried on in residence halls or areas close to residence halls.

18. For safety reasons, water fights, squirt guns and water balloons are not allowed.

19. All students who become ill should report to the on-campus nurse and/or doctor, if necessary, inform the residence director or resident assistant of their need for medical assistance.

20. Campus residents may park on the upper and lower campus in designated parking areas. No parking will be permitted on Sycamore Street (in front of Condit and Derriana Halls).
21. Visitors will not be permitted to remain overnight in any university residence hall without permission from the residence director. (Room occupants will be responsible for the proper registration and behavior of their visitors.) Residents may be permitted to have an overnight visitor for no more than two consecutive nights. The room occupant is responsible for checking in their guests with the residence director. No one under the age of 18 will be allowed to stay in the residence halls. Repeated violations of this policy will lead to dismissal from university housing.

22. Students’ rooms are subject to inspection for compliance with the standards of safety, sanitation, alcohol and illegal drugs and drug paraphernalia, and care of university property. Students are responsible for the cleanliness of their rooms at all times. Regular inspections will be made by housing personnel and possibly other university officials. Fines will be assessed for unclean rooms or suites.

Rooms need to be cleaned and floors mopped, and all personal belongings removed when moving out of a room. Students will be charged a cleaning fee if rooms are left unclean. (Students living in College Square, Derriana Hall, Gillespie Hall, Kinzer Hall, Spilman Hall and UPIKE South are also responsible for the cleaning of the bathroom and living room.)

23. No paper should be affixed to anything other than a bulletin board. Small non-flammable decorations (wreaths, bows, etc.) are allowed, but decorations that cover the entire door or those that are made of flammable material such as paper or tissue cannot be used on doors. Residents may use posters on their room wall(s) as long as they don’t interfere with the HVAC or fire protection systems.

Black lights are permitted in student rooms as long as they’re in a fixture. However, a black light bulb cannot replace a normal bulb in the main light in the room. Christmas lights are not permitted under any circumstances under fire code.

24. When a resident has been diagnosed with a communicable disease the university will take every precaution to ensure the campus community is not at risk. As a result, the resident will be required to remain in a single room with a private bath. The resident will remain in the single room until the student receives clearance from a physician that the resident is no longer contagious. The student may make arrangements with friends to have food brought to the resident from the cafeteria or ask assistance from Residence Life personnel.

25. The university reserves the right to dismiss any resident from university-controlled housing at any time.

26. Visiting hours are as follows:
   Sunday-Thursday……..Noon to midnight
   Friday-Saturday………Noon to 2 a.m.

27. Residents are responsible for the behavior of their guests at all times. It is not appropriate to have underage high school students of either sex as visitors in residence halls for tutoring or any other purpose, unless university sponsored. This policy precludes litigation or accusations by them or their parents/guardians which, however false, would reflect poorly on you and the university.
28. Violation of privileges will result in the following penalties:

**University of Pikeville Disciplinary Policy**
Possible sanctions: Warnings, educational sanctioning, community services, counseling/class, fines which is applied to the students account. Sanctions also include residence hall suspension/expulsion, and university suspension/expulsion.

Infractions include alcohol, after-hour visitation, noise violations, cleanliness, etc. Major infractions include disrespecting a staff member (RAs included), drugs, firearms, vandalism, fighting, etc. Non-students violating university policy will be served with a criminal trespassing notice for the entire university.

29. At checkout, all rooms must be cleaned and in May when the residence halls are closed, items must be removed from the students’ room. This means removing carpet and wet-mopping the floor. Any items left unclaimed will be discarded. The University of Pikeville will not be responsible for items left. A fine will be placed on your student account for an unclean room. All residence hall students must turn in their keys at the time of checkout. If returning for the spring semester, personal items can be left in the room. All students and their guests are bound by the rules and policies as they appear in the University of Pikeville Student Handbook and other university publications. However, university officials are free to apply any discretionary action in the compliance of any rules or safety policies they may deem necessary.

30. Students are responsible for all information posted on official bulletin boards. Information must be approved by the residence director. No information is permitted to be affixed to glass surfaces.
31. **Rooms can be inspected at any time for any reason.**

### Housing Violations and Fines

<table>
<thead>
<tr>
<th>Violation</th>
<th>1st occurrence</th>
<th>2nd occurrence</th>
<th>3rd occurrence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unclean Room</td>
<td>$25</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>Unclean Suite</td>
<td>$25</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>Loss of Key</td>
<td>$160</td>
<td>$160</td>
<td>$160</td>
</tr>
<tr>
<td>Unclean Room at Checkout</td>
<td>$100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture Removed from Room</td>
<td>$25</td>
<td>$50</td>
<td>$100</td>
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<tr>
<td>Device with Heating Element</td>
<td>$50</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>Candles/Incense (per incident/item)</td>
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<td>$10</td>
<td>$20</td>
</tr>
<tr>
<td>Extension Cord</td>
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<td>$100</td>
</tr>
<tr>
<td>Illegal Power Cord</td>
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<td>$100</td>
<td>$100</td>
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<tr>
<td>Failure to Vacate during Fire Alarm</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>Tampering/Covering Fire Safety Equipment</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>Tobacco Use on Campus</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>Possession of Alcohol</td>
<td>$100</td>
<td>$200</td>
<td>$300</td>
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<tr>
<td>Improper Check Out</td>
<td>$100</td>
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<td></td>
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<tr>
<td>Possession of Toy Weapons</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>(Paintball, Airsoft, BB, Pellet, Bow/Arrow, Slingshot, Knives)</td>
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<tr>
<td>Pets</td>
<td>$100 + clean up</td>
<td>$100 + clean up</td>
<td>$100 + clean up</td>
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<tr>
<td>Noise Disturbance</td>
<td>$25</td>
<td>$50</td>
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<td>Curfew Violation</td>
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<td>Unauthorized Guest</td>
<td>$25</td>
<td>$50</td>
<td>$100</td>
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<tr>
<td>Failure to Comply with University Official</td>
<td>$50</td>
<td>$100</td>
<td>$200</td>
</tr>
</tbody>
</table>

* A resident will be charged $25 on their fourth lock out occurrence, $35 on the fifth occurrence and $50 for sixth or higher occurrence. Any additional fines will be charged the maximum amount and possible removal from the residence hall and/or separation from the university.

### Appeals Process

A. Residence life appeals must be sent to your residence director in writing. The residence director is responsible for sending the appeal to the judicial board. The chair of the judicial board is responsible for scheduling and handling all notifications to the appellant. The judicial board is made up of faculty and students. Student members of the judicial board are selected by the student government association president. The decision made by the judicial board is final.
An appeal should be heard if the following occurred:

• The university made a procedural error, which could have significantly affected the outcome.
• Previously unavailable and relevant evidence was found that could impact the final result.
• The determination of whether a violation occurred was arbitrary and unjustified by the evidence presented at hearing.
• The penalties imposed or other protective measures taken are too severe based on the evidence of record.

Residence Hall Services

Airport Shuttle
Residence Life has an airport shuttle that operates from Pikeville, Ky. to Lexington, Ky., and Louisville, Ky. airports. The shuttle runs to and from the Lexington, Ky., and Louisville, Ky., airport for Thanksgiving recess, winter break, and at the end of the spring semester. The airport shuttle is free for university residence life students. Shuttle operation dates and times will be posted on the university website.

Housekeeping
The housekeepers are responsible for cleaning university property. Residents are expected to cooperate with these workers in keeping buildings and grounds clean. College Square, Derriana Hall, Kinzer Hall, Gillespie, UPIKE South and Spilman Hall residents are responsible for the cleanliness of their bathrooms and living rooms.

Laundry Facilities
Washers and dryers are located in each of the residence halls, and are provided at no cost to the residents. The washers and dryers are used on a first-come/first-serve basis. Any problem a resident has with a machine should be reported immediately to a residence hall staff member. Clothes should be removed as soon as the wash or dry cycles are completed. The University of Pikeville is not responsible for any items left in the laundry facilities.

Keys
Residents who are locked out of their rooms may gain entry from the residence director, resident assistant or public safety (after 1 a.m.). On the third instance of having to have your door opened by a university official a charge will be added to your account. Students are advised not to loan keys or leave their keys where they are accessible to other persons. If a key is lost, the charge for a new key will be $160. In addition, if your door must be replaced as a result of any damage, you will be charged for replacement costs. Residents are not allowed to change locks on any residence hall room doors. Residents are not allowed to put additional locks or security systems on their room doors. This may hinder the safety of the student.

Maintenance
Facilities Management makes repairs as requested by the residence hall director only. Repairs that need immediate attention should be reported at once. Report all needs to the residence hall director, a resident assistant or the housing office. Public safety will determine when emergency maintenance should be called.
Health Services

Residents should inform the staff of illness, injury, or accidents so that they can see that proper medical attention is received, and that notification is given to the dean of students to determine if a student’s health may place others at risk (e.g., flu, hand to mouth foot disease) and may need to be quarantined. If it is determined a student is at risk, the student will be expected to move from their room and remain in isolation and will be excused from class and dining services, until a medical professional determines the student is not contagious. A residence life professional will make sure that food is delivered to the student while the student is quarantined. Based on the guidelines from the American College Health Association, the Hepatitis B immunization and the Meningitis (Meningococcal) immunization are recommended, but are not required. Please consult your personal physician if you have any questions. The Health Services office is located in the Armington Science Building, 2nd floor. If Health Services is unavailable, contact the Office of Student Services at Ext. 5224. The nurse’s office is open Monday thru Friday 8 a.m. to 4:30 p.m. The school physician comes on Friday.
<table>
<thead>
<tr>
<th>Question</th>
<th>Office</th>
<th>Location</th>
<th>Ext.</th>
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<tbody>
<tr>
<td>ACE Program</td>
<td>ACE Offices</td>
<td>ARM 011</td>
<td>5701</td>
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<tr>
<td>Add a class</td>
<td>Academic Affairs</td>
<td>ARM 218</td>
<td>5221</td>
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<td>Athletics</td>
<td>Student Services</td>
<td>AD 004 5</td>
<td>224</td>
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<td>Bill Payment</td>
<td>Business Office</td>
<td>AD 002</td>
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<td>Bookstore</td>
<td>Bookstore</td>
<td>Parking Garage</td>
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<td>Campus Chaplain</td>
<td>Chaplain’s Office</td>
<td>RM 602</td>
<td>5762</td>
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<td>Campus Post Office</td>
<td>Post Office</td>
<td>W-Ground</td>
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<td>Student Services</td>
<td>AD 004</td>
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<td>Jobs: Off campus</td>
<td>Career Counseling</td>
<td>AD 004</td>
<td>5229</td>
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<tr>
<td>Library</td>
<td>Allara Library</td>
<td>Allara</td>
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<tr>
<td>Lost/Found</td>
<td>Public Safety</td>
<td>CH-LL</td>
<td>5940</td>
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<td>Residence Life</td>
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<td>Student Success Coordinator</td>
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<tr>
<td>Withdrawal from school</td>
<td>Academic Affairs</td>
<td>ARM 218</td>
<td>5221</td>
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</table>

**KEY:**
- ADM—Administration Building
- ARM—Armington Learning Center
- CB—Coal Building
- CH-LL—Condit Hall Lower Level
- CTC—Community Technology Center
- REC—Record Memorial
- SA—Spilman Apartments
- W—Wickham Hall

**EMERGENCY NUMBERS**

In the event of an emergency, DIAL 911

Public Safety ............. 606-218-5940

Cell .......................... 606-477-0262