



# **STUDENT HANDBOOK 2025-2026**

## **Student Conduct Process**

**DIVISION OF STUDENT AFFAIRS  
147 SYCAMORE STREET  
PIKEVILLE, KY 41501  
606-218-5224**

# TABLE OF CONTENTS

|  |           |
|--|-----------|
| <b>Introduction.....</b>   | <b>4</b>  |
| Definitions.....   | 5         |
| <b>Family Educational Rights and Privacy Act (FERPA).....</b>                    | <b>6</b>  |
| FERPA Statement .....  | 6         |
| Legitimate Educational Interest and Student Affairs .....                        | 6         |
| FERPA and Student Conduct.....   | 6         |
| <b>Student Rights and Responsibilities within the University Community .....</b> | <b>7</b>  |
| Student Rights .....   | 7         |
| Student Rights within the Conduct Process .....                                  | 8         |
| Students' Responsibilities .....   | 8         |
| <b>Student Conduct Level System .....</b>  | <b>9</b>  |
| Level 1: Alert Status.....   | 9         |
| Level 2: Warning Status .....  | 9         |
| Level 3: Conduct Probation.....  | 9         |
| Level 4: Suspension.....   | 10        |
| Level 5: Dismissal .....   | 10        |
| Student Code of Conduct: Violation Sanctioning Guidelines .....                  | 11        |
| <b>Definitions of Conduct Sanctions .....</b>                                    | <b>13</b> |
| Additional Conduct Sanctions for Residential Students .....                      | 16        |
| <b>Resolving Cases .....</b>   | <b>17</b> |
| Prior to Conduct Hearing:.....   | 17        |
| Types of Conduct Hearing Meetings & Conduct Violation Resolution:.....           | 17        |
| Student Conduct Hearing: .....   | 17        |
| Conduct Board Hearing:.....  | 18        |
| Emergency Hearing .....  | 18        |
| Hearing Officers.....  | 19        |
| Conduct Boards.....  | 19        |
| Undergraduate and Graduate Student Conduct Board .....                           | 19        |
| Health Professions (KYCO/KYCOM/TCDM) Student Conduct Board.....                  | 19        |
| Case Delegation .....  | 19        |

|   |    |
|---|----|
| Appeals .....                                       | 19 |
| Violations of Federal, State or Local Law .....     | 21 |
| Off Campus Conduct .....                            | 21 |
| Student Conduct Records .....                       | 21 |
| ADA: Conduct Process Accommodations.....            | 22 |
| Accommodations for Students with Disabilities ..... | 22 |

# INTRODUCTION

A student's decision to enroll at the University of Pikeville indicates that they accept the rights and responsibilities of membership in this community. , The University relies upon students to know and adhere to standards of behavior guided by university policies as well as local, state, and federal laws to create an environment whereby students can live safely, succeed academically, and develop skills for their future Students are responsible for reviewing the regulations and policies contained in this document and others (e.g. the *Academic Catalog*, etc.) published by the University.

The University conduct process should be an educational experience. Sanctions are imposed to help students develop a sense of personal responsibility, to encourage self-discipline, to foster healthy choices, to promote respect for the rights of others, and to protect the rights, freedoms and safety of the entire campus community.

Student Code of Conduct proceedings are to be fair and expeditious and are separate from criminal and civil legal proceedings. Formal rules of evidence are not applicable. In all instances, the Student Conduct Process uses a preponderance of evidence standard when determining whether a violation has occurred. In other words, whether the evidence indicates that it is more likely than not that a violation occurred.

The University of Pikeville's student conduct process will follow established procedures to ensure its integrity.

Allegations of sexual misconduct will be processed under the terms and procedures set out in the University's [Sexual Misconduct Policy](#).

Approval date: August 8, 2025.

## **Definitions**

- The term "**University**" shall refer to the community of faculty, staff, and students at the University of Pikeville, as well as to premises and facilities.
- The term "**student**" shall include any person currently enrolled, in the process of registration, or who will be registered for an academic term, course, program, or activity at the University.
- The term "**faculty member**" shall mean any person employed by the University who holds academic rank or performs teaching or research duties.
- The term "**staff member**" shall mean any person employed by the University who is not considered faculty.
- The term "**University premises/facilities**" shall mean all buildings or grounds owned, leased, operated, controlled, or supervised by the University or any other recognized University affiliates.
- The term "**organization**" shall mean a group of people who have complied with university requirements for registration or recognition.
- The term "**University (sponsored) activity**" shall mean any activity, on or off campus, which is initiated, aided, funded, authorized, or supervised by the University.
- The terms "**will**" and "**shall**" are to be used in the imperative sense, not imparting a choice.
- The term "**may**" is to be deemed permissive, imparting a choice.
- The term "**University official**" includes all full, part-time, and contracted employees, including paid law enforcement hired for specific University events and student employees such as Resident Assistant, Student Security Assistant, and Desk Attendant staff.

# **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

## **FERPA Statement**

The University of Pikeville's Family Educational Rights and Privacy Act of 1974 (FERPA) Statement can be found at the following link:

<https://www.upike.edu/wp-content/uploads/2019/04/FERPA-Policy.pdf>

## **Legitimate Educational Interest and Student Affairs**

The Division of Student Affairs often receives requests for Student Discipline Records from other employees of the University. The Division of Student Affairs will not ordinarily share Student Disciplinary Records with other employees without first obtaining written permission from the student to release those Student Disciplinary Records. In some circumstances, where there is a legitimate educational interest (i.e. Office of Athletics, ROTC Office, academic colleges) or where federal or state law allows the University to release Student Conduct Records without a student's permission, the University may exercise its right to do so. An example would be the University Parental Notification Policy for alcohol or drug violations. In addition, the Dean of Student Affairs or their designee may consult with administrators whose offices oversee extracurricular and/or co-curricular activities sponsored within the University. The University shall endeavor to comply with all applicable laws and regulations relating to record retention, and in order to meet this objective the University reserves the right to modify or amend these policies, as it deems advisable or appropriate.

## **FERPA and Student Conduct**

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 may 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.

### **Athletics Department Notification**

The Division of Student Affairs has the right to notify coaches of repeat minor offenses and of major offenses by student athletes; coaches may also be notified of the resulting University sanction. The coach and/or the Athletic Director can add to that sanction as they deem appropriate; these additional actions may include, but are not limited to, sitting out of practice and/or athletic competitions. Coaches are not always notified in the event of a student conduct case; coaches should initiate this contact if they would like more information. Typically, when student athletes reach Level 3 status, the Dean of Students and/or his/her designee will work in tandem with the Athletic Director and/or his/her designee to review the student's situation and to develop an appropriate response regarding his/her continued athletic participation.

## **STUDENT RIGHTS AND RESPONSIBILITIES WITHIN THE UNIVERSITY COMMUNITY**

### **Student Rights**

Supporting these expectations described in the mission, all student members of the University of Pikeville community have certain rights. These include:

- The right to learn, including the right to access ideas, the right to access facts and opinions, the right to express ideas, and the right to discuss those ideas with others in a civil, non-hostile environment.
- The right to not be discriminated on the basis of race, ethnicity, color, sex, gender, gender identity, sexual orientation, religion, national origin, age or disabilities in its programs, activities, hiring, or the admission of students.
- The right to peaceful coexistence, including the right to be free from violence, force, threats, and abuse, and the right to move about freely.
- The right to be free of any action that unduly interferes with student rights and/or a supportive learning environment.
- The right to express opinion, which includes the right to respectfully state agreement or disagreement with the opinions of others, and the right to an appropriate forum for the expression of opinion.
- The right of privacy, which includes the right to be free of unauthorized search of personal spaces.

## **Student Rights within the Conduct Process**

Students facing possible student conduct action for alleged violations of university policy and other community standards established by the University, including but not necessarily limited to the rights and responsibilities listed in this handbook, are entitled to the following procedural rights:

- The right to be notified of charges against them with sufficient detail.
- The right to know the nature and source of the evidence that will be used against them.
- The right to present evidence and witnesses relevant to their defense.
- The right to freedom against compulsory self-incrimination.
- The right to confidentiality, to the extent permitted by, and consistent with, applicable federal and state law.

## **Students' Responsibilities**

Along with rights come certain responsibilities. Students at the University are expected to act consistently with the values of the University community and to obey local, state, and federal laws. Students also have the:

- The responsibility for knowledge and observance of established university policies and other information presented in official university publications or electronic resources.
- The responsibility for assuming the consequence of one's own actions and holding oneself and others accountable for the Code of Student Conduct.
- The responsibility to honor and allow for free discussion, both in and out of the classroom, represents the scholarly nature of an academic community.
- As stated in the University's non-discrimination policy, The University of Pikeville does not discriminate on the basis of race, ethnicity, color, sex, gender, gender identity, sexual orientation, religion, national origin, age or disabilities in its programs, activities, hiring, or the admission of students.

# STUDENT CONDUCT LEVEL SYSTEM

## Introduction

The Level System and list of sanctions serve as guidelines for sanctions stemming from student misconduct. Conduct Officer/Board have discretion to use their professional judgement to determine appropriate sanctions and/or decisions.

Levels need not be sequential in order. A student may be immediately placed on a higher level of sanction without progressing through the lower levels. Likewise, a student placed on a higher level of violation may be moved to a lower level upon satisfactorily completion of sanctions and/or a period of time without further Code of Conduct violation(s). A student's placement on a Level is dependent on several factors, including student's conduct history at the University and factors involved with each individual situation (i.e. context of each student's involvement); students involved in the same situation may find themselves at different Levels. Violations by students in the professional schools and their resulting sanctions may not exactly align with the Levels as described below due to the expectations of professionalism associated with their status.

## Level 1: Alert Status

Typical Violations: Level 1 Violations are minor violations that impact the University Community. The Conduct Hearing Officer/Board hearing the case will determine the sanction(s). The list of sanctions outlined below is not exhaustive, and sanctions may be added or combined for any single violation.

## Level 2: Warning Status

Typical violations: Behavior of a more serious nature that impacts the University community. Level 2 offenses have a more serious impact on the University community than Level 1 offenses, but less of an impact than a Level 3 offense. The Conduct Hearing Officer/Board hearing the case will determine the sanction(s). The list of sanctions outlined below is not exhaustive, and sanctions may be added or combined for any single violation.

## Level 3: Conduct Probation

Typical violations: Behavior and/or a conduct history that jeopardizes the safety and well-being of others in the campus community and/or integrity as an educational institution, and/or that severely calls into question a student's suitability as a university student. The Conduct Hearing Officer/Board hearing the case will determine the sanction(s). The list of sanctions outlined below is not exhaustive, and sanctions may be added or combined for any single violation.

**Level 4: Suspension**

Typical violations: Behavior and/or a conduct history that deems the student to be a clear threat to the University community and/or to the University's integrity as an educational institution and/or that deems the student unsuitable as a University of Pikeville student. Student behavior necessitates a separation between the student and the University for a specified amount of time with parameters set forth for the student's return to campus. The Conduct Hearing Officer/Board hearing the case will determine the sanction(s). The list of sanctions outlined below is not exhaustive, and sanctions may be added or combined for any single violation.

**Level 5: Dismissal**

Typical violations: Behavior and/or a conduct history that deems the student to be a clear threat to the University community and/or to the University's integrity as an educational institution and/or that deems the student unsuitable as a University of Pikeville student. Dismissed students are ineligible to reenroll at the University.

## **Student Code of Conduct: Violation Sanctioning Guidelines**

**Please note:** *The list of sanctions outlined below is not exhaustive, and sanctions may be combined for any single violation. Sanctions for professional student violations may differ from those imposed on undergraduate students due to the expectations of professionalism associated with their status.*

**Students are not eligible to register for classes until they complete all outstanding student conduct proceedings or sanctions.**

| <b>Sanction Level</b>                                      | <b>Violations may include, but are not limited to:</b>  | <b>Typical Sanction Guideline</b>   |
|--|---|---|
| <b>Level 1:</b><br>Alert Status                            | Violation of visitation and/or escort policies; Disturbing the peace/violation of quiet hours; Minor and/or non-repeat violation of a Residence Life Policy; Failure to comply with the instructions or disrespect of a university official (minor and/or non-repeat violations).   | Verbal Warning;<br>Disciplinary/Written Warning;<br>Educational Sanction and/or Activity; Assessment Requirements; Community Restitution; Parental Notification (Letter); Fines.                              |
| <b>Level 2:</b><br>Warning Status                          | Second offense of a Level 1 violation; Aggravated Level 1;<br>In addition to: theft; Vandalism; jeopardizing the safety of self or others (smoking policy, propping/improper use of doors); providing false information.  | Educational Sanction and/or Activity; Loss of University Privileges; Community Restitution; Assessment Requirements; Parental Notification (Letter); Fines; Suspension from Campus Housing or the University. |
| <b>Level 3:</b><br>Conduct Probation                       | Third offense of a Level 1 violation; Level 1 violation when Level 2 status has already been assigned; a grossly aggravated offense of a Level 2 violation;<br>In addition to: Verbal abuse, harassment or uncooperative behavior, hostile or threatening behavior; Psychological or physical harassment; Physical violence or the threat of physical violence; Lewd Behavior; Falsifying university documents; Fire Regulation violations; intimidation of witnesses; Local/State/ Federal criminal code violations. | Parental Notification; Fines; Loss of University Privileges; Community Restitution; Off-campus Assessment; Weekend Campus Restriction; Residence Hall Transfer or Removal.                                    |
| <b>Level 4 &amp; 5</b><br>Suspension (4)<br>/Expulsion (5) | Additional violations following placement on Level 3 status; an aggravated offense of a Level 3 violation; second offense of a level  | Residence Hall Suspension; University Suspension; Interim Housing and/or University   |

|  |   |   |
|--|---|---|
|  | 2 violation when a Level 2 has already been assigned. In addition to: Weapon possession | Suspension; Fine. University Expulsion. |
|--|---|---|

## DEFINITIONS OF CONDUCT SANCTIONS

- **Disciplinary/Written Warning:** The student is given formal written notice that the student has violated a Code of Conduct. The warning remains in effect for a specific period of time, as determined by the Student Conduct Hearing Officer/Board. In most instances, students will only receive one written warning for a specified offense during the duration of their time on campus.
- **Educational Sanction and/or Activity:** A student is required to perform a positive action for the University community by completing a campus work assignment, writing a letter of apology, completing an educational program, or an educational reflection and/or paper, etc.
- **Fines:** Fines may be assessed as a punitive measure, and fines may include restitution for loss of or damage to university or personal property or cost of medical expenses for bodily injury resulting from a student's actions. Whenever possible, funds attained through fines will be used to support programming in the residence halls that promote the educational mission of the University. See the Alcohol and Illicit Drug Policy for fines in case of such violations.
- **Parental Notification:** A copy of the student's conduct letter may be mailed to the address on file for parents/guardians of underage students found in violation of the University Alcohol Policy and/or Drug policy. If the student's behavior warrants Level 3: Probation Status, a conversation may be held with both the student and their parent(s)/guardians. Please see the FERPA policy above.
- **Loss of University Privileges:** Denial of specific University privileges for a designated period of time.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Assessment Requirements (On or Off Campus):** A student may be required to complete a specified assessment relating to the violation committed; all assessment reports shall be submitted to the Dean of Students and will become part of the student's conduct record. Any cost associated with these assessments will be the responsibility of the student.
- **Weekend Campus Restriction:** The student is not permitted on campus from Friday at 5:00 pm and until Sunday at 5:00 pm.
- **University Conduct Probation:** For specified or indefinite period of time; during this time, the student is deemed not in good student conduct standing and may be prohibited from holding an elected or appointed office in any student organizations registered with the University. Placement on Conduct Probation may be considered during proceedings of the Academic Life Committee. Any student on Conduct Probation may lose eligibility to work in a campus job and may lose eligibility to represent the University on their Athletic Team.
- **University Conduct Suspension:** The student is required to separate from the University for a specified or indefinite period of time. The student must comply with all sanctions prior to readmission/reinstatement.

**NOTE:** Students suspended from the University, regardless of the amount of time remaining in the semester, are not eligible for refunds or rebates for charges associated with housing, meal plans, tuition, or fees. In the case of expelled/suspended students who also receive Title IV federal aid, a Return of Title IV Refund Calculation will be completed; this may result in the suspended student owing an additional balance to the University. This information will be determined on an individual basis by the Financial Aid Office. Please refer to the Academic Catalog Refunds policy for additional information.

- **University Conduct Dismissal:** The student is permanently and immediately expelled and cannot continue at the University in any status.

**NOTE:** Students expelled from the University, regardless of the amount of time remaining in the semester, are not eligible for refunds or rebates for charges associated with housing, meal plans, tuition, or fees. In the case of expelled students who also receive Title IV federal aid, a Return of Title IV Refund Calculation will be completed; this may result in the expelled/suspended student owing an additional balance to the University. This information will be determined on an individual basis by the Financial Aid Office.

- **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:
    - Demonstrates behavior that is unreasonably disruptive to the normal education processes and orderly operation of the University;
    - Demonstrates behavior that endangers others or that creates a direct threat of endangerment to others.
  - **Determination:** The involuntary withdrawal process begins when the Dean of Student Affairs 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 or their designee will inform the student of this determination. At the time of this communication, the Dean of Students will inform any student who is involuntarily withdrawn: a) about the student's right to appeal the decision to the Whatever Thys' Title will be, and b) the conditions for returning to the University community (see below).

- Prior to proceeding with the involuntary withdrawal process, the student may be offered the opportunity to voluntarily withdraw.
- **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 may be on campus with the permission of the Dean of Students. All determinations as to the effect of an involuntary withdrawal in other areas will be made by the applicable offices in accordance with existing University policies.
- **Interim Housing and/or University Suspension:** If a student's continued presence constitutes an immediate threat of harm to other individuals, or the underlying behavior otherwise renders the student unqualified to remain on campus or in University housing for the immediate and foreseeable future, the Dean of Students or their designee, may suspend that student from the University and/or University housing pending final disposition of the case. In most cases, interim suspension will take place before a hearing. Within ten business days of issuance of the interim suspension, a full hearing will be convened to review the circumstances of the interim suspension.
  - While the student is subject to interim suspension, the Dean of Students or their designee will coordinate the student's continued educational access. 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).
- **Returning to Campus—Conditions for Readmission:** A student who has satisfied the conditions for readmission will be considered for readmission. Specific conditions for readmission may include:
  - Appropriate documentation indicating that the student no longer demonstrates the behavior which led to the involuntary withdrawal;
  - 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);Determinations for readmission will be made by the Dean of Students or their designee.

### **Additional Conduct Sanctions for Residential Students**

- **Residence Hall Transfer or Removal:** A residential student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.
- **Residence Hall Suspension/Expulsion:** The residential student is required to immediately vacate campus for a specified or indefinite period of time. The student must comply with all sanctions prior to returning to campus housing.

**NOTE:** Students suspended from campus housing, regardless of the amount of time remaining in the semester, are not eligible for refunds or rebates for charges associated with housing or meal plans. Additionally, students suspended from campus housing will forfeit the receipt of institutional financial aid up to the full cost of room and board, per the university housing policy.

*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.*

# RESOLVING CASES

## **Prior to Conduct Hearing:**

Any member of the University community may file a report against a student for violations of the Code of Student Conduct. Complaints about sexual misconduct should be submitted pursuant to the University's [Sexual Misconduct Policy](#).

Reports should be submitted in writing as soon as possible following the incident. Reports will typically be investigated to determine their merit and the appropriate University response.

Students will receive written notice of investigation of an alleged violation of the Student Code of Conduct. This written notification is typically received within five business days of the date of the report. The timeline for receipt of initial notification of an investigation may be delayed for situations that occur during university break periods and during the summer months. Students will receive written notification of the outcome of the investigation.

If the student is charged with potential violations of University policy, they will receive written notification which will outline the date of the alleged incident, the alleged violations of the Student Code of Conduct with which the student is being charged, and other relevant information to appropriately notify the student of the incident and charges in question. In most cases, the letter will also designate a pre-arranged hearing date. It is the student's responsibility to either attend the pre-arranged appointment designated in their notification or to set up an appointment with the hearing officer within 24 hours of notification. **Written notification will occur via the student's University email account. Students are required to check their email on a regular basis to ensure prompt receipt of messages. If a student does not attend their scheduled hearing, the Student Conduct Hearing Officer/Board can render a decision without the student's participation.**

## **Types of Conduct Hearing Meetings & Conduct Violation Resolution:**

**Student Conduct Hearing:** A formal proceeding held by a Student Conduct Officer that is audio recorded. The student charged has the opportunity to review the documentation of the case prior to the hearing and to present witnesses and evidence on their behalf.

- **Advisor:** Students may request to have an advisor present at a Student Conduct Hearing. The advisor must be a member of the University community and may not be an attorney or a family member/legal guardian. The advisor helps the student understand the student conduct process and supports them during conduct proceedings. The advisor cannot speak for the student, cannot question witnesses, and cannot request documents and/or meetings pertaining to the student's conduct records/case.

The student will be asked whether or not they will take responsibility for violating University policy during the hearing. The Student Conduct Hearing Officer conducting the hearing will

determine if the student violated University policy based on the facts of the case and the preponderance of the evidence. The Student Conduct Hearing Officer will determine appropriate sanctions if the student is found responsible. The outcome of the hearing will be communicated to the student in writing within 15 business days of the hearing.

**Conduct Board Hearing:** This is a formal, audio-taped process that occurs in front of the Student Conduct Board. A Conduct Board Hearing can only occur when a trained board is available to hear a case. The student charged has the opportunity to review the documentation of the case prior to the hearing and to present witnesses and evidence on their behalf.

- **Advisor:** Students may request to have an advisor present at a Student Conduct Hearing. The advisor must be a member of the University community and may not be an attorney or a family member/legal guardian. The advisor helps the student understand the student conduct process and supports them during conduct proceedings. The advisor cannot speak for the student, cannot question witnesses, and cannot request documents and/or meetings pertaining to the student's conduct records/case.

The student will be asked whether or not they will take responsibility for violating University policy during the hearing. The Student Conduct Hearing Board will determine if the student violated University policy based on the facts of the case and the preponderance of the evidence. The Student Conduct Hearing Board will determine appropriate sanctions if the student is found responsible. The outcome of the hearing will be communicated to the student in writing within 15 business days of the hearing.

**Emergency Hearing:** This proceeding is called by the Dean of Students and/or their designee to immediately address and resolve a case if:

- A student's continued presence may constitute an immediate threat of harm to other individuals, or the underlying behavior otherwise renders the student unqualified to remain on campus or in university housing.
- Expediency is necessary due to the University calendar.
- It is deemed necessary to protect the safety and security of campus and/or integrity of the conduct process.

In the case of Emergency Hearings, students may not receive an initial letter outlining charges against them. Immediate campus restrictions and/or sanctions may be enacted. Students will receive notification in writing outlining the charges, outcome of the hearing, and options for appeal as soon as possible.

## **Hearing Officers**

- Student Conduct Hearing Officers are designated by the Dean of Students and/or their designee.

## **Conduct Boards**

### **Undergraduate and Graduate Student Conduct Board**

The board is composed of three elected students and two members of the faculty, staff, or administration. Student Government Association Executive Board members will be trained to serve on the Conduct Board in the event that additional students are needed. The Conduct Board has the authority to recommend suspension or dismissal to the Dean of Students.

### **Health Professions (KYCO/KYCOM/TCDM) Student Conduct Board**

The Health Professions Professional Conduct and Ethics Committee serves as the conduct board for professional schools.

**KYCOM Student Ethics Committee:** The Student Ethics Committee hears cases involving allegations of violations of the KYCOM Professionalism Standards. This board is comprised of a chair and members elected from the KYCOM student body.

## **Case Delegation**

Student Conduct cases are delegated by the Vice President for Student Success or their designee.

## **Appeals**

A student has the right to **one appeal** of student conduct sanctions. Appeals are not re-hearings, and they are not granted on the basis of disagreement with the decision of the original hearing. Upon receipt of the sanction, a student will have up to five business days to file an appeal. All appeals need to be submitted to the following website:

[https://cm.maxient.com/reportingform.php?UnivofPikeville&layout\\_id=10](https://cm.maxient.com/reportingform.php?UnivofPikeville&layout_id=10)

The following chart will determine who reviews the submitted appeal. The Vice President of Student Success may assign a different appeals officer if necessary.

| <b>Population</b> | <b>Initial Hearing Officer/Board</b> | <b>Appeals heard by:</b>   |
|-------------------|--------------------------------------|----------------------------|
| Undergraduate     | Area Coordinators                    | Director of Residence Life |
| Undergraduate     | Director of Residence Life           | Dean of Student Affairs    |

|                 |  |                             |
|-----------------|--|-----------------------------|
| Undergraduate   | Director of Student Conduct                                | Dean of Student Affairs     |
| Undergraduate   | Student Conduct Board                                      | Dean of Student Affairs     |
| Undergraduate   | Dean of Student Affairs                                    | VP for Student Success      |
| Graduate        | Dean of Students   | VP for Student Success      |
| Graduate        | Student Conduct Board                                      | Dean of Student Affairs     |
| KYCOM           | Director of Student Affairs                                | Dean of KYCOM               |
| KYCOM           | Student Ethics Counsel                                     | Director of Student Affairs |
| KYCO            | Director of Student Affairs                                | Dean of KYCO                |
| KYCOM/KYCO/TCDM | Health Professions Professional Conduct & Ethics Committee | Student's respective Dean   |

**A student may appeal only on the following grounds:**

1. The hearing was not conducted in the manner provided under the Code of Conduct.
2. There was insufficient evidence to establish responsibility.
3. There is new and substantial information not previously considered in the disciplinary process. There is new evidence that exonerates, clears the student, or puts the conduct situation into a different context.
4. The student witnessed or experienced bias or discrimination during the Student Conduct process.
5. The sanction(s) imposed or other measures taken are too severe based on the evidence of record.

Students are to clearly make their case in their written appeal, identifying for which of the above grounds they are appealing. If the written appeal does not meet one of the five criteria noted above, the student will be notified in writing that the request for appeal is denied, and the initial decision and sanction(s) will remain in effect. **To be considered, written appeals should provide sufficient detail for the reason for the appeal; lack of sufficient information contained within a written appeal is grounds for denial.**

Appeals will be reviewed and decided within 20 business days (4 weeks) of the receipt of the appeal. The student will receive written notification of the decision from the appropriate appeals officer (outlined above). In some instances, the appeals officer may request a meeting with the student appealing a decision; however, such meetings are not necessary for an appeal to be

considered and decided upon.

**The individual who receives and decides on the appeal may choose one of four options:**

1. The appeal is granted, and the sanctions are overturned.
2. The appeal is granted, and the sanctions are modified.
3. The appeal is denied, and the sanctions remain in effect.
4. The appeal is denied, and additional sanctions are imposed.

**PLEASE NOTE:** An appeal does not automatically postpone/delay the imposition/completion of sanctions.

### **Violations of Federal, State or Local Law**

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students or their designee.

Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

### **Off Campus Conduct**

University of Pikeville students are responsible to the University for certain actions committed off-campus. The University will take student conduct action against a student for such an off-campus offense only when it is required by law to do so or when the nature of the offense is such that in the judgment of the Dean of Students and/or their designee, the continued presence of the student on campus is likely to interfere with the educational process or the orderly operation of the University; or the continued presence of the student on campus is likely to endanger the health, safety, or welfare of the University community, or is threatening to another individual within the University community; or the offense committed by the student is of such a serious nature as to adversely affect the student's suitability as a member of the University community. Off-campus conduct may also prevent students from entering into or continuing academic programs when their demonstrated conduct is contrary to professional and academic department values. The action of the University with respect to any such off-campus conduct shall be taken independently of any off-campus authority. The prospect of criminal charges does not preclude the possibility of a university student conduct hearing.

### **Student Conduct Records**

Student conduct records (non-academic) are kept with Student Affairs, with the exception of records from proceedings under the University's Sexual Misconduct Policy, which are kept with the University's Title IX Coordinator. Records may be released in accordance with the University's FERPA policy.

Moreover, the University of Pikeville does not consider records exclusively 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.

### **ADA: Conduct Process Accommodations**

“The Americans with Disability Act (ADA) was passed in 1990, amended in 2008 (ADAAA) and seems to pick up where the Rehabilitation Act left off. Borrowing from the §504 definition of disabled person, and using the familiar three-pronged approach to eligibility (has a physical or mental impairment that substantially limits one or more life activities, a record of an impairment, or being regarded as having an impairment), the ADA applied those standards to most private sector businesses, and sought to eliminate barriers to disabled access in buildings, transportation, and communication. To a large degree, the passage of the ADA supplants the employment provisions of §504 [and] reinforces the accessibility requirements of §504 with more specific regulations. . . . The courts have interpreted 504 and the ADA almost identically, applying doctrines and interpretations freely between the two [emphasis added] . . .”

### **Accommodations for Students with Disabilities**

A student may request accommodation for a Student Conduct Hearing through the Disability Resource Center. The Disability Resource Center will make a determination regarding the request and notify the appropriate parties.

Reasonable accommodation depends upon the nature and degree of severity of the documented disability. While the Americans with Disabilities Act of 1990 requires that priority consideration be given to the specific methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.