

STUDENT RIGHTS AND RESPONSIBILITIES

Academic Rights and Responsibilities of Students

The Kentucky State University Board of Regents has adopted the following statements and commitments regarding the rights, freedoms and responsibilities of students.

Statement of the Board of Regents

The Board of Regents of Kentucky State University recognizes that an essential element of higher education is the freedom of intellectual inquiry and expression, for free inquiry and free-expression are indispensable to the attainment of the educational goals of Kentucky State University.

Access to Education

The Board of Regents is committed to the policy of freedom from discrimination. Kentucky State University is open to all students who qualify for admission, without regard to age, sex, race, color, creed, national origin, veteran status or handicap.

Freedom To Learn

The Board recognizes that the educative process can take place only under orderly conditions, and that all members of the academic community have an inescapable responsibility to create, maintain and respect general conditions conducive to the freedom to learn and to the protection of life and property. This must be a responsibility shared by all segments of the academic community. While it is recognized that we can have order without freedom, we cannot have freedom without order.

Speech and Criticism

The Board of Regents recognizes the right of freedom of speech, including criticism, expression of grievances or petitions for redress of wrongs, so long as freedom of speech and assembly are exercised in a responsible, lawful and peaceful manner and do not interfere with the protected rights and freedoms of other citizens.

The Board supports and protects the rights of members of the University community to express fully and in responsible ways their views for or against actions and opinions with which they agree or disagree.

Participation in Institutional Governance

The Board encourages participation of members of the academic community in the responsibility of institutional government through membership on and participation in the decisions of University policy committees and councils.

Complaint and Grievance Procedures

In the normal course of University activities, students may encounter problems with University employees (faculty, staff, and/or administrators). In these circumstances, students should first attempt to resolve the problem by talking directly with the employee involved. However, the University recognizes that it is not always possible for students to resolve a problem by direct discussions with the University employee. In these cases, the options available to students include making an informal complaint to the employee's immediate supervisor and/or filing a formal written complaint in accordance with existing University policies.

Informal Complaints: In many cases, it is possible to resolve a complaint by an informal verbal discussion with the employee's immediate supervisor (chairperson, dean, or head of a staff department). Students who make informal complaints do so by talking to the immediate supervisor. Students who make informal complaints need to realize that the supervisor will handle the complaint however he or she sees fit and that the student making the complaint may never know what action is taken regarding the complaint. Despite this fact, informal complaints often result in conversations between the supervisor and the affected employee to determine possible corrective actions.

Formal Complaints and Grievances: Students who wish to go beyond the informal complaint stage must be willing to make complaints or file grievances in writing. These formal written complaints and grievances start a "due process" procedure which ensures that the formal complaint or grievance is taken seriously, investigated thoroughly by appropriate parties, and resolved after the investigation. All parties involved in the formal complaint/grievance process are notified of various actions in writing. Exactly what type of process is involved depends on the nature of the written complaint made.

As valued members of the Kentucky State University community, KSU students have the right to file a complaint against a faculty member, staff member, administrator, or student if they feel that certain rights have been violated or that they have been mistreated. To ensure that every student complaint is addressed as efficiently and fairly as possible, the Board hereby enacts a comprehensive grievance policy for Kentucky State University Students.

Formal complaints or grievances made by students fall into three categories, Academic, Non-Academic, and Harassment.

A. Academic Complaints

All complaints related to academic issues shall be filed pursuant to procedures outlined in the Kentucky State University Catalogue in effect at the time that the complaint is filed. The Office of Academic Affairs and the Office of the Registrar shall provide academic complaint forms where appropriate and make these forms readily accessible and available to students. Students with academic questions, concerns, or complaints, can contact their advisor, chairperson, dean, the Office of Academic Affairs or the Registrar's Office with any questions about filing an academic complaint.

B. Non-Academic Complaints

All non-academic complaints and grievances shall be forwarded to the Vice-President of Student Affairs. The complaints should be in writing using the student complaint forms available in the Office of Student Affairs. It shall be the responsibility of the Vice-President of Student Affairs or His/her designated representative to review and respond to non-academic complaints within 14 days.

C. Harassment

KSU is committed to maintaining the campus community as a place of work and study for students, free of harassment, intimidation, and exploitation. The University does not tolerate behavior that constitutes sexual or other unlawful harassment. Harassment in any form, including verbal and physical conduct, visual displays, threats, demands and retaliation is unlawful and will not be tolerated. It is University policy that any form of harassment on the basis of sex, race, national origin, religion or other categories protected by law or other forms of harassment or of abusive treatment not be tolerated at the Kentucky State University.

If a student feels that he/she has been the victim of harassment, the student should bring the matter to the attention of the Vice-President of Student Affairs. It shall be the responsibility of the Vice-President of Student Affairs or his/her designated representative to contact the Director of Human Resources immediately to begin an investigation consistent with the University's harassment investigation procedures

Students may contact the Office of Student Affairs if they are unsure of the nature of their complaint or if they have questions regarding the complaint process.

STANDARDS GOVERNING STUDENT CONDUCT

Student Conduct On or Off Campus

Section 1. Academic Honesty

The University expects that students will conduct themselves with honesty and integrity.

A. Academic Offenses

1. **Cheating** - Cheating is defined as the fraudulent or deceptive taking, giving, or presenting of any information or material with the intent of aiding oneself or another on any academic work which is considered in any way in the determination of a course grade.
2. **Plagiarism** is the act of submitting the work of another as one's own. It includes the submission of the complete or partial work, or of the words, ideas, or format of another, published or unpublished, without appropriate reference and source credit. It includes employing or permitting another person to produce, alter, or revise material which the student submits as his or her own. If the student has any uncertainty regarding plagiarism in the submission of any material to his or her instructor, he or she should discuss the matter with the instructor prior to the submission of the material.

B. Sanctions for Academic Offenses

One or more of the following sanctions may be applied to a student guilty of commission of an academic offense:

1. Assignment of any grade on a paper, examination, or other material related to the offense.
2. Assignment of any grade for the course in which the offense occurred.
3. Forced withdrawal from the class in which the offense occurred.
4. Suspension from the University for a specified period of time. Suspension includes exclusion from all classes, termination of student status and all related privileges and activities. A student who violates any of the terms of suspension shall be subject to further discipline in the form of permanent dismissal.
5. Dismissal from the University: After review and approval of the University President, this sanction is final.

C. Disposition of Cases of Academic Offenses

1. *Responsibility of the Instructor:* An instructor who has evidence that a student has committed an academic offense shall attempt to arrange a personal conference with the student to present the evidence of the offense, to give the student an opportunity to state his/her case, and to make known to the student the charges and possible sanctions which may be imposed or recommended. If the student is not available for or fails to attend such a conference, the instructor shall proceed to inform the student of the nature of the evidence, the charges and the possible sanctions by certified mail, with copies to the Chairperson and Dean of the college in which the offense occurred and the Dean of the college in which the student is enrolled. The instructor may then proceed to assign any grade on a paper or examination related to the offense, assign any grade for the course in which the offense occurred, or recommend to his or her Chairperson a more severe sanction.
2. *Responsibility of the Chairperson:* After reviewing the report from the instructor and making any appropriate investigation, the Chairperson will forward the materials, along with his or her own recommendation to the Dean of the college in which the offense occurred.

Disposition of Cases of Academic Offenses (Continued)

3. *Responsibility of the Deans.* After reviewing the material furnished and conducting an appropriate investigation, the Dean of the college in which the offense occurred will forward the material along with recommendation for suspension or dismissal to the Vice President for Academic Affairs. If the sanction is forced withdrawal from the course, the Dean of the college in which the student is enrolled will take action to implement the withdrawal and will notify the student by certified mail. Copies of the notice will be sent to the instructor and Chairperson of the department and the Dean of the college in which the offense occurred and to the Registrar.
4. *Responsibility of the Academic Vice President:* After reviewing the file and conducting any appropriate investigation, the Vice President shall forward the file, along with his or her recommendation to the Vice President for Student Affairs, who will in turn forward the case to the All-University Court for processing according to the standard procedure of that court.

D. Right of the Student to Appeal

1. The student shall have the right to appeal the allegation of his or her guilt to each higher level of authority and where appropriate (in cases of suspension or expulsion.) to the All-University Court.
2. The assignment of a grade by the instructor on a paper or examination involved in the offense shall not be subject to appeal.
3. The student shall have the right of class attendance and participation until a decision is made on his/her appeal.

E. Expectations for Classroom Conduct.

Students are expected to attend classes regularly, ready to learn, and stay for the duration of class. Inappropriate behavior will not be tolerated. See instructor for individual class rules/expectations.

Section 2. Offenses Against the University Community

- A. Acts of dishonesty, including but not limited to the following:
1. Furnishing false information to the University or any University official
 2. Forgery, alteration, or misuse of any University document, record, or instrument of identification
- B. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities (whether on or off campus), and other activities which occur on University premises
- C. Failure to comply with directions of University officials, including law enforcement officers, acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so
- D. Violations of other published University policies, regulations, and guidelines. Such policies, regulations, and guidelines shall include, but not be limited to the Student Handbook, Computer and Information Services Policies, parking and traffic regulations, policies governing student organizations, and other published policies, regulations and guidelines.

Section 3. Offenses Against Persons

- A. Physical abuse, verbal abuse, threats, intimidation, harassment, sexual contact without permission, stalking, coercion and other conduct which threatens or endangers the health or safety of any person. This section is intended to include any contact or communication that threatens, harasses, or injures a person.
- B. Kentucky law prohibits the use of hazing on any college and university and requires the expulsion of those persons found to have engaged in such hazing. Any student organization, or any faculty or staff member of the University affiliated with the said student organization, or any guest or visitor of said student organization, is therefore prohibited from engaging in any action or conduct which recklessly or intentionally endangers an individual's mental or physical health or involved the forced consumption or usage by an individual of liquor or drugs for the purpose of initiation into or otherwise becoming a member of the organization. Any organization determined to be in violation of this policy shall have its charter withdrawn from the University and shall be denied all privileges to operate at the University. Any faculty and staff member found to be in violation of this policy shall be summarily terminated from his or her employment. All visitors or guests of the University who fail to comply with this policy shall be trespassers from the campus. The above sanctions imposed by the University shall not be deemed exclusive and the University may pursue any additional penalties, grievances, claims, or actions to which it may be entitled. This policy shall be deemed to be a part of the by-laws of all organizations operating on the University campus.

Section 4. Offenses Against Property

- A. Attempted or actual theft of and/or damage to property of the other personal or public property. Possession of stolen property or unauthorized possession of University property or property of a member of the University community.
- B. Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises.
- C. Abuse, misuse, or theft of computer data, equipment, programs, time and/or violation of Computer and Information Services policies regulations and guidelines for computer usage. Policies, regulations and guidelines are available at all campus computer facilities.
- D. Littering on University premises.
- E. Vandalism (To destroy or damage willfully any University or personal property, or to disarrange it with malicious intent)

Section 5. Offenses Disrupting Order or Disregarding Health and Safety

- A. Use, possession or distribution of illegal drugs including the use drug related paraphernalia.
- B. Use, possession or distribution of alcoholic beverages.
- C. Possession of firearms, explosives, ammunition, incendiary devices, or illegal or unauthorized possession of weapons, or dangerous chemicals.
- D. Participation in a campus demonstration which disrupts the normal operations of the University or infringes on the rights of other members of the University community.
- E. Leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
- F. Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or University-sponsored or supervised functions.
- G. Engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances including intoxication due to the over-consumption of alcohol, in which the conduct tends to cause or provoke a disturbance or disrupts the normal operations of the University.
- H. Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, smoke detectors or other safety equipment.
- I. Illegal gambling or wagering.

Offenses Disrupting Order or Disregarding Health and Safety (Continued)

- J. Violations of federal, state or local law on University premises or at University-sponsored or supervised activities.
- K. Violations of federal, state or local law off University premises and not related to University-sponsored or supervised activities when the violations adversely affect the University community and/or the pursuit of its objectives.
- L. Any act or omission that constitutes a violation of federal, state or local laws and University policy which is not otherwise covered in this Student Handbook.

Section 6. Interfering with the Discipline Process

- A. Failure to appear at a disciplinary meeting or hearing when directed to do so.
- B. Falsifying, distorting or misrepresenting information at a disciplinary meeting or hearing, or knowingly initiating a false complaint.
- C. Attempting to discourage a person's proper participation in or use of the discipline process.
- D. Harassment or intimidation of a University official or member of the Student Court or All University Court.
- E. Failure to comply with sanction(s) imposed.

Section 7. Shared Responsibility for Infractions

- A. Students who act together to violate the policies, regulations and guidelines may be assigned joint responsibility for such violation(s).
- B. Students and organizations may be held responsible for the conduct of their guests while on University premises, at University-sponsored or supervised activities and at functions sponsored by any registered student organization.

Section 8. Organizational Responsibility

- A. A complaint may be filed against an organization.
- B. An organization and its members may be held collectively and individually responsible for violations of the University rules, regulations and guidelines by those associated with the organization, (including guests and alumni of the organization).
- C. When a complaint is filed naming an organization as the responsible party, the presiding officer and/or students affiliated with the group shall be required to participate in meetings and hearings as representatives of the group.

Section 9. Description of Penalties/Sanctions

A. The following sanctions may be imposed upon any student found to have violated the rules, regulations and guidelines of Kentucky State University:

1. *Warning:* A notice orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. *Disciplinary Probation:* A written reprimand specifying the violation for which the student is held responsible. Students on probation are not considered to be in good standing with the University. Probation is for a designated period of time and includes the probability of more severe disciplinary action if the student is found in violation of any University policy during the probationary period.
3. *Restrictions and Loss of Privileges:* Denial or restriction of certain privileges for a designated period of time.
4. *Fines or Restitution:* Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. *Discretionary Sanctions:* Work assignments, referral to Counseling Services, community service hours or other related discretionary assignments as assigned and designed by the Office of Student Affairs
6. *Residence Hall Suspension:* Separation of a student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
7. *Residence Hall Expulsion:* Permanent separation of a student from the residence halls.

Section 9. Description of Penalties/Sanctions (Continued)

8. *Suspension:* Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

A student who has been suspended or dismissed from the University for violation of rules and regulations governed by the Office of Student Affairs shall be withdrawn from the University and a Student Affairs hold shall be placed on the student's account on the Student Information System. The date of withdrawal shall be the date of the official notification of final disposition to the student. The Registrar must be notified within five (5) days of the communication so that the student can be withdrawn from classes, financial adjustments made, and any return of federal funds can be made. The student will be responsible for any balance due. The Office of the Registrar will complete and file an official withdrawal form. Withdrawals do not remove financial obligations to the University

9. *Expulsion:* Permanent separation of the student from the University.

B. The following sanctions may be imposed on any organization found in violation of the policies, regulations and guidelines of Kentucky State University

1. Probation or suspension of the organization from the University for a specific amount of time
2. Loss of registration as a registered student organization. The Office of Campus Involvement shall notify any national or regional governing body with which the organization is associated or which sponsors social, academic, or sports events when such action is taken.
3. Loss or withdrawal of all student general fee dollars or other University funding for the remainder of the academic year.
4. Monetary fine
5. Revocation of charter

NOTE: Organizations do not have the All-University Court appeal option.

- C. More than one of the sanctions listed above may be imposed for any single violation.

Section 9. Description of Penalties/Sanctions (Continued)

- D. Violations involving persons or organizations intentionally targeted because of their race, gender, sexual orientation, color, national origin, ancestry, religion, age, marital status, or disability may result in enhanced sanctions.
- E. The following guidelines apply to the penalties listed below:

Work Assignments

In addition to other penalties, Office of Student Affairs may assign work in Facilities Management or other campus offices without pay.

Suspension

1. In order to safeguard its ideals of scholarship and character, the University reserves the right to require the suspension of any student.
2. Suspension shall be for a specified period of time.
3. A suspended student may not participate in any campus activities and will be banned from the campus during the term of suspension.
4. A student must apply in writing for readmission after the period of suspension. This application should be made to the Registrar.
5. A student may apply for readmission prior to the end of the period of suspension if he/she feels that there is new evidence which justifies a review of the case by the All-University Court. Such a review may be requested in a letter to the Vice President for Student Affairs with a copy to the All-University Court. If the student was dismissed under Emergency Administrative Action, a copy of the request for review must also be sent to the University President or to the administrator who acted for the President.

This letter must specify the nature of the new evidence and must include supporting data.

Permanent Dismissal (Expulsion) From the University

1. This is the most severe penalty which can be imposed by the University Judicial System. It is final and is not susceptible to reconsideration after review by the University President..
2. Due to the gravity of permanent dismissal from the University, this penalty must be reviewed and approved by the University President before it is carried out.
3. Application for readmission by a student who has been permanently dismissed from the University will be considered only if the University President determines that there is substantial new evidence which justifies reconsideration of the penalty.
4. Students who are expelled from the University are permanently banned from the campus.
5. A student who has been expelled from the University must appeal his or her case in a letter to the President with a copy to the All-University Court and the Vice President for Student Affairs. If he/she was dismissed under the provisions of Emergency Administrative Action, a copy of the request for review must also be sent to the University President or to the administrator who acted for the President. This letter must specify the nature of the new evidence and must include supporting data.

Disciplinary Procedures Section

Section 1.

Disciplinary Authority

- A. Students are disciplined at Kentucky State University through two principle means: informally through administrative hearings in the Office of Student Affairs and formally through two levels of courts, the Student Court and the All-University Court. Students have the option of appealing to the All-University Court only in cases of suspension or expulsion. Organizations do not have an option of appealing through the courts. They are disciplined administratively.
- B. The Office of Student Affairs shall keep and review students' disciplinary records and shall have the authority to summon and discipline students, including students who are multiple offenders. Multiple offenders are those students who have been found guilty in three (3) or more hearings before judicial officers or bodies, either through administrative hearings and/or through the levels of courts listed.
- C. Nothing in this document shall be construed to limit the authority of the University President or that of the Board of Regents of Kentucky State University with respect to student conduct.

Section 2. Filing a Complaint

- A. Any person may file a complaint against a student or organization suspected of violating the University's policies, regulations and guidelines. A complaint shall be in writing and directed to the Vice President for Student Affairs or designee.
- B. An individual who files a complaint/incident report is normally expected to participate in the disciplinary meeting or hearing and to present relevant information.
- C. Incident reports/complaints should be submitted as soon as possible after the event takes place, preferably during the semester in which the event took place.
- D. The Vice President for Student Affairs or designee may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of by mutual consent of the persons involved on a basis acceptable to the Vice President for Student Affairs Vice or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the complaint has merit and cannot be disposed of by mutual consent, the Vice President for Student Affairs or designee may participate in any subsequent disciplinary meeting or hearing to resolve the complaint. The Vice President for Student Affairs or designee reserves the right to reject a complaint where it is not feasible for the University to pursue it.

Section 2. Filing a Complaint (Continued)

- E. The Vice President for Student Affairs or designee will conduct a preliminary review of the complaint to determine whether the alleged misconduct may result in expulsion from the University. The Vice President for Student Affairs or designee will also determine whether the accused student disputes the facts that form the basis of the complaint.

Only those students who are subject to suspension or expulsion are entitled to a hearing before the All University Court. The Vice President for Student Affairs reserves the right to refer any complaint to a University official or committee.

Section 3. The Informal Process - Disciplinary Meeting

Students who wish to waive their right to a formal hearing may choose to have their situation resolved through a disciplinary meeting with the Vice President for Student Affairs or designee. Students meeting with the Vice President for Student Affairs or designee will receive:

- A. Written notice of the complaint
- B. Reasonable access to the complaint file.
- C. An opportunity to respond to the complaint and to present relevant and necessary witnesses.
- D. Written notice of the determination, including any sanction(s).

Section 4

The Formal Process -The Student Court

Students that dispute complaints against them that do not fall under the sole jurisdiction of the Office of Student Affairs and that are not covered within Section 5. *Offenses Disrupting Order or Disregarding Health and Safety* are entitled to a hearing before the Student Court. Students can only appeal to the All-University Court in cases of pending suspension or expulsion.

A. Student Court

1. A Student Court having authority specified under the "Student Judicial Review Process Hearing Procedures" *Section 2* is established.
2. The Student Court will be composed of seven students appointed by the President of the Student Government Association and confirmed by the Student Senate. The students appointed by the President of the Student Government Association must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Affairs, and must have and maintain a cumulative and semester grade-point average of at least 2.5.
3. A chairperson, with the right to vote, will be elected by the student body of the University. This chairperson will be called the Chief Justice. The person selected for this office must receive a simple majority of the votes cast even (if running unopposed). The Chief Justice shall automatically be reappointed as a member of the Student Court the following year. An Associate Chief Justice will be elected by members of the Student Court from among the members appointed by the President of the Student Government Association. The Vice President for Student Affairs will designate an Ex- Officio Administrative Secretary to the Student Court, without the right to vote. A hearing will not be valid unless the Ex Officio Administrative Secretary is present.

A. Student Court (Continued)

4. A member of the Student Court will automatically vacate his/her office if he/she fails to maintain cumulative and semester grade-point averages of 2.5, if he/she is found guilty in a disciplinary action, or if he/she ceases to be a full-time student. The Student Government Association President shall appoint persons to fill such vacant office.
5. The term of office for members of the Student Court will be one year, commencing with the first Student Legislature meeting of the academic year and terminating immediately prior to the first Student Legislature meeting the following academic year.
6. A quorum will consist of at least six voting members of the Student Court. Decisions will be reached by majority vote of those members present.
7. A special Student Court may be appointed by the Office for Student Affairs for the summer session. The Student Court will be composed of seven students appointed by the President of the Student Government Association and confirmed by the Office of Student Affairs. The students appointed by the President of the Student Government Association must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Affairs, and must have and maintain a cumulative and semester grade-point average of at least 2.5.
8. The Student Court shall serve as the Judicial branch of the Student Government Association.
9. The Student Court shall have the power to interpret the Student Government Association Constitution.

B. Chief Justice of the Student Court

1. The Chief Justice serves as the general Administrative Officer for the Student Court. His/her duties include but are not necessarily limited to the following:
 - a. He/she will advise students of their rights when they have been charged with an offense
 - b. He/she will evaluate the judicial system at least once each semester.
 - c. He/she will recommend to the Student Court that a member of the court be removed, if he/she finds that a member is not fulfilling his/her responsibilities as set forth in this document.
 - d. He/she will cite precedents for judicial decisions.
 - e. He/she will decide which cases should be brought before the Student Court and he/she will meet with the other Justices and court members weekly to review cases.
 - f. He/she should be well versed in Student Court rules and regulations.
 - g. He/she will announce at the commencement of any hearings the rules that govern the conduct of the hearing.
 - h. He/she will inform the student of his/her right to appeal an adverse decision to the All-University Court.
 - i. He/she in conjunction with other court justices will hear any cases brought before the Student Court and decide the case within ten work days from the receipt of the incident report from the Office of Student Affairs.
 - j. He/she will insure that a decision is made by the Student Court within seventy-two (72) hours of the end of the hearing.
2. He/she will preside over all Student Court Hearings.
3. The Chief Justice may assist and advise the All-University Court when requested.

C. Associate Chief Justice

The duties and responsibilities of the Associate Chief Justice will be as follows:

1. The Associate Chief Justice will report to the Chief Justice.
2. He/she should be well versed in Student Court rules and regulations.
He/she will assist the Chief Justice in the preparation of the decisions of the court.
3. He/she will make up the docket in conjunction with the other justices.
4. He/she will meet with other justices weekly to review cases.
He/she in conjunction with other court justices will hear any cases brought before the Student Court and decide the case within ten work days from the receipt of the incident report from the Office of Student Affairs.
5. He/she will preside over Student Court hearings in the absence of the Chief Justice.

D. Student Court Justices

The duties and responsibilities of the Student Court Justices will be as follows:

1. A Justice should be well versed in Student Court rules and regulations.
2. He/she will make up the docket in conjunction with the other justices and the Chief Justice of the Student Court.
3. He/she will meet with other justices and court members weekly to review cases.
4. He/she in conjunction with the entire Student Court will interpret university policies, regulations and guidelines within the jurisdiction of the Student Court.
5. He/she in conjunction with other court justices will hear any cases brought before the Student Court and decide the case within ten work days from the receipt of the incident report from the Office of Student Affairs.
6. He/she in conjunction with other court justices will interpret the Student Government Association Constitution when requested by the Student Senate or an elected officer of the Student Government Association.

E. Prosecutors

Prosecutors for the Student Court and All-University Court will be appointed by the Vice President for Student Affairs. Prosecutors may include faculty, staff and/or students. Students appointed by the Vice President for Student Affairs must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Affairs, and must have and maintain a cumulative and semester grade-point average of at least 2.5.

The duties and responsibilities of the prosecuting officers will be as follows:

1. He/she will be well versed in the rules and regulations of the Student Court
2. He/she will be well versed in rules and regulations of the University
3. He/she will prosecute students before the appropriate court or council to the best of his/her ability.
4. He/she will prepare and summon witnesses for the prosecution.
5. He/she will prepare evidence for the prosecution.
6. He/she will keep any conferences with students strictly confidential.

F. Student Advocates

Only full-time students in good standing are eligible to serve as Student Advocates. Students selected as student advocates must have a cumulative GPA of at least 2.5 and a clear conduct record. Nothing in this section will be construed to limit a student's right to conduct his/her own defense or to select a faculty member, administrator or staff person as his/her counsel if he/she is appearing before the Student Court or the All-University Court.

A panel of Student Advocates for the University judicial system will be appointed by the President of the Student Government Association, subject to the confirmation of the Student Senate.

If a student who has been accused of an offense does not have counsel, the accused student shall have the opportunity to select a counsel from the panel of Student Advocates.

Student Advocates (Continued)

The duties and responsibilities of a Student Advocate for court or council cases will be as follows:

1. He/she will be well versed in the rules and regulations of the Student Court.
2. He/she will be well versed in the policies regulations and guidelines of the University.
3. He/she will advise students of their rights.
5. He/she will defend students to the best of his/her ability.
6. He/she will keep all conferences with students in strict confidence.
7. He/she will prepare and summon witnesses for the defense of the student.

G. Student Court Clerk/Advisor and Administrative Secretary

The duties and responsibilities of the Student Court Clerk and Administrative Secretary will be as follows:

1. The Clerk/Advisor/Secretary will keep accurate and confidential records of all hearings.
2. The Clerk/Advisor/Secretary will notify students of charges against them.
3. The Clerk/Advisor/Secretary will notify students of the results of hearings
4. The Clerk/Advisor/Secretary will notify students of penalties or sanctions placed upon them
5. The Clerk/Advisor/Secretary will assist the Chief Justice/Chairperson in preparing monthly reports.
6. The Clerk/Advisor/Secretary will be acquainted and well versed in University rules and regulations.
7. The Clerk/Advisor/Secretary will send out all official notices to the court or council he/she serves.

Only full-time staff or faculty members appointed by the Vice President for Student Affairs may serve in this capacity.

H. Other Officers

The Chief Justice/Chairperson of each judicial body may select additional officers and staff as needed. These officers must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Affairs, and must have and maintain a cumulative and semester grade-point average of at least 2.5. These officers or staff persons shall be non-voting.

- A. An All-University Court, having authority specified under Section 2, "Hearing Procedures, Jurisdiction of All-University Court" (page 25) shall be established.
- B. The membership of the All-University Court will consist of:
 - 1. Three students to be appointed by the President of the Student Government Association. These students must have been in full-time attendance at the University for at least one full semester prior to their appointment, must have a clear conduct record with the Office of Student Affairs, and must have and maintain a cumulative and semester grade-point average of at least 2.5.
 - 2. Three faculty members to be selected or elected in accordance with rules and regulations established by the Faculty Senate.
 - 3. Three administrators to be selected or elected by the President of the University or in the manner in which he/she chooses.
 - 4. A quorum will consist of at least six voting members of the All-University Court (two of each faculty, staff, and students). Decisions will be reached by majority vote of those members present.
- B. The term of office for members of the All-University Court will be one year for students and two years for faculty and staff appointees.

STUDENT JUDICIAL REVIEW PROCESS (Hearing Procedures)

Section 1.

Student Court

- A. The Student Court will have original jurisdiction over:
 - 1. Infractions of the posted regulations of each residence hall by persons residing in university housing.
 - 2. All cases in which the alleged offenses specified involve students from two or more Residence Halls or were committed outside of the Residence Halls.
- B. The Student Court will have judicial authority over all undergraduate students.
- C. The Student Court shall have no jurisdiction over any matter specifically delegated to the All-University Court.

Section 2.

Jurisdiction of All-University Court

- A. The All-University Court will have original jurisdiction over:
 - 1. All unacceptable acts of conduct and practices as identified by the Board of Regents and listed in the Kentucky State University Student Handbook.
 - 2. All cases involving the alleged violations specified in Student Conduct, Section 3, Penalties/Sanctions for Offenses, Letter B.
 - 3. All cases which the Student Court fails to hear within ten (10) working days of the date the student has been accused of an offense.
 - 4. All hearings involving graduate students.
 - 5. All emergency administrative actions referred to it by the Office of Student Affairs.
- B. The All-University Court will have appellate jurisdiction over all cases from the Student Court.
- C. The All-University Court will also have the power to investigate.

Section 3.

Jurisdiction of the Office for Student Affairs

- A. The Office for Student Affairs shall have original jurisdiction over the review of students' disciplinary records and shall determine the penalties for multiple offenders found through this review.
- B. The Office for Student Affairs shall have the authority to investigate, summon, refer, review, appeal and otherwise act in any or all cases involving students' violation of Student Handbook and University policies, regulations, and guidelines.
- C. Cases received two weeks prior to the end of a semester will be resolved in an administrative hearing through the Office for Student Affairs regardless of jurisdiction of the Student Court or the All-University Court.

Section 4.

Notification

Each student will have the right to proper notification and a hearing under the appropriate administrative or judicial body:

- A. A student who has been accused of an offense will be notified by the Office of Student Affairs within ninety-six hours of receipt of the initial incident report at the last place of residence known to the University or at the permanent address listed on the student's registration form for that semester. The notice will set forth the specific nature of the alleged offense and will inform the student that he/she must report to the Office of Student Affairs or some staff member designated by the Vice President for Student Affairs within twenty-four hours of the receipt of this notice.
- B. When the accused student reports to the Office of Student Affairs or the staff member designated by the Vice President for Student Affairs, the student will be informed that the following options are available to him/her:
 - 1 He/she may choose to admit that he/she has committed the offense and request, that the Office of Student Affairs make a disposition of the matter.
 - OR
 - 2. The student may choose to admit or to deny commission of the offense and request:
 - a. To appear before the judicial body (where appropriate) that handles that offense for a hearing and disposition of the matter.
NOTE: Only offenses that could result in suspension or expulsion can be heard by the All-University Court.
 - b. To have his/her alleged offense resolved informally through an administrative hearing in the Office of Student Affairs.

- C. At least forty-eight hours prior to a hearing of any University judicial body, an accused student will be notified in writing at the last place of residence known to the University or at the permanent address listed on the student's registration form for the semester. This notice will be given by the judicial body hearing the case and will include at least the following information:
1. The time, place, and date of the hearing;
 2. The judicial body before which the student is to appear; and
 3. Specific statements of charges.

Section 5

Hearing/Disposition

- A. The following time limits are established in order to guarantee the rights of a student to a speedy hearing and disposition of his/her case:
1. All campus judicial bodies will hear cases within ten working days of the date that a student has been notified that he/she has been accused of an offense.
 2. In the event that a judicial body fails to hear a case within the time limits established above, the case will automatically be scheduled for hearing within five work days by the next highest judicial body.
 3. In the event that a case moves automatically to a higher court, the student is to be notified within twenty-four hours by the judicial body taking the case of the new time, place, and date of the hearing and of the body before which the student is to appear.
- B. In an administrative hearing, ordinarily the disposition will be made within five weekdays of the date that the student has been notified by the Office for Student Affairs that he/she has been accused of an offense.
- C. All judicial bodies will reach their decisions within seventy-two hours of the conclusion of a hearing.
- D. An accused student will be notified in writing, by the Office of Student Affairs, of the decision of a judicial body and of the penalty(ies), if any, which have been imposed. This notification will be made within five days of the conclusion of the hearing at the last place of residence known to the University or at the permanent address listed on the student's registration form for that semester.
- E. Irrespective of any decision of the All University Court, the University President retains the right to overrule the decision of the All-University Court.

Section 6.

Hearing Procedures

- A. At the beginning of any hearing before a campus judicial body, the presiding officer will announce the rules and regulations governing the conduct of the hearing and will inform the student of his/her right to appeal.
- B. If a member of the judicial body is involved in any way whatsoever in a case being brought before the judicial body, he/she may not participate in hearing that case.
- C. All hearings before all judicial bodies will be open to members of the University community unless a defendant requests that his/her hearing be closed or unless a majority of the judicial body determines that the issues are so embarrassing to witnesses that the hearing should be closed. The judicial body shall have the right and duty of controlling the procedures at all hearings. If the hearing is open, the judicial body shall have the right to control the conduct of the hearing so as to ensure order, and this will include the right to limit the number of persons who may be present in any room where the hearing is being conducted, taking into consideration the seating spaces available for spectators at the hearing. Members of the judicial body hearing the case shall treat the matters heard in strict confidence and shall only discuss the facts of the case with other members of the judicial body in arriving at a decision of the body.
- D. The authority of the University to compel the accused and witnesses to appear will be placed at the disposal of the campus hearing bodies in the following manner:
 - 1. The Student Court will have the power to subpoena any person within the University Community who has directly observed an alleged offense or who is in some way involved with the case in question.
 - 2. The All-University Court will have the power to subpoena any member of the University community.
- E. An accused student will be entitled to appear in person before any hearing body. Should he/she not appear, the hearing may be held in his/her absence and a decision rendered.
- F. An accused student will be informed of the nature of any documents or exhibits which are to be used against him/her. He/she and or his/her counsel have the right to examine these materials. This notification shall be given 48 hours prior to the scheduled hearing.

Hearing Procedures (Continued)

- G. An accused student appearing before a hearing body may be represented by a person of his or her choice approved by the Vice President for Student Affairs.
- H. The counsel of an accused student will be entitled to present his/her defense, to call defense witnesses and to examine prosecution witnesses. The student has the right to confront his/her accusers. In no case will the hearing body consider statements against the accused unless he/she has been advised of their content and of the names of those who made them, and he/she has been given the opportunity to rebut unfavorable testimony. Should the accuser(s) not appear at the hearing, the charges may be dropped at the recommendation of the Student Court or All-University Court.
- I. All persons appearing before any University hearing body will give true testimony and will be held responsible for providing false information to a University judicial body or official.
- J. Regular and complete records will be kept for all proceedings of all hearing bodies. In cases involving possible suspension or dismissal from the University, there will be a verbatim record, such as a tape recording of the hearings. The Office of Student Affairs will be the custodian of these recordings.
- K. All closed court hearings are to be held strictly confidential and taped only for Court purposes.

Section 7.

Emergency Administrative Action

- A. In time of an emergency, (as defined by the Vice President for Student Affairs or his/her designee) a student may be suspended or expelled immediately by action of the University President or of an administrative officer to whom this authority has been delegated (such as the Vice President for Student Affairs or other University official).
- B. A student who has been suspended or expelled as a result of an emergency administrative action has the right to a hearing before the All-University Court within five school days of the date upon which he/she was suspended or expelled, provided that he/she requests such a hearing, in writing, to the Vice President for Student Affairs, within twenty-four hours of his/her suspension or expulsion.
- C. The procedural rights specified herein are to prevail at all hearings before the All-University Court.

Section 8. Appeals

- A. Students may appeal the sanction imposed by the Vice President for Student Affairs or designee (informal disposition) or the decision rendered by the Student Court or All University Court (formal disposition.).**
- B. Appeal of Informal Disposition**
 - 1. Appeals shall be made to the Vice President for Student Affairs within two (2) days of the receipt of the sanction issued by the designee of the Vice President for Student Affairs.**
 - 2. The appeal shall be in writing, stating the ground(s) for appeal.**
- C. Appeal of Formal Disposition**
 - 1. Appeals shall be made to the Vice President for Student Affairs within two (2) days of the receipt of the decision of the judicial body.**
 - 2. The appeal shall be in writing, stating the ground(s)for appeal.**
- D. Grounds for Appeal**
 - 1. Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the disciplinary meeting or hearing.**
 - 2. The specifics to be addressed on appeal are:**
 - a. Were the procedures of the Code of Student Conduct followed?**
 - b. If a procedural error occurred, were the rights of the student or organization violated to the extent that the student or organization did not receive a fair hearing?**
 - c. Was the meeting or hearing conducted in a way that permitted the student or organization adequate notice and the opportunity to present their version of the facts?**
 - d. Was the information presented at the meeting or hearing sufficient to justify the decision reached?**
 - e. Was there information existing at the time of the meeting or hearing that was not discovered until after the hearing?**
- E. Appeals may be made to President of the University within two (2) days of the receipt of the decision of the Vice President for Student Affairs. The appeal shall be in writing, stating the ground(s) for appeal.**

- F. Pursuant to KRS 164.370 a student who is suspended or expelled may appeal to the Board of Regents. The Board shall proscribe the manner and mode of the procedure on appeal. The decision of the board of Regents shall be final.
- G. Implementation of Sanction(s).
 - 1. Sanctions shall not begin until either the time for appeal has expired without an appeal, or the appeal process is exhausted.
 - 2. The Vice President for Student Affairs may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

Section 9. Disclosure

- A. The disciplinary procedures outlined in this document replace all previously published student disciplinary and judicial procedures.
- B. Obligation of students to comply with the law
 - 1. Students are expected to comply with all provisions of federal, state and local laws and ordinances. Members of the University community share the obligation of all citizens to cooperate with law enforcement officials when they have knowledge of a violation of law.
 - 2. A number of offenses listed in this document are violation of law as well as of University disciplinary regulations. Violations of the rules may also constitute violations of the criminal law and may subject violators to outside legal sanctions. While the offenses enumerated in this document normally will be dealt with by the University judicial system, nothing in this document shall be construed in such a manner as to prevent members of the University community from cooperating with criminal prosecution.
 - 3. When a criminal prosecution is pending, the University judicial system normally will continue to take action with respect to alleged University violations.

Attire

Students' dress at Kentucky State University, while reflecting personal freedom, should also reflect high standards of personal image so that each student may share in promoting a positive, healthy and safe atmosphere within the college community. **Students are expected to follow the *Kentucky State University Dress Code*, which includes:**

1. Dress and grooming will be clean and in keeping with sanitary and safety requirements.
2. All students must wear shoes, boots or other types of footwear made for outside wear.
3. Hats and/or other head covering are not to be worn in buildings and DO-RAGS shall not be worn outside dorm rooms by any student enrolled at any time.
4. Shirts/tops must be worn at all times while in public or common areas of the College
5. Attire must not display obscene, profane, lewd, illegal or offensive images or words.
6. Dress must be in good taste and appropriate for the occasion or setting. Revealing clothing is prohibited.
7. Pajamas, stocking caps, hair rollers and bedroom slippers shall not be worn while in public or in common areas of the College
8. Clothing which allows undergarments (or clothing underneath such as shorts) to be visually observed is not permitted.

Gambling

Gambling is prohibited in or around University owned or operated facilities and at University sponsored activities on or off the campus.

Smoking Regulations

Smoking is prohibited in classrooms, laboratories, the library, gymnasium, cafeteria, and other designated "no smoking" areas.

Off-Campus Conduct

Students when away from the campus are subject to the same civil authorities as any other citizen. A student found guilty by courts of law for offenses committed off campus is required soon after the court verdict to have a counseling session with staff of the Office of Student Affairs. The University reserves the right to determine the effect of the off-campus offense on the general welfare of the University. Appropriate action shall be taken against the student.

University Police shall have the authority to take appropriate actions, when summoned, in offenses committed off campus by Kentucky State University students when those actions are in violation of University policies regulations and guidelines and when officials determine that those actions are within the University's jurisdiction.

Use or Possession of Firearms KRS 527.070

The use or possession of firearms, fireworks, explosives, ammunition, knives, and other lethal weapons on campus is prohibited. Students found guilty of possessing and/or using such items will be subject to suspension or expulsion.

Drugs KRS Chapter 218A

Possession, use, or distribution of narcotic or illegal drugs is prohibited. Students found guilty of this crime will be prosecuted to the fullest extent of the law and will be subject to suspension or expulsion.

Alcohol KRS 525.100

The possession or consumption of alcoholic beverages while on the grounds or in the buildings of the University campus is prohibited by state law. Students found guilty will be charged accordingly and are subject to fine, community service, and/or social probation.

Harassment KRS 525.070/Harassing Communications KRS 525.080

In response to reported harassment and harassing communications, Student Affairs will conduct an investigation. If students are found guilty, penalties could include suspension or expulsion.

Gang Activity KRS 506.130

Anyone found guilty of any type of gang activity will be expelled from the University.

Aggravated Assault KRS 508.030

Anyone found guilty of aggravated assault will be prosecuted to the fullest extent of the law. Student Affairs will investigate the charges and if found guilty, the student will be subject to penalties through the Office of Student Affairs that may include suspension or expulsion.

STUDENT RECORDS

The Board protects the right to privacy of members of the academic community against improper disclosure of personal records and confidential information.

Change of Name, Address and Phone Number

All students are to report to the Office of the Registrar to complete proper forms for a change of name, address and phone number. Students failing to provide this information will experience difficulty in receiving correspondence, grades, registration information and other important materials.