1 About the University and College Ombudsman Association 1982 - 1987

UCOA Survey--Status Report

October 1, 1987

Reported by Pamela W. Freeman

Purpose of Survey

The purpose of this survey was to provide descriptive information about individual members of the University and College Ombudsman Association and, in so doing, to provide a profile of ombuds offices.

Number surveys mailed = 53

Number surveys completed = 33 (62%), representing 31 universities (26 in U.S. and 5 in Canada)

Respondents

All respondents were members of the University and College Ombudsman Association at the time of the survey in summer, 1987. In order to provide complete information to the extent possible, followup letters will be sent to encourage response from persons who did not return surveys.

Preliminary findings

These findings are based on the 33 surveys received to date.

Information about individual UCOA members:

Most members are female (55%).

Most are white (86%).

Most are between the ages of 35 and 45 (33%), but the second most common age group is between 45 and 55 (30%).

The highest degree received by most members is the master's degree (36%), and 30% of the members reporting have doctoral degrees.

More than half of the respondents' general degree fields are in the social sciences.

"Ombudsman" is the title or is in the title of 77% of the members.

Two-thirds of the members have been in their positions for five years or less.

The immediate past position in a university setting before becoming ombudspersons for 33% of the members was that of administrator, while 30% were faculty. Two-thirds of the respondents held their immediate past positions in their current universities, and 58% held their immediate past positions for 10 years or less.

Nearly half (49%) of the respondents report to the chief executive officers of their campuses, and 21% report to the chief student personnel administrators of their campuses.

A third of the respondents reported that 100% of their time is devoted to ombuds duties; 24% spend less than 100%, but more than half of their time on ombuds duties; and 21% reported that between 25 and 50% of their time is designated for ombuds duties.

Two-thirds of the UCOA members hold positions for which specified lengths of term are indefinite.

Nearly half (42%) of the members were selected for their positions by committees composed of faculty, students and administrators. The selection was the sole decision of an administrator with no recommending authority from any other groups for 27% of the respondents.

Salaries are higher than $40,000 on a full-time basis for 36% of the respondents, between $30,000 and $40,000 for 30%, and between $20,000 and $30,000 for 24%.

Information about office profile:

Most universities represented in the survey are public (85%), and more than a third (36%) have more than 25,000 students. There are 10,000 or fewer students at 30% of the universities.

The ombuds offices were started between 1970 and 1974 in 36% of the universities. Another 36% have been started since 1980. No offices were started prior to 1965.

Most of the offices (85%) serve students; two-thirds serve staff; and 61% serve faculty.

More than half of the ombuds officers (55%) view their roles as a combination of neutral mediator and client advocate.

Approximately half of the respondents (51%) indicated that more than 50% of the problems handled by them are of an academic nature. The remaining 49% handle primarily nonacademic problems.

Only 18% of the offices use volunteers. Most of the offices are staffed by one full-time secretary; 30% have student staff; 24% have one part-time secretary; and 21% have professional staff assistance.

The number of cases handled annually varied markedly. There are 8 offices (24%) which handle between 100 and 300 cases; 7 offices (21%) handle fewer than 50; another 7 handle more than 800 cases annually; and 5 offices (15%) handle between 300 and 500 cases each year.

Annual operating budgets (not salaries) are less than $10,000 in 61% of the offices. Annual budgets for salaries are between $20,000 and $50,000 in 30% of the offices and between $50,000 and $100,000 in 27% of the offices. Salaries budgets exceed $100,000 in 6 (18%) of the offices. State funds are the primary funding source in most institutions (64%).

Most institutions (79%) report having a student legal service.

More than 90% of the offices are publicized by university publications, such as school bulletins, telephone directories, handbooks, etc. Two-thirds are publicized by personal appearances of the ombuds staff; 45% use posters; and 36% use brochures.

More than half of the offices which serve students become involved in the following problem areas:

Academic (e.g., grade disputes, retroactive withdrawal, cheating, etc.)

Student versus student conflicts (on-campus)

Student versus administration conflicts

Admission decisions

Health services (bills, etc.)

Student organizations

Judicial matters (code of conduct, etc.)

Housing (on-campus)

Employment of students (grievances, etc.)

Financial aid

More than half of the offices which serve faculty and/or staff become involved in the following problem areas:

Staff versus staff conflicts

Staff versus administration conflicts

Faculty versus administration conflicts

Employment of faculty or staff (grievances, etc.)

The following tasks are performed in the offices of more than half of the respondents:

Review all files and records that are determined to be relevant to a complaint

Serve as a source of information and assistance

Investigate complaints already heard if the individual/s concerned still feels aggrieved

Recommend redress to appropriate authorities when it is determined that an individual has been improperly treated and when the matter cannot be resolved

Recommend to the appropriate authorities such changes in rules, policies, and procedures as are deemed necessary or desirable

Bring any complaint to the attention of the appropriate university agency, if it has not already been heard by that agency

Make periodic, general, and widely publicized reports to the university community

Provide report that goes only to administrator to whom you report

Establish and maintain confidential records of cases

Influence decisions made by faculty when it is determined that individual rights have been violated

Influence decisions made by campus officials when it is determined that individual rights have been violated

Approved 4/19/85
Amendments approved by UCOA Board
9/30/87

BYLAWS

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

ARTICLE I. NAME

The name of the Corporation is University and College Ombudsman Association, hereinafter referred to as UCOA or the Association.

ARTICLE II. PURPOSES

The UCOA has been organized to operate exclusively for educational, scientific, and charitable purposes, on a not-for-profit basis. Its purposes are to assist existing university and college ombudsmen and ombudsman organizations ~~throughout the United States~~ in improving the operation of ombudsman offices; to promote the establishment of ombudsman offices in institutions of higher education ~~in the United States~~; and to foster cooperation and exchange with other organizations of ombudsmen in the public and private sectors and with organizations of other professionals engaged in dispute resolution. These purposes shall be served through meetings and seminars, development of educational materials, collection and dissemination of information and statistical data on university and college ombudsman offices, publication of newsletters, liaison with related professional groups, and identification and procurement of funds to support these activities.

ARTICLE III. OFFICES AND REGISTERED AGENT

Section I. Offices. The Association shall maintain a registered office in the State of Illinois and at such office, a registered agent; it may also have other offices within and outside of the Sstate.

ARTICLE IV. ASSOCIATION MEMBERSHIP

Section I. Classes of Membership. The Association shall have two classes of members. The designation of these classes and the qualifications of their members shall be as follows:

A. Institutional Members. Institutional membership shall be open to all institutions interested in the practice of ombudsmen in higher education institutions. ~~Applications for institutional membership shall be reviewed and acted upon by the Board of Directors.~~ Institutions shall designate as institutional member an individual who is currently performing or has performed the ombudsman function. Eligibility for institutional membership of

ombudsman programs shall be determined by the Board of Directors based on the following standards:

a. the responsibility to assess grievances and conflicts and to attempt to resolve them through available institutional channels or by mediation;

b. the access, in the performance of duties, to all members of the university community, and to all university records, except those to which access is prohibited by law;

c. the prerogative to recommend corrective action at any institutional level and where necessary;

d. the authority to issue public reports concerning findings and recommendations;

e. the maintenance of a standard of neutrality.

Applications for institutional membership shall be reviewed and acted upon by the Board of Directors.

B. Individual members. Individual membership is open to all individuals who are practicing ombudsmen or are interested in the practice of ombudsmen and are affiliated with an ~~in~~ institutions ~~of higher education. There shall be three types of individual membership:~~

~~1. **Participating members:** Participating membership is open to any incumbent or former ombudsman or university or college official who performs the ombudsman function. Membership shall be determine by the Board of Directors based on the following standards:~~

~~a. the responsibility to assess grievances and conflicts and to attempt to resolve them through available institutional channels or by mediation;~~

~~b. the access, in the performance of duties, to all members of the university community, and to all university records, except those to which access is prohibited by law;~~

~~c. the prerogative to recommend corrective action at any institutional level and where necessary;~~

~~d. the authority to issue public reports concerning findings and recommendations;~~

~~e. the maintenance of a standard of neutrality.~~

~~2. **Associate members:** Any individual who is committed to promoting and encouraging the purposes of the UGOA is eligible for associate membership.~~

Applications for individual membership shall be reviewed and acted upon by the Board of Directors. The Board of Directors shall request sufficient information from prospective members to determine the appropriate category of membership.

~~3~~C. **Honorary members.** The classification of honorary member shall be restricted to those individuals designated by the association on the basis of their outstanding contribution to the ombudsman movement.

Section II. Election of Members. Members shall be ~~elected~~ approved by the Board of Directors. [An affirmative vote of two-thirds of the directors shall be required for election.]

A. [Except in the initial election of members,] All applicants for membership shall file with the Secretary a written application in such form as the Board of Directors shall determine.

B. All applications for membership shall be presented promptly for consideration to the Board of Directors. A list of applications for membership shall from time to time be posted at the office of the Association or mailed to each member of the Association.

C. Not earlier than 30 days after a list of applications has been posted or mailed to members, the Board of Directors shall pass upon each application included in said list and either accept or reject it. After an applicant has been rejected, he or she may not make another application for membership within the same calendar year.

Section III. Voting Rights. ~~Each member of the institutional class shall have one vote on each matter submitted to a vote of the members. Members of the following classes shall have no voting rights: participating, associate, and honorary.~~ All members have the right to vote on all issues before the Association with the exception of electing the Board of Directors. That authority lies with institutional membership.

Section IV. Termination of Membership. The Board of Directors, by affirmative vote of two-thirds of its members, may suspend or expel a member for cause ~~after an appropriate~~ hearing, and, by a majority vote of those present at any regularly constituted meeting, terminate the membership of any member who becomes ineligible for membership, or suspend or expel any member who shall be in default in the payment of dues for the period fixed in Article XI of these Bylaws.

Section V. Resignation from Membership. Any member may resign by filing a written resignation with the Secretary, but such resignation shall not relieve the member so resigning of the obligation to pay any dues, assessments, or other charges theretofore accrued and unpaid.

Section VI. Reinstatement. Upon written request signed by a former member and filed with the Secretary, the Board of Directors may, by an affirmative vote of two-thirds its members, reinstate such a former member to membership upon such terms as the Board of Directors may deem appropriate.

Section VII. Transfer of Membership. Membership in the Association is not transferable or assignable.

Section VIII. No Membership Certificates. No membership certificates of the Association shall be required.

ARTICLE V.

MEETINGS OF MEMBERS

Section I. Annual Meeting. An annual meeting of the members shall be held once a year for the purpose of ~~electing~~ receiving nominations for the election of directors and for the transaction

of such other business as may come before the meeting.

Section II. Special Meeting. Special meetings of the members may be called by either the President, the Board of Directors, or not less than one-fifth of the members having voting rights.

Section III. Place of Meeting. The Board of Directors may designate any place of meeting for any annual meeting or for any special meeting called by the Board of Directors. If no designation is made or if a special meeting is to be called otherwise, the place of meeting shall be the registered office of the Association in the State of Illinois.

Section IV. Notice of Meetings. Written notice stating the place, date, and hour of any meeting of members shall be delivered to each member entitled to vote at such meeting not less than five nor more than forty days before the date of such meeting. In the case of a special meeting or when required by statute or by these Bylaws, the purpose for which the meeting is called shall be stated in the notice. If mailed, the notice of a meeting shall be deemed delivered when deposited in the United States Mail and addressed to the member at his or her address as it appears on the records of the Association, with postage thereon prepaid.

Section V. Informal Action by Members. Any action required to be taken at a meeting of the members of the Association, or any other action which may be taken at a meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

Section VI. Quorum. ~~[~~The quorum shall be one-half of the members in good standing present at any annual business meeting. ~~The members holding one-fifth of the votes which may be cast at any meeting present at any annual business meeting shall constitute a quorum at such meeting.] If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting at any time without further notice. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the original meeting. Withdrawal of members from any meeting shall not cause failure of a duly constituted quorum at that meeting.~~

Section VII. Proxies. ~~Each member entitled to vote at a meeting of members or to express consent or dissent to Association action in writing without a meeting may authorize another person or persons to act for him by proxy, but no such proxy shall be voted or acted upon after 11 months from its date, unless the proxy provided for a longer period.~~ No proxies shall be permitted.

Section VIII. Power and Rights of Members. ~~Only~~ Institutional and individual members of the Association shall be entitled to vote on all matters before the Association, with the exception that institutional members only are authorized to elect the Board of Directors. Voting members in good standing have the power:

A. To ~~elect~~ nominate directors of the Association at the annual meeting of members.

B. To remove from office any director or officer for good and sufficient cause at the annual meeting of members.

C. To hear, consider, and approve or disapprove reports of the Board of Directors, officers, and committees of the Association.

D. To modify, suspend, or veto any decision of the Board of Directors by majority vote of all the voting members in attendance at the annual meeting of members.

E. To hear and act as final arbitrator in any dispute between or concerning the directors, the officers, or individual members.

F. To approve amendments of these Bylaws after they have been reviewed by the Board of Directors. Approval of amendments of the Bylaws shall require ~~by~~ the vote of two-thirds of all the voting members ~~in good standing~~. Voting members may adopt resolutions for the guidance and direction of the Association at the annual meeting, and such resolutions shall be binding on the board of directors and continue in effect until the next annual meeting of members. Resolutions shall be presented to the membership in writing.

affirmative

present at the business meeting.

ARTICLE VI.

BOARD OF DIRECTORS.

Section I. General Powers and Duties. The affairs of the Association shall be managed by the Board of Directors.

Section II. Number, Tenure, and Qualifications. The number of directors shall be seven (7). The Board shall consist of the five officers (President, President-Elect, Past President, Secretary, and Treasurer) and ~~three~~ two members at large. Members of the Board shall serve ~~three-year~~ terms in the office to which they were elected which have the following duration:

President-Elect, President, Past-President -- annually successive;

Secretary, Treasurer -- two years;

Two at-large Directors -- two years.

Directors need not be ~~residents of Illinois~~ or are required to be members of the Association. Directors serving as Officers of the Association must have been designated institutional members and those serving as Directors-at-large must have been institutional members, or individual members of the Association for one year prior to their nomination. The number of directors may be decreased to not fewer than three or increased to any number from time to time by amendment of this section, unless the Articles of Incorporation provide that a change in the number of directors shall be made only by amendment to the Articles of Incorporation.

A. Two-Term Limit on Continuous Service. No director shall serve as a director continuously for more than two consecutive

terms. After such service for two terms a director may not be re-elected for a period of one year.

B. Election of Directors.

1. Nomination. Nominations of candidates for directorships may be made by mail prior to the annual meeting or by voting members from the floor at the annual meeting. Any member of the Association may nominate candidates. Consent of nominees must be obtained before their names may be placed on the ballot.

2. Election. Election of directors shall be conducted by mail ballot following the annual meeting of the members. A plurality of votes shall be necessary to elect.

3. Vacancies. Any vacancy occurring in the Board of Directors or any directorship to be filled by reason of an increase in the number of directors shall be filled by the Board of Directors unless the Articles of Incorporation, a statute, or these Bylaws provide that a vacancy of a directorship so created shall be filled in some other manner, in which case such provision shall control. A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

C. Removal of Directors. A director may be removed from office by the affirmative vote of a majority of all the members of the Board of Directors or by a majority vote of the voting members in attendance at an annual meeting.

D. Resignation of Directors. A director may resign from the Board at any time by notice in writing thereof to the president.

Section III. Regular Meetings. A regular meeting of the Board of Directors shall be held without other notice than these Bylaws, immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings of the Board without other notice than such resolution.

Section IV. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two directors. The person or persons authorized to call special meetings of the Board may fix any place as the place for holding any special meeting of the Board called by them.

Section V. Informal Action by Board of Directors. Any action required to be taken at a meeting of the Board of Directors of the Association, or any other action which may be taken at a meeting of the Board of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors with respect to the subject matter thereof. For the purpose of accepting or rejecting applications for membership in the Association, Board members may

inform the Secretary of their vote by phone. The secretary shall maintain records of these votes by phone and shall inform Board members of the outcome after all votes have been taken.

Section VI. Notice. Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice to each director at his or her address as shown by the records of the Association. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon paid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Notice of any special meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to the notice either before or after the time of the meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these Bylaws.

Section VII. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, provided that if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting to another time without further notice.

Section VIII. Manner of Acting. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by statute, these Bylaws, or the Articles of Incorporation.

Section IX. Compensation. Directors shall not receive any ~~stated salaries for their services.~~ compensation to the organization but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be allowed for each regular or special meeting of the Board, provided that nothing herein contained shall be construed to preclude any director from serving the Association in any other capacity and receiving reasonable compensation therefor.

ARTICLE VII.

OFFICERS

Section I. Number. The officers of the Association shall be a President, a President-Elect, a Past-President, a Secretary, and a Treasurer. Officers whose authority and duties are not prescribed in these Bylaws shall have the authority and perform the duties prescribed, from time to time, by the Board of Directors.

Any ~~two~~ or more ~~offices may be held by~~ the same ~~person, except~~ the ~~offices~~ of President and Secretary.

Section II. Election and Term of Office. The officers of the Association shall have ~~three~~ two year terms except for the President-Elect, the President, and Past-President, which are annually successive offices. The officers of the Association shall be elected annually by the voting members following the regular annual meeting of the voting members. The election of officers shall be held as soon after the annual meeting of members as conveniently may be. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. EachThe officers shall hold office until ~~his or her~~ their successors shall have been duly elected and shall have qualified or until ~~his or her~~ their death or until he or she they shall resign or shall have been removed in the manner hereinafter provided. Election of an officer shall not in itself create contract rights. The terms of office for each new officer shall commence on ~~the day following the announcement of the voting result by the Secretary~~ January 1. However, the President-Elect shall take office as President at the conclusion of the Annual Conference.

Section III. Duties. The officers of the Association shall perform the duties usually performed by such officers together with such duties as shall be prescribed by the Bylaws of the Association or by the Board of Directors.

Section IV. President. The President shall be the principal executive officer of the Association. Subject to the direction and control of the Board of Directors, he or she shall be in charge of the business and affairs of the Association; he or she shall see that the resolutions and directives of the Board of Directors are carried into effect except in those instances in which that responsibility is assigned to some other person by the Board of Directors; and, in general he or she shall discharge all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Association or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, he or she may execute for the Association any contracts or other instruments which the Board of Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of the Corporation and either individually or with the Secretary or any other officer thereonto authorized by the Board of Directors, according to the requirements of the form of the instrument.

Section V. President-Elect. The ~~Vice-President~~ President-Elect shall assist the President in the discharge of his or her duties as the President may direct and shall perform such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors. In the absence of the President or in the event of the President's inability or refusal to

act, the President-Elect shall perform the duties of the President and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Association or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, the President-Elect may execute for the Association any contracts or other instruments which the Board of Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of the Corporation and either individually or with the Secretary, or any other officer thereunto authorized by the Board of Directors, according to the requirements of the form of the instrument.

Section VI. Past-President. The Past-President is responsible for implementation of programs initiated during his or her term as President, and performs such other duties as may be assigned by the Board.

Section VII. Treasurer. The Treasurer shall be the principal accounting and financial officer of the Association. He or she shall: (a) have charge of and be responsible for the maintenace of adequate books of account for the Association; (b) have charge and custody of all funds and securities of the Association, and be responsible therefor, and for the receipt and disbursement thereof; and (c) perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

Section VIII. Secretary. The Secretary shall record the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; be custodian of the corporate records and of the seal of the Association; keep a register of the postoffice address of each members which shall be furnished to the Secretary by such members; and perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

ARTICLE VIII.

CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section I. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Aassociation, in addition to the officers so authorized by these Bylaws to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association and such authority may be general or confined to specific instances.

Section II. Checks, Drafts, Etc. All checks, drafts, or other

orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association, shall be signed by such officer or officers, agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer and countersigned by the President or the ~~Vice-President~~ Past-President of the Association.

Section III. Deposits. All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies, or other depositories as the Board of Directors may select.

Section IV. Gifts. The Board of Directors may accept on behalf of the Association any contribution, gift, bequest, or device for the general purposes or for any special purpose of the Association.

ARTICLE IX.

BOOKS AND RECORDS

The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Association may be inspected by any member, or his or her agent or attorney for any proper purpose at any reasonable time.

ARTICLE X.

FISCAL YEAR

The fiscal year of the Corporation shall be fixed by the resolution of the Board of Directors.

ARTICLE XI

DUES

The Board of Directors may determine from time to time the ~~amount of initiation fee, if any,~~ of ~~and~~ annual dues payable to the Association by members ~~of each class.~~

~~ARTICLE XII~~

~~SEAL~~

~~The corporate seal shall have inscribed thereon the name of the Association and the words "Corporate Seal, Illinois."~~

ARTICLE ~~XIII~~XII

AMENDMENTS

The power to alter, amend, or repeal the Bylaws or adopt new Bylaws shall be vested in the Board of Directors unless otherwise provided in the Articles of Incorporation or the Bylaws. Such action may be taken at a regular or special meeting for which written notice of the purpose shall be given. The Bylaws may contain any provisions for the regulation and management of the affairs of the Association not inconsistent with law or the Articles of Incorporation.

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ARTICLE ~~XIV~~XIII XII

DISSOLUTION CLAUSE

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the Corporation, distribute all assests of the Corporation exclusively to such organization or organizations organized and operated exclusively for charitable, educational, literary, or scientific purposes as shall at the time qualify as an exempt organization or oganizations under Section 501 (c) (3) of the Internal Revenue Law, as the Board of Directors may determine.

Article ~~XV~~XIV

IMPLEMENTATION OF TERMS OF OFFICE

The incorporators shall serve initially as the Board of Directors until the first annual election of officers at which the following positions and terms shall be filled:

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1. President (one-year term);
2. President-Elect (one-year term);
3. Secretary (three-year term);
4. Treasurer (two-year term);
4. Three directors at large (one three-year term, one two-year term, and one one-year term).

How many members are not here?

I am baffled – why cannot our Directors review it now?

UCOA CONFERENCE, CINCINNATI, OHIO
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September 30, October 1 and 2, 1987

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UCOANEWS

UNIVERSITY and COLLEGE OMBUDSMAN ASSOCIATION inc

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This News brings you an overview of the First UCOA Annual Conference, held in Boulder, CO. Our thanks go to the many people who have helped put this issue together. We are still looking for one, two or three persons willing to help produce the 87-88 issue in order to bring them to you more quickly. If you are able to help, please contact Ed Sharples at Wayne State (ph: 313/577-3505).

REPORT ON FIRST UCOA NATIONAL CONFERENCE
Boulder, Colorado--October 1, 2, and 3, 1986

by Howard Gadlin

If Universities are ivory towers, ombudsmen are the supers--the all purpose fix-it people who are called on at any time when the plumbing breaks down. It's not often that ombudsmen get to contemplate the aesthetic dimension of the academic world, caught up as we are in quarrels, injustices, and the other mundane particulars of quotidian life on the campus. You can imagine then, what it was like to release some 40 odd ombudsmen in the midst of the Rocky Mountains. Not since Pinel liberated the inmates of Bicetre have there been such exclamations of disbelief and child-like squeals of joy. Boulder, Colorado, site of the UCOA conference, jolts one into remembering that there is an aesthetic dimension. People who usually look for the nearest bar, were seen outside, pulled towards the hills as if on a pilgrimage to some shrine. The usual pleasure of gathering with other ombudsmen was clearly enhanced by the beauty of the setting.

More significantly, the impact and value of the conference was enhanced by the magnificent planning and organizational job done by Susan Hobson-Panico, Peggy Arnold, and the U of C Ombuds Office Staff. Maybe it has something to do with the salutory effects of fresh mountain air, but these people had it together. It seemed as if there was nothing they had not thought of in advance, and we moved effortlessly from one location to the next, rejuvenated by a new setting just when the conference confinement syndrome threatened to set in.

Conferees were housed at the Boulderado Hotel, a very efficient facility hiding beneath a western Victorian facade (and with a good enough bar to draw a few of us inside to recover from the thin air). After opening the conference at the hotel, we spent the second day in the mountains at NCAR (National Center for Atmospheric Research), practicing mediation skills with the deer. The mediation training was conducted by Mary Margaret Golton of the Center for Dispute Resolution in Denver. Mary Margaret was assisted by our own Howard Gadlin and members of her CDR staff. The final day we were on the University of Colorado campus, where we had the opportunity to indulge in one of our favorite ombudsman pastimes--being annoyed by an outside speaker, in this case Charles Middleton, U of C's Associate Dean.

The social highlight of the conference was a trip through winding mountain roads to an exceptional dinner at a mountain gourmet inn. Carolyn Stieber and

Howard Gadlin exercised their famous jinx on the bus, enshrouding the mountain in fog thick enough to lead the bus driver into an imitation of one of those cartoon characters who goes beyond the edge of the road. Somehow we managed to survive, and Stieber and Gadlin were banned from future travel with ombuds ensembles.

In addition to the workshops which are summarized in this issue in reports prepared by UCOA staff writers, and assorted recreational activities, we did manage to conduct some business. The Board of Officers--Ingrid Clarke, President, Edward Sharples, President-Elect, Donald Perigo, Treasurer, Kay Peter, Secretary, and Carolyn Stieber, Howard Gadlin, and Patricia Williams, Officers at Large--met twice to discuss organizational issues and to attempt to work out some of the complexities of the relationship between UCOA and the two other academic ombuds organizations, the Association of Canadian College and University Ombudsmen, and the California Caucus of College and University Ombudsmen. Geoff Wallace and Ron Wilson from California, and Suzanne Belson from Canada, participated in the UCOA board meetings.

National boundaries make the situation with Canada relatively uncomplicated. Neither group threatens to subsume the other and there is no conflict between their conferences. The California situation remains more complicated, in part because the UCOA and California conferences occur within one month of each other in the fall and it is simply not possible for most ombudspeople to attend both. While there is an interest in working things out, we have not yet developed a format by which the implicit competition between the two groups can be fully acknowledged and resolved. There is some hope that after the 1987-88 academic year one group might move to a spring conference or that the two groups might alternate years in terms of conducting a conference. Meanwhile, tensions remain between the two organizations, a somewhat embarassing state of affairs for people whose jobs entail grievance and conflict resolution.

One matter that did become clear after the board meetings was that we need a fairly thorough review of the organization's bylaws so that they more accurately reflect the intent and current operating principles of the Association. Ingrid Clarke will coordinate those efforts.

Looking ahead to next year it was decided that UCOA would accept the University of Cincinnati's invitation to host the 1987 UCOA conference and that it would be scheduled for late September or early October. There was a general agreement that, in planning future UCOA conferences, consideration be given to: a) choosing sites which would facilitate attendance by members from various geographic areas and b) selecting conference dates which would enable the maximum number of members to attend.

Finally, a number of committees were established to carry on various tasks which require more work than can be accomplished in the midst of an annual national meeting. Membership in these committees was established by threatening people during the general business meeting that if they did not sign up for a committee they would have to attend a three hour Geoff Wallace lecture at the next ombuds gathering. The following four committees were established:

A. 1987 Conference Coordination Committee

1. purpose: to work with the planning committee of the conference host to coordinate conference activities and implementation.

2. members: Katherine Uetz, University of Cincinnati
Conference Host, Planning Chair
Dalene Hoppe, Ohio State University
Patricia Williams, Ohio State University
UCOA Liaison
Donald Perigo, University of Michigan, Ann Arbor
Financial Advisor for UCOA

B. Ethics Committee

1. purpose: to draft, for Board review, a statement of principles which a university ombudsman would follow in carrying out his/her job. These principles would define the ways in which an ideal ombudsman would behave. It was agreed that the Committee not concern itself with setting up criteria for entrance to the profession or membership in UCOA.

2. members: Andrea Briggs, University of California, Riverside
Rena Grant, University of California, Santa Cruz
David Heaton, Ohio University, Athens
Robert Shelton, University of Kansas
Kitty Uetz, University of Cincinnati

C. Newsletter Committee

1. purpose: to compile, edit, and publish the UCOA Newsletter on a regular and continuing basis during 1986-87.

2. members: Howard Gadlin, University of Massachusetts
Edward Sharples, Wayne State University
(Ingrid Clarke, Southern Illinois University, to assist if needed)

D. Information Packet Committee

1. purpose: to compile and produce a set of informational materials which UCOA may send in response to queries about the university and college ombuds function.

2. members: Ingrid Clarke, Southern Illinois University
Pamela Freeman, Indiana University
Dee Dee Hill, De Vry Institute of Technology
Sarah Looney, George Mason University
Cynthia Vanda, University of Pittsburgh

SUMMARY OF PRE-CONFERENCE WORKSHOP--"HOW TO START AN OMBUDSMAN'S OFFICE"

by Kitty Uetz, University of Cincinnati

This workshop, presented by Dalene Hoppe and Pat Williams, Ohio State University, and Kay Peter, University of Michigan-Dearborn, provided an overview of the philosophy behind starting an Ombudsman's office, how it should be organizationally placed, and the kind of person(s) who would serve as Ombudsman.

Philosophy - Ideally an ombudsman's office is a place to which students, faculty, and staff can turn for assistance in resolving problems, issues, concerns, etc. The ombudsman and staff function as facilitators who are there to help the systems work better. The ombudsman is impartial (a neutral third party) who listens to the complainant's concerns and determines the best way to help resolve the complaint. One of the key factors in the establishment of an ombudsman office at most universities and colleges was the student unrest of the 1960's and 1970's. Students needed and wanted a place to go that was impartial, confidential, and not seen as a minion of the university administration - a place where they could go and be heard.

Organizational Structure - To achieve legitimacy and credibility an ombudsman should report directly to the President, but operate autonomously and have access to all university records for purposes of investigation. Physically, the office should be centrally located for maximum approachability. Each institution needs to determine where to locate the ombudsman function, as that location will have an impact on the ability of the ombudsman to operate effectively.

Who Should Serve As Ombudsmen? - An ombudsman should be a person who can establish an instant rapport with a client--someone who is easy to talk to, available, flexible, able to withstand criticism and think creatively. An ombudsman must be a determined, tireless, fact-finder, who can carry on logical and sequential investigations. An ombudsman must be able to tackle cases and handle critical problems expediently, pulling all the pieces together to focus on the very center of the problem. An ombudsman has a sense of justice and fairness and recognizes both of these for the individual and the institution. An ombudsman educates, mediates, advises, and is sensitive to any individual's concern even if it is frivolous or out of order. An ombudsman believes in winning and has a good sense of how the institution works as a whole.

SUMMARY OF WORKSHOP--"DO OMBUDSMEN NEED AN ETHICS CODE?"

by Elizabeth D. Wickham, University of Tennessee

The first afternoon session at the annual meeting of UCOA was conducted by Geoffrey Wallace from the University of California, Santa Barbara. The University and College Ombudsman Association is at a crossroads in terms of defining an ethical code for its members or determining if one is needed. Since some members anticipate that there will be evolution of their organization which is guild-like, Geoffrey presented a background on how guild structures have operated in the past.

Two roads of ethical framing were examined with the goal of best serving our constituencies. The first involves the question of entry standards. Are they appropriate and, if so, how should they be stated? It was generally thought that each university defines what is right for itself and that we should accept the various institutions' standards. We come from many different professions with many backgrounds. In addition, state laws differ. The majority seemed to agree that if there were formalized entry requirements, the purpose would be suggestive and not restrictive.

Second, do we want a standard of review for the profession? If so, how much should be embodied in a formal code? Some suggested that a statement which relates to the conduct of the high-minded or which is designed to help good people be good might be desirable. It was felt that we get our cues from each other and that there might be room for positive injunctions which are morally uplifting. By contrast,

most members also seem to prefer that the organization's code not be a mechanism by which we would stand in judgment of our peers.

The general consensus was that a common denominator exists among us or that there is "extra baggage" shared by all persons involved in ombudsing, namely, a sound and well-defined value system. The group then focused on certain ethical positions related to their work including confidentiality, neutrality, the nature of objectivity, equal accessibility, consistency of treatment, and independence of the office. Some thought that it might be useful to specify what is ethical with respect to all of these positions. Others wondered if we should also take a stand on very basic social justice questions.

The meeting adjourned with a short summary of the goals and accomplishments of the committee which has been formed to look at these ethical issues.

"GETTING DOWN TO CASES"

Reviewed by Ferdinand A. Ermlich, New York State University-Oneonta, edited by HG

Fred Ermlich reviewed several complex cases examples, focusing on a set of questions he feels ombudsmen should ask themselves in examining their own work. The examples were drawn from eight areas:

1. Harassment--sexual and sexual preference
2. Graduate Student degree problems
3. Discrimination--age and race
4. Jurisdictional problems (academic turf)
5. Handicapped Student (and Veteran) problems
6. Employee/Staff problems
7. Faculty--intradepartmental problems
8. Student Athletes

The questions raised were:

--What if anything have we learned about dealing with the complex case?
--What are some of the general principles culled from interacting with disputants (both the complainant and the respondent) in a complex case?
--What must be understood about the procedures we employ? Are we flexible enough or too flexible? Are we careful, thorough, always striving for greater clarity?
--By what do we measure success or failure in serving the campus community as ombudsmen in a complex case? Do we strive for clarity of thought, care in dealing with the parties be they individuals or groups, etc?
--Do your procedures provide and encourage due process?
--Do your procedures foster internal dispute resolution? i.e.,
(1) does your campus encourage the raising of legitimate grievances?
(2) do the procedural routes made available to students and other members of the academic community for resolving disputes and grievances result in equitable resolutions?
(3) do such on-campus procedures reduce the need for pursuing external remedies?
(4) do procedures and practices employed by ombudsmen preserve and/or restore collegial relationships among the parties?
(5) do the procedures foster long-term, beneficial changes in institutional policies and practices?

Fred pointed to the ways in which ombudsmen have to earn their credibility on a case by case basis. At the same time, he warned about the dangers of excessive emotional involvement and burnout, and emphasized the importance of maintaining a non-judgmental, neutral position as a means of avoiding burnout. Probably his finest contribution was a recital of the Ombudsman's Prayer:

"Let there be strife amongst thy people, Lord, lest thy servants perish."

WORKSHOP ON ADVANCED MEDIATION by the CENTER FOR DISPUTE RESOLUTION, DENVER

Most of October 2, was devoted to a workshop presented by the Center for Dispute Resolution. The high point of the workshop was a mediation simulation by Mary Margaret Golten as mediator, Howard Gadlin as the easy-going but subconsciously sexist recreation center director, and Louise Smart as the clerical worker who had been passed over for promotion to a more technical line of work. Their performance was a work of art. No summary could do justice to it. The tape recording of their session is available. Send requests to:

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Southern Illinois University
Carbondale, IL 62901
(618) 453-2411

SUMMARY OF PRESENTATION--"INTEREST-BASED BARGAINING"
by Faye Moulton, University of Nebraska

During a workshop on mediation, Howard Gadlin, Ombudsman at the University of Massachusetts, gave a presentation on the applicability of interest-based negotiation to the ombudsman function. Gadlin differentiated between positional bargaining and interest-based bargaining as defined by Roger Fisher and William Ury in their negotiation text, Getting to Yes. Using a hands-on exercise, Gadlin demonstrated how easy it is to become locked into a positional approach. Characterizing this approach, he said, are: 1) conflicting positions, usually defined around win/loss options, and 2) outcomes usually determined not by merit of the parties but by the relative power or negotiation skill of the parties.

In contrast, Gadlin said, interest-based negotiation strives to uncover the basic underlying interests of the parties, the assumption being that there is more than one position to satisfy these interests. Chararcterizing this approach are efforts to: 1) discover mutual interests; 2) invent options for mutual gains; and 3) use objective criteria.

Pointing out that the interest-based approach is relevant to the ombudsman role, Gadlin said ombudsmen should see a case as a failed negotiation, with their task being to reopen the negotiation and to uncover the underlying interests of both parties. In addition, he said, ombudsmen should see themselves as "interest expanders" who help clients discover interests both central and peripheral to the issue in dispute. It is important to remember that ombudsmen negotiate, not only on behalf of persons but also on behalf of fair procedures and on behalf of principles.

Ombudsmen should share these techniques as they work to empower their clients to solve their problems. Emphasizing interests is important as ombudsmen work to

help decision-makers discover their long-term interests in reframing policy to enhance smooth operation of their administrative units.

SUMMARY OF WORKSHOP--"DEALING WITH COMPLAINTS ABOUT THE QUALITY OF INSTRUCTION"

by Pamela W. Freeman

This session was presented by Susan Hobson-Panica, Director, Ombudsman Office, and Charles Middleton, Associate Dean, College of Arts and Sciences, both of University of Colorado, Boulder.

"Complaints about instruction" was included as a topic for discussion at this this conference because of the following beliefs:

-- Graduate students are not taught how to teach prior to being assigned to teaching.
-- Faculty are not taught how to teach.
-- The level of satisfaction among faculty is low.
-- Faculty place a higher priority on research than teaching.
-- Parents and students are not satisfied with teaching being a lower priority than research

Problems in this area can be categorized as those which are student-anchored and those which are faculty-anchored. Student-anchored problems stem from failure on the part of the student to meet responsibilities; an example would be when a student does not complete an assignment because of a sick pet. Faculty-anchored problems occur when the faculty member fails to meet responsibilities, including such circumstances as a faculty member with a drinking problem who is habitually late to class.

It is unlikely that there will be a campus-wide grievance procedure for students to contest grades at the University of Colorado, due to the high regard given to academic freedom. However, statements about faculty/student relations in the University of Colorado "Laws of Regents" are accepted by faculty and are examples of policy statements that can be helpful in resolution of problems with instruction. It also is helpful to learn about each school or unit on campus by meeting with department chairpersons and deans. The role of the dean is critical in academic cases.

A ground rule when trying to bring faculty and student interests together when conflicts arise is that "faculty must always be on the high ground." The dean must take a leadership role when the faculty member involved degenerates in behavior to the level of the student. Emphasizing fairness is an effective approach to maintaining professionalism; faculty almost always want to be fair and will be reasonable when approached in this manner. Visiting faculty in their offices is a helpful strategy. It sometimes is necessary to clarify that academic freedom is not license to break rules or to write one's own rules. When faculty have acted unfairly, administrators must be willing to take action in behalf of the student.

Some practical ideas for assisting with complaints about instruction are as follows:

-- Concentrate on process, not content, when dealing with the issue.

-- Discuss the meaning of academic freedom in the initial meeting with the student.
-- Discuss with the student his or her ability to influence faculty decisions; point out the power of the student and the value of assertiveness.
-- Provide tips for how to approach faculty (make an appointment, explain reason for the appointment, etc.)
-- Help the student identify behavioral problems which are of concern, not personality traits; for example, approach faculty about not having a syllabus--not about his or her tendency to speak in a monotone.
-- Sensitize the student to the importance of his or her own communication style; emphasize the need to talk to faculty in a professional manner, not as a whiner, and to avoid escalating the conflict.

At the University of Colorado, two attempts to encourage faculty to improve instruction are systemized student evaluation of faculty and a "faculty excellence teaching" program which offers free videotaping of courses for use by the faculty who teach the courses. The Ombuds office shares information with faculty about services which are offered to them. The Ombuds staff always try to take advantage of opportunities to speak at faculty colloquia on teaching and to assist with training of graduate teaching assistants.

Audience response to this presentation revealed that what is the best approach to handling academic problems is debatable and is of great concern on many of our campuses. It was pointed out that administrators send inconsistent signals when they condone peer evaluation and criticism of researach, but not of instruction.

Protection of academic freedom has been viewed as an obstacle to formalized grievance procedures for academic matters at several of the universities which were represented in this session. This obstacle has been overcome at some institutions to the extent that uniform grievance procedures have been implemented and are viewed as an appropriate and viable way to handle academic problems.

SUMMARY OF PRESENTATIONS--"CAMPUS-WIDE GRIEVANCE PROCEDURES"

by Carolyn Stieber, Michigan State University,
and Ed Sharples, Wayne State University, ed. by IC

Our apologies go to Pete Ruggiero who also gave a stimulating presentation at this workshop. The tape recorder was accidentally turned off and his remarks were not recorded. The notes below are based on Prof. Stieber's and Sharples' papers, both focusing on academic student procedures.

(C. Stieber)

A good grievance procedure is characterized as one that is "somewhat ambiguous and not too easy to use." It should be in place, just in case, so that one does not have to be improved hastily ad hoc. Before grievance procedures existed at Michigan State, there was no mechanism to implement findings other than persuasion of the person against whom the grievance had been brought. When the faculty member was recalcitrant and the dean unwilling to act, the obvious, just resolution could not be reached.

The procedural change through the academic governance process took two years. Ironically, it was contentious student government leaders at odds with each other

who were the stumbling blocks. The resulting procedure was an amendment to the basic campus legislation on student rights. It was recently revised and extended to graduate and medical students.

The campus-wide procedure at Michigan State provides that the dean of the college where the grievance was heard must see that justice is done by taking appropriate action. It encourages department chairs to act to keep the dean far away. If the recalcitrant faculty member against whom the grievance was won does not want to sign anything personally distasteful, he or she does not have to, as the refusal permits the matter to be settled elsewhere. The procedure gives latitude to the dean. A student may be assigned to another faculty member for evaluation. A retest may be ordered. The hearing panel offers advice and guidance, but the dean has the responsibility to act.

The existence of the procedure has forced a high degree of compromise without resort to the grievance process. However, everyone recognizes the basic fairness of the policy and no one considers academic freedom threatened.

In grade grievances, the student has the burden of proof that grading was unfair and that a reasonable attempt was made to solve the problem with the instructor. The hearing will be as informal as possible, but as full an airing as possible. The standard to guide the panel is the degree to which the grade rests on performance factors, i.e., whether to any extent nonperformance factors have entered into the grading. Course content and instructor competence can be complained about but cannot be grieved, although departments may be pressed to act on them. Student charges on the issue of faculty competence are barred, on the ground that colleagues choose faculty, not students.

Grievance panels may vary in size and composition but there must be a degree of student representation. No one on the panel may have a conflict of interest. There is the usual presentation of evidence and right to call witnesses plus the right of counsel from within the university community, but it is a tradition that if a student has no counsel the faculty will not have any either.

There is a right of appeal by either side, the appeal to be justified on the basis of a due process lapse, either substantive or procedural. The hearing is normally in the unit offering the course, with appeal to the college level. Graduate or medical students may grieve not only course grades but also prelim or comprehensive exam grades, loss of assistantship, removal from a program, etc.

Michigan State has a parallel procedure for hearing dishonesty cases but everything is turned around. The professor has the burden of proof. In all dishonesty hearings the standard of proof is preponderance of evidence, strong enough to overcome a presumption of innocence. In dishonesty cases appeal can be both on the findings of dishonesty and the severity of the penalty. Once again, if no one else will act the dean must take responsibility, either to make the alleged offended "whole" again or to implement the penalty.

The Ombudsman Office makes available, on request, a background memo on how to conduct a hearing. Campus legislation provides that a copy of all hearing decisions be sent to the Ombudsman Office. That permits the Ombudsman to intervene at any stage. Most departments send their procedures in advance so that the Ombudsman can review them. If the Ombudsman tells students that in her judgment they wouldn't have a prayer, they normally will not go forward with a grievance--although some do.

Likewise, if the Ombudsman tells a department they are very likely to lose if there is a grievance on a matter they will most often cave in, wishing to avoid what is regarded as a cumbersome procedure. Altogether there are very few grade grievance hearings in a given year but quite a few more hearings on dishonesty charges.

The general view is that if you think you have a grievance you have the right to have it heard, understanding all the odds that are stacked against you. However, appeals must be justified and are not considered automatically.

(Ed Sharples)

A. The Tables Turned

In adopting written procedures for handling grievances, colleges and universities have tended to protect the employee and the institution against recriminations from students. Process in the typical code is initiated by a faculty member or by an administrator, the action is usually against a student, towards a punishing end, and the student's protection in the code is procedural. Put in perspective, Wayne State has a general statement on the obligations and the rights of the teaching faculty but has The Code of Conduct for students, by which it can charge the student with infractions.

What does the student do when she or he is aggravated by an institutional employee? Universities have been slower to respond to such questions than to insitutionally directed claims against students. They have also been slower in recognizing the need for faculty due process when students grieve than they have in recognizing the need for student due process.

Last year at Wayne State, fully 42% of all the academic problems that crossed the Ombudsman's desk, were grade issues that ranged from a student's mild discontent to full-blown committee hearings. It was the Ombudsman's observation that his institution's approach to grade problems is not even-handed and that the unevenness in the handling of grade complaints inherently means that similar problems are handled with dissimilar procedures which deliver dissimilar results. Some chairmen seem to handle grade complaints with well-established, albeit unwritten procedures. Others call the Ombudsman to ask, essentially, "What should I do?"

B. A University-Wide Process

The guidelines in many Bulletins--the statement that all academic issues are ultimately appealable to the Provost--is inadequate to student and instructor because it is too general and superficial. Instead, universities should have policies and procedures for student-initiated grievances parallel to faculty and staff-initiated grievances against students. Student-initiated procedures should address the following points:

--It should state that there exists a fundamental right to appeal decisions by faculty, staff, and administrators.

--It should describe the kind of conduct by faculty and staff which may be grieved. Including or cross-referencing to a statement of rights and responsibilities of faculty and staff may make unnecessary the troublesome distinction between procedural versus substantive issues.

--Grievable actions should not be limited to the assignment of grades. They should include faculty members' violation of students' rights to privacy, advisement errors and so forth.

--The procedure needs to define who may grieve. It should be open to anyone who has been enrolled or was attempting to enroll in a unit.

--The procedure should require that the student filing a grievance has made an effort to settle the complaint informally.
--The procedure should set time-limits within which decisions may be grieved and within which administrative decisions must be rendered. Time-limits should not be too tight. The initial time-limit within which students must file a grievance should be calculated from the date on which the student should have been aware that a problem existed, not from the date on which informal remedies were exhausted.
--There needs to be a provision for graduate students, specifying whether their appeals need to be addressed to the graduate school after the department or the college.
--The procedure should include an outline of the type of information which should be provided in the initial grievance statement.
--The procedure should require that each department and college have a standing committee, including student representatives, to hear grievances.
--The procedure should include rules on how a hearing should be conducted, establishing such rights as challenges for cause by the parties, the right of the parties to representation, and the right to confront and cross-examine witnesses.
--There should also be a provision on record-keeping.

One model that describes generalized faculty conduct that is grievable may be found in UCLA's Code of Professional Rights. Responsibilities and Conduct of University Faculty, which includes a section entitled "Types of unacceptable conduct." The first three such types are:

1. Failure to meet the responsibilities of instruction including:
   a) arbitrary denial of access to instruction;
   b) significant intrusion of material unrelated to the course;
   c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
   d) evaluation of students' work by criteria not directly reflective of course performance;
   e) undue and unexcused delay in evaluating student work.

2. Discrimination against a student on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.

3. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reason.

The code goes on to note that the "informal procedure for resolving dispute between faculty and students is through the good offices of the campus ombudsman. The ombudsman will act as a mediator in an effort to resolve the issue and will advise the parties on normal grievance procedures." In Ed's opinion, such a statement should be included in any formal review procedure adopted at Wayne State.

The model Ed likes for University-wide consideration of grade appeals is the one in use at Northern Illinois University. The introduction defines capricious grading, affirms the instructor's right to use professional judgment, notes that course guidelines should be given early in the course and outlines the role of the

ombudsman. The procedures begin with the instructor, move to the department chairman in step two, and then to a departmental Grade Review Board in step three. If evidence suggests that a grade may have been awarded capriciously, the Board forwards the student's material to two departmental colleagues for evaluation. Finally, "The Board shall, as a result of its consideration, recommend a grade the same as or different from the alleged to be capricious." Such recommendation goes to the dean of the college and the dean is the only one in the academic hierarchy who can, over the instructor's objections, change a grade.

To the Northern Illinois process, Ed would like to add information from the grade appeal system adopted by the University of Michigan in the late 70's. What interests him in the U. of M. approach is the option for several actions other than change of grade if an instructor is found to have used "some basis other than performance" in evaluating the student. Options include "allowing the student to drop the course, permitting the course to be expunged from the record, or . . . awarding partial credit for the course" (Department of Anthropology Procedures). Those options should all be available in appeals processes, and to them should be added the option of repeating the course without additional payment.

Equity means that approximately similar complaints should be handled in approximately similar ways leading to approximately similar results. Students move back and forth from faculty member to faculty member, department to department, college to college. They are, however, members of one institution and have a right to roughly equal rights to grieve arbitrary and capricious or prejudicial behavior regardless of its source

The question, of course, is how different faculties can be brought to agree to a single set of processes. And <u>that</u> is an issue for Chapter II.

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Our apologies go to Faye Moulton and Kay Peter. Despite being asked at the last minute to speak on the subject of "Enhancing Internal/External Effectiveness of the Ombudsman Office," their remarks were excellent. Unfortunately, the tape recorder was turned off and no one kept good notes. Comments from the conference evaluations were: "Please do this another time. I need it."

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ANNOUNCEMENTS

Carolyn Stieber, Michigan State University, was elected President-Elect of UCOA. She will succeed Ed Sharples, Wayne State University, as UCOA President for 1987-88.

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The 1986-87 Directory of College and University Ombudsmen has been published by the California Caucus of College and University Ombudsmen. It is available for $2.00 from:

Office of the Ombudsman
296 McHenry Library
University of California
Santa Cruz, CA 95064

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Andrea Briggs has requested help in producing an "ombudsman casebook"--a collection of case summaries. She has asked that we provide 1-3 page statements about simple, typical, frustrating, particularly vexing issues, and ones that show ombudsman effectiveness. She intends to make the casebook available at cost. We would like to encourage ombudsmen to help Andrea complete this project. Send summaries and/or comments about the undertaking to:

Andrea Briggs
Office of the Ombudsman
University of California
Riverside, CA 92621

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The 1987 Conference of the Association of Canadian College and University Ombudsmen will be held June 7-10 at Concordia University, Montreal. Registration information will be sent in early April.

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We hope to publish our newsletter several times each year. The newsletter is being mailed to all practicing ombudsmen of record and to those who have expressed an interest in establishing an ombudsman office. In order to compile information that is interesting to this group, we need help. Send your contribution to:

Ed Sharples
Enrollment Services
165 ASB #1
Wayne State University
Detroit, MI 48202

Office of the University Ombudsman
Southern Illinois University
Carbondale, Illinois 62901
(618) 453-2411

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Mary P. Rowe
Office Of The President
77 Massachusetts Avenue, 10-213
Massachusetts Institute Of Technology
Cambridge, MA 02139

MARY P. ROWE
Special Assistant to the President
MAR 27 1987
Ref.to
File

UCOA*NEWS*

UNIVERSITY and COLLEGE OMBUDSMAN ASSOCIATION inc

MARY P. RENEE
Special Assistant to the President
SEP 26 1986
Ref to File

Editor: Ingrid Clarke
Southern Illinois University

Vol I, No. 2
August, 1986

First UCOA Conference

This second News focuses on UCOA's upcoming conference to be held October 1-3 in Boulder, Colorado. Susan Hobson-Panico and Peggy Arnold of the Ombudsman Office at the University of Colorado will be the hosts. Working with Ed Sharples, Carolyn Stieber, and other members, they have put together an exciting program and have arranged for our comfort by reserving rooms at the classic Boulderado Hotel. The Thursday program will be at the National Center for Atmospheric Research in the mountains.

The program will consist of the following components:

Wednesday, October 1:

Session I: "Ethics: Do Ombudsmen Need an Ethics Code?"

The conference will open in the afternoon with a workshop on ombudsman ethics, a topic which has generated considerable discussion over the past several years. The workshop will explore the appropriateness of defining professional standards of conduct for ombudsmen.

The workshop will be presented by Geoffrey Wallace, who has been Ombudsman at the University of California, Santa Barbara since 1969. Mr. Wallace has been active in the California College and University Ombudsman Caucus and has published several articles on university ombudsmen.

Session II: "Getting Down to Cases"

In the evening, we will hear one of our senior ombudsmen, Fred Ermlich review several complex cases handled by the ombudsman and discuss different approaches used to effect settlements. Dr. Ermlich has served as the first Ombudsman of New York State University, Oneonta, since 1970. His clients include students, faculty, and staff. In addition to his experience as Ombudsman, Dr. Ermlich is a New York State mediator, fact-finder, and arbitrator. Over the past ten years, he has arbitrated 75 cases of contract disputes of public employees under the New York State Taylor Law. The third outlet for Dr. Ermlich's energies as a problem solver has been the Community Dispute Resolution Center for Otsego County, NY, which he founded. This Center is part of the Unified Court System of New York and receives cases by referral from the courts. Dr. Ermlich has trained 25 community mediators who hear cases of landlord-tenant disputes, neighborhood disputes, and other types.

Thursday, October 2:

Workshop on Advanced Mediation

Our second day will start early, boarding a bus for the National Center of Atmospheric Research where we will spend the day in a workshop on advanced mediation. The workshop will be presented by Mary Margaret Golten, Partner at the Center for Dispute Resolution in Denver, Colorado, and one of our members, Howard Gadlin. In planning the workshop on mediation techniques for this conference, the two have proceeded with the understanding that conference attendees are themselves experienced mediators in most cases. They will therefore focus on some of the more difficult situations which ombudsmen may encounter.

After demonstrating a mediation session based on a real life situation, they will look at communication techniques (especially "reframing") used in highly polarized conflict situations. They will also discuss two styles of negotiation and explore how to bring disputants from a hostile and perhaps deadlocked situation to a more "interest-based" approach. In the course of a detailed conflict analysis of a simulation which the group will role-play, Howard and Mary Margaret will discuss the dynamics of power (both that of mediator and that of the participants) in its positive and negative forms.

Finally, participants will be given an opportunity to look at difficult ethical dilemmas which arise in the course of their work, and analyze possible resolutions which may be open to them.

Howard Gadlin has been the Ombudsperson at the University of Massachusetts, Amherst since 1982. He is active in the field of mediation, working as a community mediator with the University of Massachusetts Mediation Project and leading a supervisory group for mediators. He also has a private practice in family mediation. In addition, he is a Professor in the Psychology Department. He is best known for his weak backhand, equally ineffective in tennis and squash.

Friday, October 3:

Our hosts will take us to their Campus and we will have three sessions devoted to topics of common interest:

Topic I: "Dealing with Complaints about Quality of Instruction"

This session will focus on working with faculty members when students have complaints about the quality of the teaching/learning environment. The discussion will include graduate students as instructors, academic freedom, motivating faculty members to change, and informal versus formal approaches to handling such complaints. This session will be presented by Susan Hobson-Panico and Charles Middleton.

Susan Hobson-Panico is the Director of the Ombudsman Office, serving the faculty, staff, and students at the University of Colorado, Boulder. She has worked as a university ombudsman for six years.

Charles Middleton is Associate Dean of the College of Arts and Sciences at the University of Colorado, Boulder. He is Professor of British history and has taught at the University for seventeen years. Dr. Middleton also serves on the Advisory Council of the Ombudsman Office. Ms. Hobson-Panico and Dr. Middleton have worked together on the resolution of many cases.

Topic II: "Developing Campus-Wide Grievance Procedures"

Responding to an interest shown by several ombudsmen in developing standardized, campus-wide grievance procedures, the conference planners have included a session on this topic. Carolyn Stieber, Ed Sharples, and Pete Ruggiero will discuss the advantages of campus-wide grievance procedures and will outline a model procedure.

Ms. Stieber, Ombudsman and Professor at Michigan State University, will draw from her experience at MSU, which has had a form of campus-wide grievance procedures in place since 1967, strengthened at her initiative in 1977. She will explain how that procedure and the parallel procedures for dishonesty cases operate. She will also describe some of the glitches in both.

Dr. Sharples, Ombudsman Emeritus and Assistant Vice Chancellor for Enrollment Services at Wayne State University, was recently asked to draft a grievance procedure by his Chancellor. This new procedure would supersede the different existing procedures of individual colleges and departments. Ed has begun work on this project and in so doing has also reviewed the procedures of a number of other universities.

Mr. Ruggiero, Ombudsman and past Student Attorney at Colorado State University, also has recently worked with a faculty committee in the development of a university-wide academic appeals procedure. He will be able to lend a legal perspective to the discussion.

Topic III: "Enhancing Internal/External Effectiveness of the Ombudsman Office"

This session will involve a discussion of the methods and techniques which can be used to improve the effectiveness of an ombudsman office in a university community. Andrea Briggs will address the use of annual reports, statistics, and public information activities.

Ms. Briggs has been an ombudsman at the University of California, Riverside for five years. During this time, she has accumulated various reports, articles, and materials from Ombudsman offices across the country. With these materials she maintains a clearinghouse of information regarding the work of ombudsmen.

Pre-Conference Workshop: "Starting an Ombudsman Office"

We plan to make available a pre-conference workshop for people who are new ombudsmen or who have an interest in setting up an ombudsman office on their campus. The workshop "Starting at Square One or How to Create and Establish a College or University Ombudsman's Office" will be conducted by the following experienced Ombudsmen. Darlene Hoppe and Pat Williams are the

Assistant Ombudsmen at Ohio State University. Their Office serves a campus population of 75,000 students, staff, faculty, making it the largest comprehensive university's ombudsman office in the U.S. Don Good is a former Ombudsman at OSU and is currently Associate Vice Provost of OSU's College of Arts and Sciences. Kay Peter is the Ombudsman at the University of Michigan, Dearborn. She serves a population of approximately 7,000 students at a relatively new commuter campus.

Please call the host or registrar indicated below if you have any questions:

Susan Hobson-Panico
or Peggy Arnold
Office of the Ombudsman
University of Colorado
UMC 328, Campus Box 205
Boulder, CO 80309
(303) 492-5077

Ingrid Clarke
University Ombudsman Office
Southern Illinois University
Carbondale, IL 62901
(618) 453-2411

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UCOA Board Meeting and General Business Meeting

There will be a meeting of the eight Board members at noon Wednesday in the Boulderado.

A UCOA general business meeting will be held Thursday at 3:00 p.m. Everyone attending the conference is encouraged to participate. The agenda will include a report on the past year, planning for the upcoming year, the treasurer's report, and the nomination of the President-Elect, who will serve as President October, 1987 to October, 1988.

According to the Bylaws, nominations may also be made by mail before the Conference. They should be sent to:

Kay Peter, UCOA Secretary
Ombuds Office
University of Michigan
4901 Evergreen Road
Dearborn, Michigan 48020

****

UCOA Ethics Committee

UCOA has formed a Committee which will look into the desirability and feasibility of developing an ombudsman code of professional standards and ethics. The following persons have agreed to serve and we thank them:

Andrea Briggs, University of California, Riverside
Rena Grant, University of California, Santa Cruz
Dave Heaton, Ohio University, Athens
Pat Lambert, Northern Illinois University, DeKalb

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UCOA Membership

We have grown and our current membership includes the following institutions and individuals:

Institutional Members:

City College of New York
University of California, Berkeley
University of California, Irvine
University of California, Santa Cruz
University of Cincinnati
University of Colorado
George Mason University
Northern Illinois University
University of Massachusetts, Amherst
University of Michigan, Ann Arbor
University of Michigan, Dearborn
Michigan State University
University of Nebraska
Ohio State University
Ohio University
San Diego State University
Southern Illinois University, Carbondale
University of Tennessee
University of Washington
Wayne State University

Individual Members:

Lynn Connley, Southern Illinois University, Carbondale
Deane Molinari, SUNY State University of New York, Purchase
Hugh Ripley, Barry University, Miami Shores
Mary Rowe, Massachusetts Institute of Technology, Cambridge
Haraldan Salerno, Barry University, Miami Shores
Robert Shelton, University of Kansas, Lawrence
Cynthia Vanda, University of Pittsburgh
Sandy Voit, John Bastyr College of Naturopathic Medicine, Seattle

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Correction

The date of the 13th Annual Training Conference of the California Caucus of College and University Ombudsmen was reported incorrectly in our last News. The correct date is November 9-12, 1986.

The Conference will be held at its usual location, Asilomar, near Pacific Grove.

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Other Ombudsman Associations

The following information and prompts were sent to us by Dr. Mary Rowe, Special Assistant to the President, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Her telephone number is (617) 253-5921.

> ...UCOA members might wish also to know of the existence of the U.S. Ombudsman Association, for statutory practitioners. The President is:
>
> Thomas Fees,
> Ombudsman and Staff Assistant
> to the Board of Education
> Montgomery County Public Schools
> 850 Hungerford Drive
> Rockville, Maryland 20850
>
> They would be very pleased to know of people serving as county, state, city, school system, etc. ombuds. They meet at annual SPIDR meetings.
>
> There is also the Corporate Ombudsman Association (COA). Memberships are currently being coordinated by:
>
> Martha Maselko,
> AT&T Information Service
> Crawford's Corner Road
> 307 Middletown-Lincroft Road
> 3B 112
> Lincroft, New Jersey 07738
>
> COA meets yearly and has a growing membership of U.S. and Canadian intracompany ombuds. The next meeting is May 20-22, 1987 at Marina Del Ray, California.
>
> There are also associations for newspaper ombuds, patient representatives, nursing home ombuds, and so forth. I keep meeting lonely practitioners who know no others; any UCOA member who meets a cousin ombudsman should feel free to have that cousin call me [Mary Rowe] to see if I know of an association for him or her.
>
> Also SPIDR has an Ombuds Committee chair, without a committee. If anyone would like to be in a SPIDR workshop, please call me. If you would like to be an active committee person or the Ombuds Committee chair, or see any other purpose for the SPIDR Ombuds Committee, please volunteer.
>
> COA is also pulling together Ombuds Handbooks. So far the materials in draft or semi-draft include a Start-up Kit, an Ethics section with a draft code, case simulations and case examples, a cost-effectiveness section, some write-ups of past conferences,

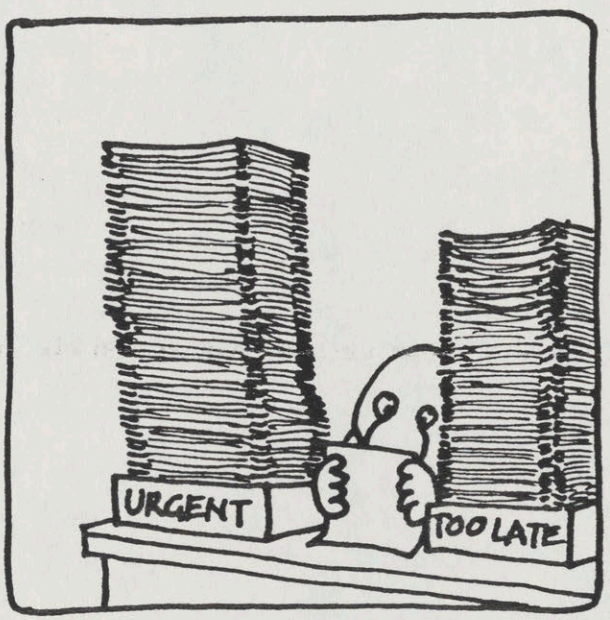
newsletters, some legal sections on Record-keeping, Duty-to-warn, Confidentiality, Dealing with Mentally ill persons and Substance Abusers, specialty sections such as dealing with fear of AIDS; a write-up on COA, the results of surveys of members and perhaps some articles on ombuds offices. If any UCOA member is particularly interested in being in touch with COA Handbook authors, I would be glad to put college/university ombuds in touch with relevant corporate cousins...

The editors of the UCOA News welcome contribution such as the above. Send them to either:

Howard Gadlin
Ombuds Office
University of Massachusetts
823 Campus Center
Amherst, MA 01003
(413) 545-0867

OR

Ingrid Clarke
Office of the University Ombudsman
Southern Illinois University
Carbondale, IL 62901
(618) 453-2411



UCOA Conference
October 1-3, 1986
Boulder, Colorado

WEDNESDAY OCTOBER 1	EVENT	LOCATION
10:00-2:30	Registration	Boulderado Hotel
10:00-12:00	Preconference Workshop: "Starting up an Ombudsman Office" - Pat Williams, Darlene Hoppe, Don Good Ohio State University, Columbus, Kay Peter, University of Michigan, Dearborn	Boulderado Hotel
2:30-4:00	Workshop: "Ethics: Do Ombudsmen Need an Ethics Code?" - Geoffrey Wallace, Ombudsman, University of California, Santa Barbara	
4:00-5:00	Reception	Boulderado Hotel
5:00-6:30	Dinner Remarks: Dr. Kaye Howe, Vice Chancellor for Academic Services, University of Colorado, Boulder	Boulderado Hotel
6:30-7:00	Break	
7:00-9:00	Analysis of Complex Cases: "Getting down to cases."-- Ferdinand Ermlich, Ombudsman, New York State University at Oneonta	Boulderado Hotel
THURSDAY OCTOBER 2		
8:30 (sharp)	Depart to National Center for Atmospheric Research (NCAR)	Meet in Lobby of Boulderado
9:00-12:00	Workshop on Advanced Mediation - Mary Margaret Golten, Center for Dispute Resolution of Denver and Howard Gadlin, Ombudsman, University of Massachussetts, Amherst	NCAR (conference facility nestled in foothills)
12:00-1:00	Lunch	NCAR Cafeteria (on own)

1:00-3:00	Center for Dispute Resolution Workshop (continued)	NCAR
3:00-5:00	UCOA Business Meeting	NCAR
5:00	Depart for Boulderado	NCAR
5:15- ???	Dinner and Entertainment on own Reservations at a restaurant will be made for those who wish to join	Enjoy the Pearl Street Mall

FRIDAY
OCTOBER 3

8:30 (sharp)	Depart to University Memorial Center (UMC), University of Colorado	Meet in Lobby of Boulderado

Special interest sessions:

9:00-9:50	Topic I: "Dealing with Complaints about Quality of Instruction" -Susan Hobson-Panico, Ombudsman, University of Colorado, Boulder -Charles Middleton, Associate Dean, University of Colorado, Boulder	UMC 159
10:00-10:50	Topic II: "Campus-Wide Grievance Procedures" -Ed Sharples, Ombudsman, Wayne State University -Carolyn Stieber, Ombudsman, Michigan, State University -Pete Ruggiero, Ombudsman, Colorado State University	UMC 159
11:00-11:50	Topic III: "Enhancing Internal/ External Effectiveness of the Ombudsman Office" -Andrea Briggs, Ombudsman, University of California, Riverside	UMC159
12:00-2:00	Lunch & socializing (optional)	UMC Aspen Room

University & College Ombudsman Association

First Annual Conference
October 1-3, 1986
Boulder, Colorado

Registration fee: $70* includes

-Wednesday reception

-Wednesday buffet dinner

-Thursday refreshments

-Thursday Center for Dispute Resolution Advanced Training

-Friday refreshments

-Bus transportation in Boulder

-UCOA individual membership

Hotel Rates:

Single (1 bed - 1 or 2 people)	$59
Double (2 beds or 1 kingsize)	66
Suite (1 bedroom, 1 sitting room)	86

Meals on own:

Thursday breakfast, lunch, dinner

Friday breakfast

Ground Transportation:

Limousine service (Stapleton Airport/Boulder - one way) $8

The limousine leaves Stapleton on the hour and takes 50 minutes to the Boulderado. It leaves the Boulderado for the airport on the half hour.

* $60.00 for the designated representative of Ombudsman Offices which are current UCOA members.

Registration Procedure:

You will need to register separately for the conference and your hotel accommodations.

Hotel Accommodations:

We have reserved a block of rooms at the Boulderado Hotel for October 1 and 2 at a special conference rate. To make your reservation call the Boulderado at 800/433-4344. Please tell the clerk that you are attending the UCOA Conference, in order to get the special rate; specify with whom you would like to share a room, if such is the case; and if you plan arriving the day before or staying extra nights, tell them so at this time. The special rate will apply to your entire stay. You must reserve your room before September 1.

Just in case...if the conference should be cancelled due to inclement weather, we would inform you. You would have to cancel your hotel reservation by 6 p.m. on the day of your scheduled arrival.

Conference Registrations:

Please complete the form below and return it by August 29, with a check payable to UCOA for $70 per registrant to ($60 for the designated representatives of ombudsman offices which are current institutional members--one per office):

Ingrid Clarke
Office of the University Ombudsman
Southern Illinois University
Carbondale, IL 62901

REGISTRATION FORM

Name_____

Title_____

Address_____

_____

Telephone_____ Date_____

Indicate if you are the designated representative of an office which is a current institutional member. _____Yes _____No

Do you wish to participate in the pre-conference workshop on starting an ombudsman program? _____Yes _____No

Do you plan to attend the Friday luncheon? _____Yes _____No

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

APPLICATION FOR INDIVIDUAL MEMBERSHIP*

Name:_____

Institution/Office with which affiliated (if applicable):

_____

_____

Address:_____

_____

_____

Phone:_____

Mail membership application form and check to:

Donald Perigo, UCOA Treasurer
Office of the Ombudsman
3000 Michigan Union
University of Michigan
Ann Arbor, MI 48109

*Annual $10.00 individual membership dues will entitle the member to attend the annual UCOA conference, to participate in UCOA activities, and to receive the UCOA newsletter.

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

APPLICATION FOR INSTITUTIONAL MEMBERSHIP*

Name:_____
(designated representative)

Office:_____

Institution/Office with which affiliated:

_____

_____

Address:_____

_____

_____

Phone:_____

Mail membership application form and check to:

Donald Perigo, UCOA Treasurer
Office of the Ombudsman
3000 Michigan Union
University of Michigan
Ann Arbor, MI 48109

*Annual $60.00 institutional membership dues entitle member offices to one vote per office and include the individual membership of one person per office.

Approved 4-19-85

BYLAWS

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

ARTICLE I. NAME

The name of the Corporation is University and College Ombudsman Association, hereinafter referred to as UCOA or the Association.

ARTICLE II. PURPOSES

The UCOA has been organized to operate exclusively for educational, scientific, and charitable purposes, on a not-for-profit basis. Its purposes are to assist existing university and college ombudsmen and ombudsman organizations throughout the United States in improving the operation of ombudsman offices; to promote the establishment of ombudsman offices in institutions of higher education in the United States; and to foster cooperation and exchange with other organizations of ombudsmen in the public and private sectors and with organizations of other professionals engaged in dispute resolution. These purposes shall be served through meetings and seminars, development of educational materials, collection and dissemination of information and statistical data on university and college ombudsman offices, publication of newsletters, liaison with related professional groups, and identification and procurement of funds to support these activities.

ARTICLE III. OFFICES AND REGISTERED AGENT

Section I. Offices. The Association shall maintain a registered office in the State of Illinois and at such office, a registered agent; it may also have other offices within and outside of the state.

ARTICLE IV. ASSOCIATION MEMBERSHIP

Section I. Classes of Membership. The Association shall have two classes of members. The designation of these classes and the qualifications of their members shall be as follows:

A. Institutional Members. Institutional membership shall be open to all institutions interested in the practice of ombudsmen in higher education institutions. Applications for institutional membership shall be reviewed and acted upon by the Board of Directors.

B. Individual members. Individual membership is open to all individuals interested in the practice of ombudsmen in

institutions of higher education. There shall be three types of individual membership:

1. Participating members. Participating membership is open to any incumbent or former ombudsman or university or college official who performs the ombudsman function. Membership shall be determined by the Board of Directors based on the following standards:

a. the responsibility to assess grievances and conflicts and to attempt to resolve them through available institutional channels or by mediation;

b. the access, in the performance of duties, to all members of the university community, and to all university records, except those to which access is prohibited by law;

c. the prerogative to recommend corrective action at any institutional level and where necessary;

d. the authority to issue public reports concerning findings and recommendations;

e. the maintenance of a standard of neutrality.

2. Associate members. Any individual who is committed to promoting and encouraging the purposes of the UCOA is eligible for associate membership.

3. Honorary members. The classification of honorary member shall be restricted to those individuals designated by the association on the basis of their outstanding contribution to the ombudsman movement.

Section II. Election of Members. Members shall be elected by the Board of Directors. An affirmative vote of two-thirds of the directors shall be required for election.

A. Except in the initial election of members, all applicants for membership shall file with the Secretary a written application in such form as the Board of Directors shall determine.

B. All applications for membership shall be presented promptly for consideration to the Board of Directors. A list of applications for membership shall from time to time be posted at the office of the Association or mailed to each member of the Association.

C. Not earlier than 30 days after a list of applications has been posted or mailed to members, the Board of Directors shall pass upon each application included in said list and either accept or reject it. After an applicant has been rejected, he or she may not make another application for membership within the same calendar year.

Section III. Voting Rights. Each member of the institutional class shall have one vote on each matter submitted to a vote of the members. Members of the following classes shall have no voting rights: participating, associate, and honorary.

Section IV. Termination of Membership. The Board of Directors, by affirmative vote of two-thirds of its members, may suspend or expel a member for cause after an appropriate hearing, and, by a majority vote of those present at any regularly constituted meeting, terminate the membership of any member who becomes ineligible for membership, or suspend or expel any member who

shall be in default in the payment of dues for the period fixed in Article XI of these Bylaws.

Section V. Resignation from Membership. Any member may resign by filing a written resignation with the Secretary, but such resignation shall not relieve the member so resigning of the obligation to pay any dues, assessments, or other charges theretofore accrued and unpaid.

Section VI. Reinstatement. Upon written request signed by a former member and filed with the Secretary, the Board of Directors may, by an affirmative vote of two-thirds its members, reinstate such a former member to membership upon such terms as the Board of Directors may deem appropriate.

Section VII. Transfer of Membership. Membership in the Association is not transferable or assignable.

Section VIII. No Membership Certificates. No membership certificates of the Association shall be required.

ARTICLE V.

MEETINGS OF MEMBERS

Section I. Annual Meeting. An annual meeting of the members shall be held once a year for the purpose of electing directors and for the transaction of such other business as may come before the meeting.

Section II. Special Meeting. Special meetings of the members may be called by either the President, the Board of Directors, or not less than one-fifth of the members having voting rights.

Section III. Place of Meeting. The Board of Directors may designate any place of meeting for any annual meeting or for any special meeting called by the Board of Directors. If no designation is made or if a special meeting is to be called otherwise, the place of meeting shall be the registered office of the Association in the State of Illinois.

Section IV. Notice of Meetings. Written notice stating the place, date, and hour of any meeting of members shall be delivered to each member entitled to vote at such meeting not less than five nor more than forty days before the date of such meeting. In the case of a special meeting or when required by statute or by these Bylaws, the purpose for which the meeting is called shall be stated in the notice. If mailed, the notice of a meeting shall be deemed delivered when deposited in the United States Mail and addressed to the member at his or her address as it appears on the records of the Association, with postage thereon prepaid.

Section V. Informal Action by Members. Any action required to be taken at a meeting of the members of the Association, or any other action which may be taken at a meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

Section VI. Quorum. The members holding one-fifth of the votes which may be cast at any meeting shall constitute a quorum at such meeting. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting at any time without further notice. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the original meeting; withdrawal of members from any meeting shall not cause failure of a duly constituted quorum at that meeting.

Section VII. Proxies. Each member entitled to vote at a meeting of members or to express consent or dissent to Association action in writing without a meeting may authorize another person or persons to act for him by proxy, but no such proxy shall be voted or acted upon after 11 months from its date, unless the proxy provided for a longer period.

Section VIII. Power and Rights of Members. Only institutional members of the Association shall be entitled to vote. Voting members in good standing have the power:

A. To elect directors of the Association at the annual meeting of members.

B. To remove from office any director or officer for good and sufficient cause at the annual meeting of members.

C. To hear, consider, and approve or disapprove reports of the Board of Directors, officers, and committees of the Association.

D. To modify, suspend, or veto any decision of the Board of Directors by majority vote of all the voting members in attendance at the annual meeting of members.

E. To hear and act as final arbitrator in any dispute between or concerning the directors, the officers, or individual members.

F. To amend these Bylaws by vote of two-thirds of all the voting members in good standing. Voting members may adopt resolutions for the guidance and direction of the Association at the annual meeting, and such resolutions shall be binding on the board of directors and continue in effect until the next annual meeting of members. Resolutions shall be presented to the membership in writing.

ARTICLE VI.

BOARD OF DIRECTORS

Section I. General Powers and Duties. The affairs of the Association shall be managed by theBoard of Directors.

Section II. Number, Tenure, and Qualifications. The number of directors shall be seven (7). The Board shall consist of the five officers (President, President-Elect, Past President, Secretary, and Treasurer) and three members at large. Members of the Board shall serve three-year terms in the office to which they were elected. Directors need not be residents of Illinois or members of the Association. The number of directors may be decreased to not fewer than three or increased to any number from time to time by amendment of this section, unless the Articles of Incorporation provide that a change in the number of directors shall be made only by amendment to the Articles of Incorporation.

A. Two-Term Limit on Continuous Service. No director shall serve as a director continuously for more than two consecutive terms. After such service for two terms a director may not be re-elected for a period of one year.

B. Election of Directors.

1. Nomination. Nominations of candidates for directorships may be made by mail prior to the annual meeting or by voting members from the floor at the annual meeting.

2. Election. Election of directors shall be conducted by mail ballot following the annual meeting of the members. A plurality of votes shall be necessary to elect.

3. Vacancies. Any vacancy occurring in the Board of Directors or any directorship to be filled by reason of an increase in the number of directors shall be filled by the Board of Directors unless the Articles of Incorporation, a statute, or these Bylaws provide that a vacancy of a directorship so created shall be filled in some other manner, in which case such provision shall control. A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

C. Removal of Directors. A director may be removed from office by the affirmative vote of a majority of all the members of the Board of Directors or by a majority vote of the voting members in attendance at an annual meeting.

D. Resignation of Directors. A director may resign from the Board at any time by notice in writing thereof to the president.

Section III. Regular Meetings. A regular meeting of the Board of Directors shall be held without other notice than these

Bylaws, immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings of the Board without other notice than such resolution.

Section IV. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two directors. The person or persons authorized to call special meetings of the Board may fix any place as the place for holding any special meeting of the Board called by them.

Section V. Informal Action by Board of Directors. Any action required to be taken at a meeting of the Board of Directors of the Association, or any other action which may be taken at a meeting of the Board of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors with respect to the subject matter thereof.

Section VI. Notice. Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice to each director at his or her address as shown by the records of the Association. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon paid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Notice of any special meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to the notice either before or after the time of the meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these Bylaws.

Section VII. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, provided that if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting to another time without further notice.

Section VIII. Manner of Acting. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by statute, these Bylaws, or the Articles of Incorporation.

Section IX. Compensation. Directors shall not receive any stated salaries for their services, but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be

allowed for each regular or special meeting of the Board, provided that nothing herein contained shall be construed to preclude any director from serving the Association in any other capacity and receiving reasonable compenstation therefore.

ARTICLE VII.

OFFICERS

Section I. Number. The officers of the Association shall be a President, a President-Elect, a Past-President, a Secretary, and a Treasurer. Officers whose authority and duties are not prescribed in these Bylaws shall have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary.

Section II. Election and Term of Office. The officers of the Association shall have three year terms except for the President-Elect, the President, and Past-President, which are annually successive offices. The officers of the Association shall be elected annually by the voting members following the regular annual meeting of the voting members. The election of officers shall be held as soon after the annual meeting of members as conveniently may be. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Each officer shall hold office until his or her successor shall have been duly elected and shall have qualified or until his or her death or until he or she shall resign or shall have been removed in the manner hereinafter provided. Election of an officer shall not in itself create contract rights. The terms of office for each officer shall commence on the day following the announcement of the voting result by the Secretary.

Section III. Duties. The officers of the Association shall perform the duties usually performed by such officers together with such duties as shall be prescribed by the Bylaws of the Association or by the Board of Directors.

Section IV. President. The President shall be the principal executive officer of the Association. Subject to the direction and control of the Board of Directors, he or she shall be in charge of the business and affairs of the Association; he or she shall see that the resolutions and directives of the Board of Directors are carried into effect except in those instances in which that responsibility is assigned to some other person by the Board of Directors; and, in general he or she shall discharge all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Association or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, he or she may execute for the Association any contracts or other instruments which the Board of

Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of the Corporation and either individually or with the Secretary or any other officer thereonto authorized by the Board of Directors, according to the requirements of the form of the instrument.

Section V. President-Elect. The Vice-President shall assist the President in the discharge of his or her duties as the President may direct and shall perform such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors. In the absence of the President or in the event of the President's inability or refusal to act, the President-Elect shall perform the duties of the President and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Association or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, the President-elect may execute for the Association any contracts or other instruments which the Board of Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of the Corporation and either individually or with the Secretary, or any other officer thereunto authorized by the Board of Directors, according to the requirements of the form of the instrument.

Section VI. Past President. The past President is responsible for implementation of programs initiated during his or her term as President, and performs such other duties as may be assigned by the Board.

Section VII. Treasurer. The Treasurer shall be the principal accounting and financial officer of the Association. He or she shall: (a) have charge of and be responsible for the maintenace of adequate books of account for the Association; (b) have charge and custody of all funds and securities of the Association, and be responsible therefor, and for the receipt and disbursement thereof; and (c) perform all the duties incident to the office of Yreasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

Section VIII. Secretary. The Secretary shall record the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; be custodian of the corporate records and of the seal of the Association; keep a register of the postoffice address of each members which shall be furnished to the Secretary by such members; and perform all duties incident to the office of Ssecretary and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

ARTICLE VIII.

CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section I. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Aassociation, in addition to the officers so authorized by these Bylaws to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association and such authority may be general or confined to specific instances.

Section II. Checks, Drafts, Etc. All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association, shall be signed by such officer or officers, agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer and countersigned by the President or the Vice-President of the Association.

Section III. Deposits. All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies, or other depositories as the Board of Directors may select.

Section IV. Gifts. The Board of Directors may accept on behalf of the Association any contribution, gift, bequest, or device for the general purposes or for any special purpose of the Association.

ARTICLE IX.

BOOKS AND RECORDS

The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Association may be inspected by any member, or his or her agent or attorney for any proper purpose at any reasonable time.

ARTICLE X.

FISCAL YEAR

The fiscal year of the Corporation shall be fixed by the resolution of the Board of Directors.

ARTICLE XI

DUES

Section I. Annual Dues. The Board of Directors may determine from time to time the amount of initiation fee, if any, and annual dues payable to the Association by members of each class.

ARTICLE XII

SEAL

The corporate seal shall have inscribed thereon the name of the Association and the words "Corporate Seal, Illinois."

ARTICLE XIII

AMENDMENTS

The power to alter, amend, or repeal the Bylaws or adopt new Bylaws shall be vested in the Board of Directors unless otherwise provided in the Articles of Incorporation or the Bylaws. Such action may be taken at a regular or special meeting for which written notice of the purpose shall be given. The Bylaws may contain any provisions for the regulation and management of the affairs of the Association not inconsistent with law or the Articles of Incorporation.

ARTICLE XIV

DISSOLUTION CLAUSE

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the Corporation, distribute all assests of the Corporation exclusively to such organization or organizations organized and operated exclusively for charitable, educational, literary, or scientific purposes as shall at the time qualify as an exempt organization or oganizations under Section 501 (c) (3) of the Internal Revenue Law, as the Board of Directors may determine.

Article XV

IMPLEMENTATION OF TERMS OF OFFICE

The incorporators shall serve initially as the Board of Directors until the first annual election of officers at which the following positions and terms shall be filled:

1. President (one-year term);
2. President-Elect (one-year term);
3. Secretary (three-year term);
4. Treasurer (two-year term);
5. Three directors at large (one three-year term, one two-year term, and one one-year term).

UCOA*NEWS*

UNIVERSITY and COLLEGE OMBUDSMAN ASSOCIATION inc

MARY P. ROWE
Special Assistant to the President
JUN 11 198[illegible]
Home

This first News is for sharing information with members, other ombudsmen, people who perform the ombudsman function, and with professionals who have expressed interest in the practice of ombudsmen.

We intend to publish the News two to three times a year at first, and in succeeding issues, to provide more news about people and offices, new directions in colleges and universities, and the growing field of alternative dispute resolution. This first issue, however, focuses on the new entity, UCOA.

The organization's goals are to serve university and college ombudsmen as a professional organization. UCOA was incorporated as a not-for-profit organization in Fall, 1984, and a Board was elected in October and met in March, 1986. The following notes on this meeting will bring you up to date on UCOA.

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REPORT ON THE FIRST MEETING OF THE UCOA BOARD OF DIRECTORS

March 3rd and 4th. Imagine the irony. It was the first meeting of the UCOA Board of Officers. We were on Henry Ford's estate in Dearborn, Michigan, there was bad karma everywhere and we were supposed to develop an organization for people whose job it is to ensure justice and fair treatment on college campuses. Perhaps it was the entrepreneurial spirit of the place but somehow we managed to get a lot accomplished and actually fleshed out the outline of a decent organization. Thanks to the negotiating skills of the 7 assembled Ombuddies, we came away without major disagreements about the structure of the organization.

MEMBERSHIP

One of the trickier issues was membership. The organization allows both institutional and individual membership. We decided that institutional membership ($60 dues) would include institution voting privileges (1 vote per institution) and an individual membership for each institution's designated official representative. Individual membership ($10 dues) would include attendance at the annual conference, participation in UCOA activities (tupperware parties, etc.), a subscription to the newsletter, and eligibility, if by-law criteria are met, to serve on the Board of Officers. More than 1 person from each institution can be a member, but only institutions have votes.

There was strong agreement that we ought to solicit new members. Currently organizational strength is in the mid-west, but there have

been signs of interest from the south and from the east coast, and we intend to pursue schools in those regions. The west is another story. There already exists a California Caucus of Ombudsmen, famous for its annual Asilomar meetings. Traditionally this group has wanted to remain informal and has resisted efforts to expand into a national organization. Our hope is to work out some kind of relationship that respects the integrity and accomplishments of the California Caucus, while allowing for the participation of schools and persons from that state. Everyone seems to be in agreement that we would like UCOA to be a national organization.

The Canadian Association is another group with whom we want to establish links. They have an annual conference known to be of exceptionally high quality, and they can probably help us with some organizational issues as well. While we do not anticipate territorial conflicts with Canadians, there have long been Canadian participants in UCOA meetings and we hope there will be Canadian members.

We will attempt to reach other schools through the distribution of this newsletter, articles and announcements in other publications, and mailings. At the time of the Board meeting, our official membership was less than the participation in our annual gatherings and we vowed to rectify that situation.

ANNUAL CONFERENCE

Everyone knows you can't be a real professional organization if you don't have an annual conference. For several years now the group that has evolved into UCOA has been meeting informally-exchanging ideas, discussing common concerns, and generally providing support for its members. In recent years these meeting have become somewhat more structured and the presentations somewhat more formal. For the most part, people seem satisfied with the way the meetings have developed. However, with the group growing, and structured more formally, a few changes need to be implemented.

In the past what business matters there were, were sort of squeezed into the end of the gathering, after some people had already left and while others were half out the door. Clearly, now that we have become more serious, this will not do. We are suggesting that there be a 2 hour business meeting included somewhere in the middle of the conference agenda. Also, we will be scheduling an open meeting of the UCOA Board on the afternoon just preceding the first general session of the conference.

It is not just in terms of a business meeting that future conferences will be different than those in the past. Up until now, whoever was brave enough to offer to host the meeting was pretty much given a free hand to structure the meeting as they saw fit. Others helped out when asked by the hosts for that particular meeting. We will probably need a more structured relation between the host institution and UCOA in the future, both in terms of planning the program and finances. We will develop some guidelines

so that we may identify responsibilities and rights of both UCOA and the host institution in terms of profits and debts associated with the annual conference. For the present, we will continue on an improvisational basis. More important, we will want the content of the annual meeting to reflect the interests of the organization as well as the unique orientation of the host school.

This year's annual meeting is being set up by the University of Colorado, in Boulder. Wayne State's Ed Sharples, UCOA President - elect, and Michigan State's Carolyn Stieber, Officer at Large, will act as UCOA's liaison to the Boulder planning committee (Susan Hobson-Panico and Peggy Arnold). For those who don't know Ed or Carolyn, they are both highly respected practitioners of the Ombuds trade and have a long association with the UCOA group.

TRAINING GRANT

Pat Williams, Ohio State's contribution to the UCOA board (Officer at Large), has been working on a proposal to obtain external funding for an inter-institutional training program for Ombudsmen. Currently, new ombudspeople are hurled into the position with very little preparation beyond that provided by their own personal experience and careers. Pat and Howard will collaborate on conceptualizing the program and writing the proposal. The basic idea is to have Ombudsmen with expertise dealing with particular issues (e.g. harassment), provide in-service training for other Ombudsmen who would spend a few days on the training person's campus..

MONEY

Like any self-respecting professional organization, we spent some time worrying about money. Fortunately, our treasurer - Don Perigo of Michigan, - turned out to be a real gem. Not only did he actually know something about keeping books (something quite rare in fledging organizations), but he also had a host of ideas about the business and managerial needs of an organization. We also implemented the necessary safeguards to insure that once the group's financial state threatened the Fortune 500, none of our future treasurers could do an imitation of Ferdinand Marcos. For the moment, we felt secure knowing our income exceeded our expenses by $30.03.

NEWSLETTER

Any organization needs some way for members to communicate and share information, ideas, listings of activities, bibliography, gossip and the other stuff that gives professionals some sense of identity. We decided a newsletter would best serve this purpose. Since all the board members except Ingrid Clarke and Howard Gadlin claimed to be suffering from some form of aphasia, those two were given responsibility to get the newsletter underway. Clarke, from Southern Illinois, is also the current President of UCOA, and has already been functioning as a conduit for much pertinent information. Gadlin, an Officer At Large from U-Mass, has been known to suffer writer's block on opening his appointment book,

so we can expect the newsletter to be brief and easy to read. Obviously these two will need your help so please send along ideas or material for the newsletter.

ARCHIVES

One function of the organization can be to collect and disseminate resource material (e.g. grievance procedures, sexual harassment policies, annual reports). Ingrid already has a considerable collection of such materials and members are encouraged to send copies of resource material to her. In addition, we thought we should establish archives of the association and we gave that responsibility to the Secretary. Our current secretary, Kay Peter from the University of Michigan in Dearborn, has made the initial contribution to the archives by preparing a 2 page fact sheet about UCOA. This fact sheet is being sent in response to the flood of inquiries we are receiving, many of them stimulated by our announcement in the Chronicle of Higher Education.

ETHICS

Lest you think all our time was consumed by mundane matters, it should be noted that embedded in these organizational discussions was a concern with substantive issues. One of the topics to which we devoted a fair amount of time was the idea of developing a code of ethics for Ombudsmen. We agreed to actively solicit members' assistance in developing such a code, and we asked that some time be set aside at the Boulder meeting for a discussion of the idea. Everyone agreed such a discussion would be useful, even if it did not result in the development of a code of ethics.

FAREWELLS AND PREVIEWS

Overall, we felt the meeting was more than worthwhile. Although it's not especially pleasurable to discuss organizational matters, we all know from fighting bureaucracy how important structure is in determining the quality of experience. The challenge is to apply what we've learned to our own organization. The first test will come this fall at the Boulder meeting. A good turnout will help get us going, but we would appreciate hearing from people before then. Send things along to Ingrid or Howard and we will prepare some materials for the Boulder meeting. Until then, "This Buds for you!"

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UPCOMING CONFERENCES

Third National Conference on Peacemaking and Conflict Resolution
--"Peacemaking and Conflict Resolution as a Social Movement: Power, Justice, and Institution Building"
June 5-8, 1986, The Regency Hotel, Denver, Colorado.
For information contact the Program Chairperson:
Janet Rifkin, Director
The Mediation Project
425 Amity Street
University of Massachusetts
Amherst, Mass 01002

Annual Conference of the Association of Canadian College and University Ombudsmen

June 8-11, University of Manitoba and Hecla Island Provincial Park.

For information contact the Conference Co-ordinator:

Natalie Denesovych
Housing and Conference Services
Room 415 University Centre
University of Manitoba
Winnipeg, Manitoba, Canada R3T 2N2

Annual Conference of the University and College Ombudsman Association

October 1-3, University of Colorado, Boulder, and National Center for Atmospheric Research.

For information contact the Conference Host:

Susan Hobson-Panica
Office of the Ombudsman
UMC 328, Campus Box 205
University of Colorado
Boulder, Co. 80309

Third Annual International SPIDR Conference

October 15-18, Chicago, Downtown Hyatt

For information contact the Co-Chairs:

Tia & Richard Schneider Denenberg
Box 308 R.D. 1
Red Hood, New York, NY. 12571

13th Annual Training Conference of the California Caucus of College and University Ombudsmen

November 2-5, Asilomar/Pacific Grove, California

For more information contact the Convenor:

Geoffrey Wallace, Ombudsman
Office of the Ombudsman
University of California
Santa Barbara, CA.

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COURT CASES

We intend to include in each issue of the News an abstract of a recent court decision on an issue of interest to ombudsman. This first one addresses questions of due process in universities' procedures which may result in revocation of a student's degree, but perhaps is applicable more broadly in any student disciplinary procedures which may result in an abrogation of a student's substantial rights (abstract prepared by Randall Nelson, Professor, Emeritus and Faculty Ombudsman in the SIU Ombudsman Office).

Crook v. Baker, 584 F. Supp. 1531. United States District Court, E.D. Mich., S.D. 1984

The plaintiff, Crook, charged that defendants, Baker et.al., Regents and President of the University of Michigan, acting under the color of law, proposed to rescind his M.S. degree and, thereby, to deprive him of rights guaranteed to him by the due process clause of the 14th amendment to the U.S. Constitution in violation of 42 U.S.C. sec. 1983. The court held that when the defendants, acting in their official capacities, undertook to rescind Crook's degree, they were acting under color of law. The court assumed, without deciding, that the University has the authority to rescind a degree that it had previously conferred. Even so, the court held for the plaintiff because of serious procedural deficiencies in the recision process. Once a degree was conferred, the plaintiff had a legitimate claim of entitlement which created a life-long property interest in the degree. The defamatory charge that plaintiff had obtained his degree by fraud combined with the recision of the degree also created a liberty interest. Both the property and liberty interests of the plaintiff were entitled to the procedural protection of the due process clause of the 14th amendment. The court found that the recision hearing failed egregiously to meet the standard of fundamental fairness required by the due process clause.

The court found numerous procedural shortcomings in the process which led to the recision of Crook's M.S. degree and observed "(a) fair hearing makes it much more difficult for faculty members acting in bad faith to force the institution into an arbitrary, capricious, and erroneous deprivation and, at the same time, increases the likelihood that bonafide charges of fraud will be established and stand."

The court then declared that in cases involving the recision of an academic degree the due process clause of the 14th amendment required the following safeguards: 1). notice of charges with time to prepare an adequate defense, 2). opportunity to be heard and to present evidence, 3). meaningful representation by counsel at all stages of the proceedings, 4). the right to confront and cross-examine all witnesses, 5). the opportunity to present evidence to the decision-maker, 6). a decision that is based solely on the evidence presented at the hearing, and 7). an impartial decision-maker.

The court concluded that "as a matter of law, and on the basis of the findings of fact...plaintiff was deprived of protected property and liberty interests without being afforded those minimal procedural protections." This case appears to be of more than usual importance because, according to the court, there is no previous American precedent respecting the recision of an academic degree.

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SOLICITATION FOR NOMINATIONS FOR POSITION OF PRESIDENT-ELECT

The term of president elect will be for one year (November, 1986 through October, 1987), followed by a one year term as President. Nominations may be made by mail or at the Annual Conference. Anyone who is a disignated representative of an "institutional member" office, may send nominations now to the Secretary:

Kay Peter
Ombuds Office
4901 Evergreen Road
University of Michigan-Dearborn
Dearborn, Michigan 48020

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OTHER SOLICITATIONS

We need volunteers willing to work on the following projects:

Newsletter (is there someone who can do a better job at this?)
Clearing house (are there people interested in collecting files of publications on ombudsmen, materials on ombudsman offices, university procedures, etc., and sharing them?)

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Send items of interest for future issues of the News to:

Howard Gadlin
Office of the Ombudsperson
823 Campus Center
University of Mass.
Amherst, MA. 01003

or

Ingrid Clarke
Office of the Univ.
Southern Illinois
University
Carbondale, IL. 62901

OMBUDSMAN'S OFFICE
821 CAMPUS CENTER
UNIV. OF MASS.
AMHERST, MA 01003

NONPROFIT ORG.
AMHERST MASS.
U S POSTAGE
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P.B. METER
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Dr. Mary P. Rowe
Special Asst. to the President
77 Massachusetts Avenue, 10-213
Mass. Institute of Technology
Cambridge, MA 02139

UCOA*NEWS*

UNIVERSITY and COLLEGE OMBUDSMAN ASSOCIATION inc

Editor: Ingrid Clarke
Southern Illinois University

Vol I, No. 2
August, 1986

First UCOA Conference

This second News focuses on UCOA's upcoming conference to be held October 1-3 in Boulder, Colorado. Susan Hobson-Panico and Peggy Arnold of the Ombudsman Office at the University of Colorado will be the hosts. Working with Ed Sharples, Carolyn Stieber, and other members, they have put together an exciting program and have arranged for our comfort by reserving rooms at the classic Boulderado Hotel. The Thursday program will be at the National Center for Atmospheric Research in the mountains.

The program will consist of the following components:

Wednesday, October 1:

Session I: "Ethics: Do Ombudsmen Need an Ethics Code?"

The conference will open in the afternoon with a workshop on ombudsman ethics, a topic which has generated considerable discussion over the past several years. The workshop will explore the appropriateness of defining professional standards of conduct for ombudsmen.

The workshop will be presented by Geoffrey Wallace, who has been Ombudsman at the University of California, Santa Barbara since 1969. Mr. Wallace has been active in the California College and University Ombudsman Caucus and has published several articles on university ombudsmen.

Session II: "Getting Down to Cases"

In the evening, we will hear one of our senior ombudsmen, Fred Ermlich review several complex cases handled by the ombudsman and discuss different approaches used to effect settlements. Dr. Ermlich has served as the first Ombudsman of New York State University, Oneonta, since 1970. His clients include students, faculty, and staff. In addition to his experience as Ombudsman, Dr. Ermlich is a New York State mediator, fact-finder, and arbitrator. Over the past ten years, he has arbitrated 75 cases of contract disputes of public employees under the New York State Taylor Law. The third outlet for Dr. Ermlich's energies as a problem solver has been the Community Dispute Resolution Center for Otsego County, NY, which he founded. This Center is part of the Unified Court System of New York and receives cases by referral from the courts. Dr. Ermlich has trained 25 community mediators who hear cases of landlord-tenant disputes, neighborhood disputes, and other types.

C O R R E C T I O N

Our apologies to Ms. Dalene Hoppe and Mr. Thomas Fess, whose names were misspelled in the newsletter.

Thursday, October 2:

Workshop on Advanced Mediation

Our second day will start early, boarding a bus for the National Center of Atmospheric Research where we will spend the day in a workshop on advanced mediation. The workshop will be presented by Mary Margaret Golten, Partner at the Center for Dispute Resolution in Denver, Colorado, and one of our members, Howard Gadlin. In planning the workshop on mediation techniques for this conference, the two have proceeded with the understanding that conference attendees are themselves experienced mediators in most cases. They will therefore focus on some of the more difficult situations which ombudsmen may encounter.

After demonstrating a mediation session based on a real life situation, they will look at communication techniques (especially "reframing") used in highly polarized conflict situations. They will also discuss two styles of negotiation and explore how to bring disputants from a hostile and perhaps deadlocked situation to a more "interest-based" approach. In the course of a detailed conflict analysis of a simulation which the group will role-play, Howard and Mary Margaret will discuss the dynamics of power (both that of mediator and that of the participants) in its positive and negative forms.

Finally, participants will be given an opportunity to look at difficult ethical dilemmas which arise in the course of their work, and analyze possible resolutions which may be open to them.

Howard Gadlin has been the Ombudsperson at the University of Massachusetts, Amherst since 1982. He is active in the field of mediation, working as a community mediator with the University of Massachusetts Mediation Project and leading a supervisory group for mediators. He also has a private practice in family mediation. In addition, he is a Professor in the Psychology Department. He is best known for his weak backhand, equally ineffective in tennis and squash.

Friday, October 3:

Our hosts will take us to their Campus and we will have three sessions devoted to topics of common interest:

Topic I: "Dealing with Complaints about Quality of Instruction"

This session will focus on working with faculty members when students have complaints about the quality of the teaching/learning environment. The discussion will include graduate students as instructors, academic freedom, motivating faculty members to change, and informal versus formal approaches to handling such complaints. This session will be presented by Susan Hobson-Panico and Charles Middleton.

Susan Hobson-Panico is the Director of the Ombudsman Office, serving the faculty, staff, and students at the University of Colorado, Boulder. She has worked as a university ombudsman for six years.

Charles Middleton is Associate Dean of the College of Arts and Sciences at the University of Colorado, Boulder. He is Professor of British history and has taught at the University for seventeen years. Dr. Middleton also serves on the Advisory Council of the Ombudsman Office. Ms. Hobson-Panico and Dr. Middleton have worked together on the resolution of many cases.

Topic II: "Developing Campus-Wide Grievance Procedures"

Responding to an interest shown by several ombudsmen in developing standardized, campus-wide grievance procedures, the conference planners have included a session on this topic. Carolyn Stieber, Ed Sharples, and Pete Ruggiero will discuss the advantages of campus-wide grievance procedures and will outline a model procedure.

Ms. Stieber, Ombudsman and Professor at Michigan State University, will draw from her experience at MSU, which has had a form of campus-wide grievance procedures in place since 1967, strengthened at her initiative in 1977. She will explain how that procedure and the parallel procedures for dishonesty cases operate. She will also describe some of the glitches in both.

Dr. Sharples, Ombudsman Emeritus and Assistant Vice Chancellor for Enrollment Services at Wayne State University, was recently asked to draft a grievance procedure by his Chancellor. This new procedure would supersede the different existing procedures of individual colleges and departments. Ed has begun work on this project and in so doing has also reviewed the procedures of a number of other universities.

Mr. Ruggiero, Ombudsman and past Student Attorney at Colorado State University, also has recently worked with a faculty committee in the development of a university-wide academic appeals procedure. He will be able to lend a legal perspective to the discussion.

Topic III: "Enhancing Internal/External Effectiveness of the Ombudsman Office"

This session will involve a discussion of the methods and techniques which can be used to improve the effectiveness of an ombudsman office in a university community. Andrea Briggs will address the use of annual reports, statistics, and public information activities.

Ms. Briggs has been an ombudsman at the University of California, Riverside for five years. During this time, she has accumulated various reports, articles, and materials from Ombudsman offices across the country. With these materials she maintains a clearinghouse of information regarding the work of ombudsmen.

Pre-Conference Workshop: "Starting an Ombudsman Office"

We plan to make available a pre-conference workshop for people who are new ombudsmen or who have an interest in setting up an ombudsman office on their campus. The workshop "Starting at Square One or How to Create and Establish a College or University Ombudsman's Office" will be conducted by the following experienced Ombudsmen. Darlene Hoppe and Pat Williams are the

Assistant Ombudsmen at Ohio State University. Their Office serves a campus population of 75,000 students, staff, faculty, making it the largest comprehensive university's ombudsman office in the U.S. Don Good is a former Ombudsman at OSU and is currently Associate Vice Provost of OSU's College of Arts and Sciences. Kay Peter is the Ombudsman at the University of Michigan, Dearborn. She serves a population of approximately 7,000 students at a relatively new commuter campus.

Please call the host or registrar indicated below if you have any questions:

Susan Hobson-Panico
or Peggy Arnold
Office of the Ombudsman
University of Colorado
UMC 328, Campus Box 205
Boulder, CO 80309
(303) 492-5077

Ingrid Clarke
University Ombudsman Office
Southern Illinois University
Carbondale, IL 62901
(618) 453-2411

****

UCOA Board Meeting and General Business Meeting

There will be a meeting of the eight Board members at noon Wednesday in the Boulderado.

A UCOA general business meeting will be held Thursday at 3:00 p.m. Everyone attending the conference is encouraged to participate. The agenda will include a report on the past year, planning for the upcoming year, the treasurer's report, and the nomination of the President-Elect, who will serve as President October, 1987 to October, 1988.

According to the Bylaws, nominations may also be made by mail before the Conference. They should be sent to:

Kay Peter, UCOA Secretary
Ombuds Office
University of Michigan
4901 Evergreen Road
Dearborn, Michigan 48020

****

UCOA Ethics Committee

UCOA has formed a Committee which will look into the desirability and feasibility of developing an ombudsman code of professional standards and ethics. The following persons have agreed to serve and we thank them:

Andrea Briggs, University of California, Riverside
Rena Grant, University of California, Santa Cruz
Dave Heaton, Ohio University, Athens
Pat Lambert, Northern Illinois University, DeKalb

****

UCOA Membership

We have grown and our current membership includes the following institutions and individuals:

Institutional Members:

City College of New York
University of California, Berkeley
University of California, Irvine
University of California, Santa Cruz
University of Cincinnati
University of Colorado
George Mason University
Northern Illinois University
University of Massachusetts, Amherst
University of Michigan, Ann Arbor
University of Michigan, Dearborn
Michigan State University
University of Nebraska
Ohio State University
Ohio University
San Diego State University
Southern Illinois University, Carbondale
University of Tennessee
University of Washington
Wayne State University

Individual Members:

Lynn Connley, Southern Illinois University, Carbondale
Deane Molinari, SUNY State University of New York, Purchase
Hugh Ripley, Barry University, Miami Shores
Mary Rowe, Massachusetts Institute of Technology, Cambridge
Haraldan Salerno, Barry University, Miami Shores
Robert Shelton, University of Kansas, Lawrence
Cynthia Vanda, University of Pittsburgh
Sandy Voit, John Bastyr College of Naturopathic Medicine, Seattle

****

Correction

The date of the 13th Annual Training Conference of the California Caucus of College and University Ombudsmen was reported incorrectly in our last News. The correct date is November 9-12, 1986.

The Conference will be held at its usual location, Asilomar, near Pacific Grove.

****

Other Ombudsman Associations

The following information and prompts were sent to us by Dr. Mary Rowe, Special Assistant to the President, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Her telephone number is (617) 253-5921.

> ...UCOA members might wish also to know of the existence of the U.S. Ombudsman Association, for statutory practitioners. The President is:
>
> Thomas Fees,
> Ombudsman and Staff Assistant
> to the Board of Education
> Montgomery County Public Schools
> 850 Hungerford Drive
> Rockville, Maryland 20850
>
> They would be very pleased to know of people serving as county, state, city, school system, etc. ombuds. They meet at annual SPIDR meetings.
>
> There is also the Corporate Ombudsman Association (COA). Memberships are currently being coordinated by:
>
> Martha Maselko,
> AT&T Information Service
> Crawford's Corner Road
> 307 Middletown-Lincroft Road
> 3B 112
> Lincroft, New Jersey 07738
>
> COA meets yearly and has a growing membership of U.S. and Canadian intracompany ombuds. The next meeting is May 20-22, 1987 at Marina Del Ray, California.
>
> There are also associations for newspaper ombuds, patient representatives, nursing home ombuds, and so forth. I keep meeting lonely practitioners who know no others; any UCOA member who meets a cousin ombudsman should feel free to have that cousin call me [Mary Rowe] to see if I know of an association for him or her.
>
> Also SPIDR has an Ombuds Committee chair, without a committee. If anyone would like to be in a SPIDR workshop, please call me. If you would like to be an active committee person or the Ombuds Committee chair, or see any other purpose for the SPIDR Ombuds Committee, please volunteer.
>
> COA is also pulling together Ombuds Handbooks. So far the materials in draft or semi-draft include a Start-up Kit, an Ethics section with a draft code, case simulations and case examples, a cost-effectiveness section, some write-ups of past conferences,

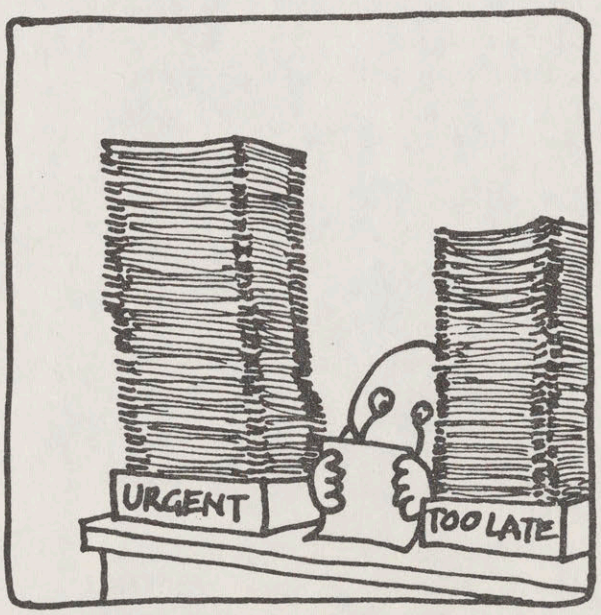
newsletters, some legal sections on Record-keeping, Duty-to-warn, Confidentiality, Dealing with Mentally ill persons and Substance Abusers, specialty sections such as dealing with fear of AIDS; a write-up on COA, the results of surveys of members and perhaps some articles on ombuds offices. If any UCOA member is particularly interested in being in touch with COA Handbook authors, I would be glad to put college/university ombuds in touch with relevant corporate cousins...

The editors of the UCOA News welcome contribution such as the above. Send them to either:

Howard Gadlin
Ombuds Office
University of Massachusetts
823 Campus Center
Amherst, MA 01003
(413) 545-0867

OR

Ingrid Clarke
Office of the University Ombudsman
Southern Illinois University
Carbondale, IL 62901
(618) 453-2411



UCOA Conference
October 1-3, 1986
Boulder, Colorado

WEDNESDAY OCTOBER 1	EVENT	LOCATION
10:00-2:30	Registration	Boulderado Hotel
10:00-12:00	Preconference Workshop: "Starting up an Ombudsman Office" - Pat Williams, Darlene Hoppe, Don Good Ohio State University, Columbus, Kay Peter, University of Michigan, Dearborn	Boulderado Hotel
2:30-4:00	Workshop: "Ethics: Do Ombudsmen Need an Ethics Code?" - Geoffrey Wallace, Ombudsman, University of California, Santa Barbara	
4:00-5:00	Reception	Boulderado Hotel
5:00-6:30	Dinner Remarks: Dr. Kaye Howe, Vice Chancellor for Academic Services, University of Colorado, Boulder	Boulderado Hotel
6:30-7:00	Break	
7:00-9:00	Analysis of Complex Cases: "Getting down to cases."-- Ferdinand Ermlich, Ombudsman, New York State University at Oneonta	Boulderado Hotel

THURSDAY OCTOBER 2		
8:30 (sharp)	Depart to National Center for Atmospheric Research (NCAR)	Meet in Lobby of Boulderado
9:00-12:00	Workshop on Advanced Mediation - Mary Margaret Golten, Center for Dispute Resolution of Denver and Howard Gadlin, Ombudsman, University of Massachussetts, Amherst	NCAR (conference facility nestled in foothills)
12:00-1:00	Lunch	NCAR Cafeteria (on own)

1:00-3:00	Center for Dispute Resolution Workshop (continued)	NCAR
3:00-5:00	UCOA Business Meeting	NCAR
5:00	Depart for Boulderado	NCAR
5:15- ???	Dinner and Entertainment on own Reservations at a restaurant will be made for those who wish to join	Enjoy the Pearl Street Mall

FRIDAY
OCTOBER 3

8:30 (sharp)	Depart to University Memorial Center (UMC), University of Colorado	Meet in Lobby of Boulderado

Special interest sessions:

9:00-9:50	Topic I: "Dealing with Complaints about Quality of Instruction" -Susan Hobson-Panico, Ombudsman, University of Colorado, Boulder -Charles Middleton, Associate Dean, University of Colorado, Boulder	UMC 159
10:00-10:50	Topic II: "Campus-Wide Grievance Procedures" -Ed Sharples, Ombudsman, Wayne State University -Carolyn Stieber, Ombudsman, Michigan, State University -Pete Ruggiero, Ombudsman, Colorado State University	UMC 159
11:00-11:50	Topic III: "Enhancing Internal/ External Effectiveness of the Ombudsman Office" -Andrea Briggs, Ombudsman, University of California, Riverside	UMC159
12:00-2:00	Lunch & socializing (optional)	UMC Aspen Room

University & College Ombudsman Association

First Annual Conference
October 1-3, 1986
Boulder, Colorado

Registration fee: $70* includes

-Wednesday reception

-Wednesday buffet dinner

-Thursday refreshments

-Thursday Center for Dispute Resolution Advanced Training

-Friday refreshments

-Bus transportation in Boulder

-UCOA individual membership

Hotel Rates:

Single (1 bed - 1 or 2 people)	$59
Double (2 beds or 1 kingsize)	66
Suite (1 bedroom, 1 sitting room)	86

Meals on own:

Thursday breakfast, lunch, dinner

Friday breakfast

Ground Transportation:

Limousine service (Stapleton Airport/Boulder - one way) $8

The limousine leaves Stapleton on the hour and takes 50 minutes to the Boulderado. It leaves the Boulderado for the airport on the half hour.

* $60.00 for the designated representative of Ombudsman Offices which are current UCOA members.

Registration Procedure:

You will need to register separately for the conference and your hotel accommodations.

Hotel Accommodations:

We have reserved a block of rooms at the Boulderado Hotel for October 1 and 2 at a special conference rate. To make your reservation call the Boulderado at 800/433-4344. Please tell the clerk that you are attending the UCOA Conference, in order to get the special rate; specify with whom you would like to share a room, if such is the case; and if you plan arriving the day before or staying extra nights, tell them so at this time. The special rate will apply to your entire stay. You must reserve your room before September 1.

Just in case...if the conference should be cancelled due to inclement weather, we would inform you. You would have to cancel your hotel reservation by 6 p.m. on the day of your scheduled arrival.

Conference Registrations:

Please complete the form below and return it by August 29, with a check payable to UCOA for $70 per registrant to ($60 for the designated representatives of ombudsman offices which are current institutional members--one per office):

Ingrid Clarke
Office of the University Ombudsman
Southern Ilinois University
Carbondale, IL 62901

REGISTRATION FORM

Name_____

Title_____

Address_____

_____

Telephone_____ Date_____

Indicate if you are the designated representative of an office which is a current institutional member. _____Yes _____No

Do you wish to participate in the pre-conference workshop on starting an ombudsman program? _____Yes _____No

Do you plan to attend the Friday luncheon? _____Yes _____No

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

APPLICATION FOR INDIVIDUAL MEMBERSHIP*

Name:_____

Institution/Office with which affiliated (if applicable):

_____

_____

Address:_____

_____

_____

Phone:_____

Mail membership application form and check to:

Donald Perigo, UCOA Treasurer
Office of the Ombudsman
3000 Michigan Union
University of Michigan
Ann Arbor, MI 48109

*Annual $10.00 individual membership dues will entitle the member to attend the annual UCOA conference, to participate in UCOA activities, and to receive the UCOA newsletter.

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

APPLICATION FOR INSTITUTIONAL MEMBERSHIP*

Name:_____
(designated representative)

Office:_____

Institution/Office with which affiliated:

_____

_____

Address:_____

_____

_____

Phone:_____

Mail membership application form and check to:

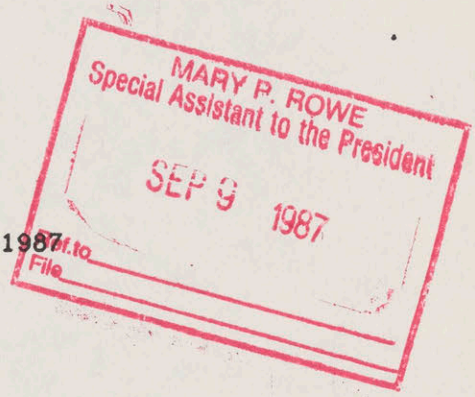
Donald Perigo, UCOA Treasurer
Office of the Ombudsman
3000 Michigan Union
University of Michigan
Ann Arbor, MI 48109

*Annual $60.00 institutional membership dues entitle member offices to one vote per office and include the individual membership of one person per office.

U·C·O·A Univ Ombudsman Office
Southern Illinois Univ
Carbondale, IL 62901

UNIVERSITY and COLLEGE OMBUDSMAN ASSOCIATION inc

Members of the University and
College Ombudsman Association



September 1, 1987

Dear UCOA Members:

During a meeting in March of this year the Board of Directors reviewed UCOA's Bylaws to bring them in line with changing needs. Among the numerous changes the Board agreed to propose is one that eliminates the ambiguity of the old Bylaws as to future revisions of the Bylaws. The change proposed by the Board is to shift this responsibility to the group of members who hold individual membership.

I urge you to review the proposed Bylaws and to make recommendations and suggestions at the Annual Business Meeting at the UCOA Annual Conference in Cincinnati to be held at the Hyatt Regency Cincinnati on Thursday, October 1, 1987 at 3:30 p.m. If you cannot attend the Business Meeting, I encourage you to address your comments to any of the Board members.

This letter also serves as notice, required by our Bylaws, that our Annual Meeting of members will take place at the time and place stated in the paragraph above.

We look forward to your continued interest in the welfare and growth of UCOA and hope to see you in Cincinnati.

Sincerely,

Ingrid Clarke

Dr. Ingrid Clarke
UCOA Past-President

Encl: Revisions of Bylaws proposed by UCOA Board
1986-87 UCOA Membership List
UCOA Board Member List

Approved 4/19/85
Amendments approved by UCOA Board
3/6/87

BYLAWS

UNIVERSITY AND COLLEGE OMBUDSMAN ASSOCIATION

ARTICLE I. NAME

The name of the Corporation is University and College Ombudsman Association, hereinafter referred to as UCOA or the Association.

ARTICLE II. PURPOSES

The UCOA has been organized to operate exclusively for educational, scientific, and charitable purposes, on a not-for-profit basis. Its purposes are to assist existing university and college ombudsmen and ombudsman organizations throughout the United States in improving the operation of ombudsman offices; to promote the establishment of ombudsman offices in institutions of higher education in the United States; and to foster cooperation and exchange with other organizations of ombudsmen in the public and private sectors and with organizations of other professionals engaged in dispute resolution. These purposes shall be served through meetings and seminars, development of educational materials, collection and dissemination of information and statistical data on university and college ombudsman offices, publication of newsletters, liaison with related professional groups, and identification and procurement of funds to support these activities.

ARTICLE III. OFFICES AND REGISTERED AGENT

Section I. Offices. The Association shall maintain a registered office in the State of Illinois and at such office, a registered agent; it may also have other offices within and outside of the Sstate.

ARTICLE IV. ASSOCIATION MEMBERSHIP

Section I. Classes of Membership. The Association shall have two classes of members. The designation of these classes and the qualifications of their members shall be as follows:

A. Institutional Members. Institutional membership shall be open to all institutions interested in the practice of ombudsmen in higher education institutions. ~~Applications for institutional membership shall be reviewed and acted upon by the Board of Directors.~~ Institutions shall designate as institutional member an individual who is currently performing or has performed the ombudsman function. Eligibility for institutional membership of

ombudsman programs shall be determined by the Board of Directors based on the following standards:

a. the responsibility to assess grievances and conflicts and to attempt to resolve them through available institutional channels or by mediation;

b. the access, in the performance of duties, to all members of the university community, and to all university records, except those to which access is prohibited by law;

c. the prerogative to recommend corrective action at any institutional level and where necessary;

d. the authority to issue public reports concerning findings and recommendations;

e. the maintenance of a standard of neutrality.

Applications for institutional membership shall be reviewed and acted upon by the Board of Directors.

B. Individual members. Individual membership is open to all individuals who are practicing ombudsmen or are interested in the practice of ombudsmen and are affiliated with an ~~in~~ institutions of higher education. ~~There shall be three types of individual membership:~~

~~1. **Participating members:** Participating membership is open to any incumbent or former ombudsman or university or college official who performs the ombudsman function. Membership shall be determine by the Board of Directors based on the following standards:~~

~~a. the responsibility to assess grievances and conflicts and to attempt to resolve them through available institutional channels or by mediation;~~

~~b. the access, in the performance of duties, to all members of the university community, and to all university records, except those to which access is prohibited by law;~~

~~c. the prerogative to recommend corrective action at any institutional level and where necessary;~~

~~d. the authority to issue public reports concerning findings and recommendations;~~

~~e. the maintenance of a standard of neutrality.~~

~~2. **Associate members:** Any individual who is committed to promoting and encouraging the purposes of the UCOA is eligible for associate membership.~~

Applications for individual membership shall be reviewed and acted upon by the Board of Directors. The Board of Directors shall request sufficient information from prospective members to determine the appropriate category of membership.

3C. Honorary members. The classification of honorary member shall be restricted to those individuals designated by the association on the basis of their outstanding contribution to the ombudsman movement.

Section II. Election of Members. Members shall be elected by the Board of Directors. An affirmative vote of two-thirds of the directors shall be required for election.

A. Except in the initial election of members, all applicants for membership shall file with the Secretary a written application in such form as the Board of Directors shall determine.

B. All applications for membership shall be presented promptly for consideration to the Board of Directors. A list of applications for membership shall from time to time be posted at the office of the Association or mailed to each member of the Association.

C. Not earlier than 30 days after a list of applications has been posted or mailed to members, the Board of Directors shall pass upon each application included in said list and either accept or reject it. After an applicant has been rejected, he or she may not make another application for membership within the same calendar year.

Section III. Voting Rights. ~~Each member of the institutional class shall have one vote on each matter submitted to a vote of the members. Members of the following classes shall have no voting rights: participating, associate, and honorary.~~ All members have the right to vote on all issues before the Association with the exception of electing the Board of Directors. That authority lies with institutional membership.

Section IV. Termination of Membership. The Board of Directors, by affirmative vote of two-thirds of its members, may suspend or expel a member for cause after an appropriate hearing, and, by a majority vote of those present at any regularly constituted meeting, terminate the membership of any member who becomes ineligible for membership, or suspend or expel any member who shall be in default in the payment of dues for the period fixed in Article XI of these Bylaws.

Section V. Resignation from Membership. Any member may resign by filing a written resignation with the Secretary, but such resignation shall not relieve the member so resigning of the obligation to pay any dues, assessments, or other charges theretofore accrued and unpaid.

Section VI. Reinstatement. Upon written request signed by a former member and filed with the Secretary, the Board of Directors may, by an affirmative vote of two-thirds its members, reinstate such a former member to membership upon such terms as the Board of Directors may deem appropriate.

Section VII. Transfer of Membership. Membership in the Association is not transferable or assignable.

Section VIII. No Membership Certificates. No membership certificates of the Association shall be required.

ARTICLE V.

MEETINGS OF MEMBERS

Section I. Annual Meeting. An annual meeting of the members shall be held once a year for the purpose of ~~electing~~ receiving nominations for the election of directors and for the transaction

of such other business as may come before the meeting.

Section II. Special Meeting. Special meetings of the members may be called by either the President, the Board of Directors, or not less than one-fifth of the members having voting rights.

Section III. Place of Meeting. The Board of Directors may designate any place of meeting for any annual meeting or for any special meeting called by the Board of Directors. If no designation is made or if a special meeting is to be called otherwise, the place of meeting shall be the registered office of the Association in the State of Illinois.

Section IV. Notice of Meetings. Written notice stating the place, date, and hour of any meeting of members shall be delivered to each member entitled to vote at such meeting not less than five nor more than forty days before the date of such meeting. In the case of a special meeting or when required by statute or by these Bylaws, the purpose for which the meeting is called shall be stated in the notice. If mailed, the notice of a meeting shall be deemed delivered when deposited in the United States Mail and addressed to the member at his or her address as it appears on the records of the Association, with postage thereon prepaid.

Section V. Informal Action by Members. Any action required to be taken at a meeting of the members of the Association, or any other action which may be taken at a meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

Section VI. Quorum. The members ~~holding one-fifth of the votes which may be cast at any meeting~~ present at any annual business meeting shall constitute a quorum at such meeting. ~~If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting at any time without further notice. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the original meeting. Withdrawal of members from any meeting shall not cause failure of a duly constituted quorum at that meeting.~~

Section VII. Proxies. ~~Each member entitled to vote at a meeting of members or to express consent or dissent to Association action in writing without a meeting may authorize another person or persons to act for him by proxy, but no such proxy shall be voted or acted upon after 11 months from its date, unless the proxy provided for a longer period.~~ No proxies shall be permitted.

Section VIII. Power and Rights of Members. ~~Only~~ Institutional and individual members of the Association shall be entitled to vote on all matters before the Association, with the exception that institutional members only are authorized to elect the Board of Directors. Voting members in good standing have the power:

A. To elect directors of the Association at the annual meeting of members.

B. To remove from office any director or officer for good and sufficient cause at the annual meeting of members.

C. To hear, consider, and approve or disapprove reports of the Board of Directors, officers, and committees of the Association.

D. To modify, suspend, or veto any decision of the Board of Directors by majority vote of all the voting members in attendance at the annual meeting of members.

E. To hear and act as final arbitrator in any dispute between or concerning the directors, the officers, or individual members.

F. To approve amendments of these Bylaws after they have been reviewed by the Board of Directors. Approval of amendments of the Bylaws shall require by the vote of two-thirds of all the voting members in good standing. Voting members may adopt resolutions for the guidance and direction of the Association at the annual meeting, and such resolutions shall be binding on the board of directors and continue in effect until the next annual meeting of members. Resolutions shall be presented to the membership in writing.

ARTICLE VI.

BOARD OF DIRECTORS.

Section I. General Powers and Duties. The affairs of the Association shall be managed by the Board of Directors.

Section II. Number, Tenure, and Qualifications. The number of directors shall be seven (7). The Board shall consist of the five officers (President, President-Elect, Past President, Secretary, and Treasurer) and ~~three~~ two members at large. Members of the Board shall serve ~~three-year~~ terms in the office to which they were elected which have the following duration:

President-Elect, President, Past-President -- annually successive;

Secretary, Treasurer -- two years;

Two at-large Directors -- two years.

Directors ~~need not be residents of Illinois~~ or are required to be members of the Association. Directors serving as Officers of the Association must have been designated institutional members and those serving as Directors-at-large must have been institutional members, or individual members of the Association for one year prior to their nomination. The number of directors may be decreased to not fewer than three or increased to any number from time to time by amendment of this section, unless the Articles of Incorporation provide that a change in the number of directors shall be made only by amendment to the Articles of Incorporation.

A. Two-Term Limit on Continuous Service. No director shall serve as a director continuously for more than two consecutive

terms. After such service for two terms a director may not be re-elected for a period of one year.

B. Election of Directors.

1. Nomination. Nominations of candidates for directorships may be made by mail prior to the annual meeting or by voting members from the floor at the annual meeting. Any member of the Association may nominate candidates. Consent of nominees must be obtained before their names may be placed on the ballot.

2. Election. Election of directors shall be conducted by mail ballot following the annual meeting of the members. A plurality of votes shall be necessary to elect.

3. Vacancies. Any vacancy occurring in the Board of Directors or any directorship to be filled by reason of an increase in the number of directors shall be filled by the Board of Directors unless the Articles of Incorporation, a statute, or these Bylaws provide that a vacancy of a directorship so created shall be filled in some other manner, in which case such provision shall control. A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

C. Removal of Directors. A director may be removed from office by the affirmative vote of a majority of all the members of the Board of Directors or by a majority vote of the voting members in attendance at an annual meeting.

D. Resignation of Directors. A director may resign from the Board at any time by notice in writing thereof to the president.

Section III. Regular Meetings. A regular meeting of the Board of Directors shall be held without other notice than these Bylaws, immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings of the Board without other notice than such resolution.

Section IV. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two directors. The person or persons authorized to call special meetings of the Board may fix any place as the place for holding any special meeting of the Board called by them.

Section V. Informal Action by Board of Directors. Any action required to be taken at a meeting of the Board of Directors of the Association, or any other action which may be taken at a meeting of the Board of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors with respect to the subject matter thereof. For the purpose of accepting or rejecting applications for membership in the Association, Board members may

inform the Secretary of their vote by phone. The secretary shall maintain records of these votes by phone and shall inform Board members of the outcome after all votes have been taken.

Section VI. Notice. Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice to each director at his or her address as shown by the records of the Association. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon paid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Notice of any special meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to the notice either before or after the time of the meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these Bylaws.

Section VII. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, provided that if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting to another time without further notice.

Section VIII. Manner of Acting. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by statute, these Bylaws, or the Articles of Incorporation.

Section IX. Compensation. Directors shall not receive any stated salaries for their services. ~~but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be allowed for each regular or special meeting of the Board, provided that nothing herein contained shall be construed to preclude any director from serving the Association in any other capacity and receiving reasonable compensation therefor.~~

ARTICLE VII.

OFFICERS

Section I. Number. The officers of the Association shall be a President, a President-Elect, a Past-President, a Secretary, and a Treasurer. Officers whose authority and duties are not prescribed in these Bylaws shall have the authority and perform the duties prescribed, from time to time, by the Board of Directors.

Any two or more offices may be held by the same person, except the offices of President and Secretary.

Section II. Election and Term of Office. The officers of the Association shall have three year terms except for the President-Elect, the President, and Past-President, which are annually successive offices. The officers of the Association shall be elected annually by the voting members following the regular annual meeting of the voting members. The election of officers shall be held as soon after the annual meeting of members as conveniently may be. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Each The officers shall hold office until ~~his or her~~ their successors shall have been duly elected and shall have qualified or until ~~his or her~~ their death or until ~~he or she~~ they shall resign or shall have been removed in the manner hereinafter provided. Election of an officer shall not in itself create contract rights. The terms of office for each new officer shall commence on ~~the day following the announcement of the voting result by the Secretary~~ January 1. However, the President-Elect shall take office as President at the conclusion of the Annual Conference.

Section III. Duties. The officers of the Association shall perform the duties usually performed by such officers together with such duties as shall be prescribed by the Bylaws of the Association or by the Board of Directors.

Section IV. President. The President shall be the principal executive officer of the Association. Subject to the direction and control of the Board of Directors, he or she shall be in charge of the business and affairs of the Association; he or she shall see that the resolutions and directives of the Board of Directors are carried into effect except in those instances in which that responsibility is assigned to some other person by the Board of Directors; and, in general he or she shall discharge all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Association or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, he or she may execute for the Association any contracts or other instruments which the Board of Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of the Corporation and either individually or with the Secretary or any other officer thereonto authorized by the Board of Directors, according to the requirements of the form of the instrument.

Section V. President-Elect. The ~~Vice-President~~ President-Elect shall assist the President in the discharge of his or her duties as the President may direct and shall perform such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors. In the absence of the President or in the event of the President's inability or refusal to

act, the President-Elect shall perform the duties of the President and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Association or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, the President-Elect may execute for the Association any contracts or other instruments which the Board of Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of the Corporation and either individually or with the Secretary, or any other officer thereunto authorized by the Board of Directors, according to the requirements of the form of the instrument.

Section VI. Past-President. The Past-President is responsible for implementation of programs initiated during his or her term as President, and performs such other duties as may be assigned by the Board.

Section VII. Treasurer. The Treasurer shall be the principal accounting and financial officer of the Association. He or she shall: (a) have charge of and be responsible for the maintenace of adequate books of account for the Association; (b) have charge and custody of all funds and securities of the Association, and be responsible therefor, and for the receipt and disbursement thereof; and (c) perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

Section VIII. Secretary. The Secretary shall record the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; be custodian of the corporate records and of the seal of the Association; keep a register of the postoffice address of each members which shall be furnished to the Secretary by such members; and perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

ARTICLE VIII.

CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section I. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Aassociation, in addition to the officers so authorized by these Bylaws to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association and such authority may be general or confined to specific instances.

Section II. Checks, Drafts, Etc. All checks, drafts, or other

orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association, shall be signed by such officer or officers, agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer and countersigned by the President or the ~~Vice-President~~ Past-President of the Association.

Section III. Deposits. All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies, or other depositories as the Board of Directors may select.

Section IV. Gifts. The Board of Directors may accept on behalf of the Association any contribution, gift, bequest, or device for the general purposes or for any special purpose of the Association.

ARTICLE IX.

BOOKS AND RECORDS

The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Association may be inspected by any member, or his or her agent or attorney for any proper purpose at any reasonable time.

ARTICLE X.

FISCAL YEAR

The fiscal year of the Corporation shall be fixed by the resolution of the Board of Directors.

ARTICLE XI

DUES

The Board of Directors may determine from time to time the amount of initiation fee, if any, and annual dues payable to the Association by members of each class.

~~ARTICLE XII~~

~~SEAL~~

~~The corporate seal shall have inscribed thereon the name of the Association and the words "Corporate Seal, Illinois."~~

ARTICLE ~~XIII~~XII

AMENDMENTS

The power to alter, amend, or repeal the Bylaws or adopt new Bylaws shall be vested in the Board of Directors unless otherwise provided in the Articles of Incorporation or the Bylaws. Such action may be taken at a regular or special meeting for which written notice of the purpose shall be given. The Bylaws may contain any provisions for the regulation and management of the affairs of the Association not inconsistent with law or the Articles of Incorporation.

ARTICLE ~~XIV~~XIII

DISSOLUTION CLAUSE

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the Corporation, distribute all assests of the Corporation exclusively to such organization or organizations organized and operated exclusively for charitable, educational, literary, or scientific purposes as shall at the time qualify as an exempt organization or oganizations under Section 501 (c) (3) of the Internal Revenue Law, as the Board of Directors may determine.

Article ~~XV~~XIV

IMPLEMENTATION OF TERMS OF OFFICE

The incorporators shall serve initially as the Board of Directors until the first annual election of officers at which the following positions and terms shall be filled:

1. President (one-year term);
2. President-Elect (one-year term);
3. Secretary (three-year term);
4. Treasurer (two-year term);
4. Three directors at large (one three-year term, one two-year term, and one one-year term).

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U.C.O.A. 1986-87 INSTITUTIONAL MEMBERS

University of Alberta	Ellen Solomon
City College of New York	(Not identified)
George Mason University	Sara Looney
Michigan State University	Carolyn Stieber
Northern Illinois University	(Not identified)
Ohio State University	Dalene Hoppe
Ohio University	David Heaton
San Diego State University	Susan Chappellet
Southern Illinois University	Ingrid Clarke
State University of New York-Oneonta	Ferdinand Ermlich
University of California at Berkeley	Eugene Stevenson
University of California -Irvine	Ron Wilson
University of California -Santa Cruz	Rena Grant
University of Cincinnati	Katherine Uetz
University of Colorado	Susan Hobson-Panico
University of Massachusetts-Amherst	Howard Gadlin
University of Michigan -Ann Arbor	Don Perigo
University of Michigan -Dearborn	Kay Peter
University of Nebraska -Lincoln	Faye Moulton
University of Tennessee	Elizabeth Wickham
University of Washington	Morton Knoll
Wayne State University	Ed Sharples
Wichita State University	Stephen Des Marteau

BYLAWS

of

UNIVERSITY AND COLLEGE OMBUDSMAN'S ASSOCIATION

ARTICLE I

The name of the corporation is University and College Ombudsman's Association, hereinafter referred to as UCOA or the Corporation.

ARTICLE II

PURPOSES OF U.C.O.A.

The UCOA has been organized to operate exclusively for educational, scientific and charitable purposes, or a not-for-profit basis, and to aid in promoting the development and expansion of Ombudsman professionals and operations in higher education so that users of University and College publics may be served in a more efficient, equitable and humane manner.

ARTICLE III

OFFICES

The corporation shall maintain in the State of Illinois a registered office and a registered agent, at such office, and may have other offices within or without the state.

ARTICLE IV

MEMBERS

SECTION I. CLASSES OF MEMBERS. The corporation shall have three (3) class(es) of members; Resident, sustaining and honorary. Only members of the resident and sustaining class shall be entitled to vote. The designation of such class and the qualifications of the members of such class shall be as follows:

A. Resident Class. Only an incumbent ombudsman or a university and college official who performs the ombudsman's function is eligible for membership in the Resident Class. Membership in the Resident Class is not restricted to one member per ombudsman jurisdiction.

Membership shall be determined by the Board of Directors based on the following standards:

1) University and/or college official created by constitution, charter, legislation or state statute;

2) An official whose independence is guaranteed through a) a defined term of office and/or b) appointment by other than the executive and/or c) custom;

3) an official of high stature;

4) an official with the responsibility to receive and investigate complaints within a university and college community;

5) freedom of the official to investigate on their own motion;

6) an official who may, in the performance of duties, have access to all members of the university community and all university records and reports, except where prohitibed by law;

7) the ability of the official to criticize university and college officials and to recommend corrective action;

8) an official with the power to issue public reports concerning their findings and recommendations;

9) an official who is restricted from activities constituting a personal, professional, occupational or political conflict of interest, and

10) an official with freedom to employ and remove assistants and to delegate administrative and investigative responsibilities to them.

B. Sustaining Category. The sustaining category shall be open to any individual who is committed to promoting and encouraging the purposes of the UCOA.

C. Honorary Class. The honorary class shall be restricted to those individuals designated by the corporation on the basis of their outstanding contribution to the ombudsman movement.

SECTION II. CLASSIFICATION OF MEMBERS. The Board of Directors shall review annually the membership and the several classifications of members and shall assign or reassign each member to the appropriate classification. Notice of recommended reclassification shall be given each member affected. The decision of the board shall be final.

SECTION III. ELECTION OF MEMBERS. Members shall be elected by the Board of Directors. An affirmative vote of two-thirds of the directors shall be required for election.

A. Except in the initial election of members, all applicants for membership shall file with the secretary a written application in such form as the Board of Directors shall from time to time determine.

B. All applications for membership shall be presented promptly for consideration and investigation to the Board of Directors. A list of applications for membership shall from time to time be posted at the office of the corporation or mailed to each member of the corporation.

C. Not earlier than 30 days after a list of applications has been posted or mailed to members, the Board of Directors shall pass upon each application included in said list and either accept or reject it. After an applicant has been rejected, he may not make another application for membership within the same calendar year.

SECTION IV. VOTING RIGHTS. Each member shall be entitled to one vote on each matter submitted to a vote of the members, with the exception of the right to cumulative voting given each resident member when electing directors. (The right to give one candidate a number of votes equal to resident's vote multiplied by the number of directors to be elected [5].)

SECTION V. TERMINATION OF MEMBERSHIP. The Board of Directors by affirmative vote of two-thirds of all of the members of the board may suspend or expel a member for cause after an appropriate hearing, and may, by a majority vote of those present at any regularly constituted meeting, terminate the membership of any member who becomes ineligible for membership, or suspend or expel any member who shall be in default in the payment of dues for the period fixed in Article X by these Bylaws.

SECTION VI. RESIGNATION. Any member may resign by filing a written resignation with the secretary, but such resignation shall not relieve the member so resigning of the obligation to pay any dues, assessments or other charges theretofore accrued and unpaid.

SECTION VII. REINSTATEMENT. Upon written request signed by a former member and filed with the secretary, the Board of Directors may by the affirmative vote of two-thirds of the members of the board reinstate such former member to membership upon such terms as the Board of Directors may deem appropriate.

SECTION VIII. TRANSFER OF MEMBERSHIP. Membership in this corporation is not transferable or assignable.

SECTION IX. NO MEMBERSHIP CERTIFICATES. No membership certificates of the corporation shall be required.

ARTICLE V

MEETINGS OF MEMBERS

SECTION I. ANNUAL MEETING. An annual meeting of the members shall be held once a year for the purpose of electing directors and for the transaction of such other business as may come before the meeting. The meetings may be held within or without the State of Illinois.

SECTION II. SPECIAL MEETING. Special meetings of the members may be called either by the President, the Board of Directors, or not less than one-tenth of the members having voting rights.

SECTION III. PLACE OF MEETING. The Board of Directors may designate any place as the place of meeting for any annual meeting or for any special meeting called by the Board of Directors. If no designation is made or if a special meeting be otherwise called, the place of meeting shall be the registered office of the corporation in the State of Illinois.

SECTION IV. NOTICE OF MEETINGS. Written notice stating the place, date, and hour of any meeting of members shall be delivered to each member entitled to vote at such meeting not less than five nor more than forty days before

the date of such meeting. In case of a special meeting or when required by statute or by these Bylaws, the purpose for which the meeting is called shall be stated in the notice. If mailed, the notice of a meeting shall be deemed delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

SECTION V. INFORMAL ACTION BY MEMBERS. Any action required to be taken at a meeting of the members of the corporation, or any other action which may be taken at a meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

SECTION VI. QUORUM. The members holding one-tenth of the votes which may be cast at any meeting shall constitute a quorum at such meeting. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting at any time without further notice. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the original meeting; withdrawal of members from any meeting shall not cause failure of a duly constituted quorum at that meeting.

SECTION VII. PROXIES. Each member entitled to vote at a meeting of members or to express consent or dissent to corporation action in writing without a meeting may authorize another person or persons to act for him by proxy, but no such proxy shall be voted or acted upon after 11 months from its date, unless the proxy provided for a longer period.

SECTION VIII. POWER AND RIGHTS OF MEMBERS. Voting members of the corporation in good standing have the power:

1) To elect Directors of the Corporation at the annual meeting of members. Note! Article II, Section IV Voting Rights.

2) To remove from office any Director or officer for good and sufficient cause, at the annual meeting of members.

3) To hear, consider, and approve or disapprove reports of the Board of Directors, officers, and committees of the corporation.

4) To modify, suspend, or veto any decision of the Board of Directors by majority vote of all the voting (Resident and Sustaining) members in attendance at the annual meeting of members.

5) To hear and act as final arbitrator in any dispute between or concerning the Directors, the officers, or individual members.

6) To amend these Bylaws by a two-thirds vote of all the members in good standing; and to waive or suspend any Bylaw by resolution adopted by two-thirds of the voting membership in attendance at the annual meeting. Voting members may adopt resolutions for the guidance and direction of the Corporation at the annual meeting,

and such resolutions shall be binding on the Board of Directors and continue in effect until the next annual meeting of members. Resolutions shall be presented to the membership in writing.

Each member shall have the right at reasonable times to inspect the books of account and membership records of the Corporation, upon writing request to the Secretary-Treasurer.

ARTICLE VI

BOARD OF DIRECTORS

SECTION I. GENERAL POWERS AND DUTIES. The affairs of the corporation shall be managed by its Board of Directors.

SECTION II. NUMBER, TENURE AND QUALIFICATIONS. The number of Directors shall be five (5). Each Director shall hold office until the next annual meeting of members and until his successors shall have been elected and qualified. Directors need not be residents of Illinois or members of the corporation. The number of directors may be decreased to not fewer than 3 or increased to any number from time to time by amendment of this section, unless the articles of incorporation provide that a change in the number of Directors shall be made only by amendment to the articles of incorporation.

A. Terms of Directors. The Directors shall serve for terms of not more than two years. The terms of any Director shall also expire by his or her death, resignation, or removal in accordance with these Bylaws.

B. Four Year Limit on Continuous Service. No Director shall serve as a Director continuously for more than 4 years. After such 4 year period a Director may not be re-elected for a period of 2 years.

C. Election of Directors.

1) Nomination. At the annual meeting of members, nominations of candidates for directorships shall be made by voting members from the floor.

2) Election. Election of Directors shall take place at the annual meeting of the members and shall be made by ballot cast by voting members qualified to vote. A plurality of votes shall be necessary to elect.

3) Vacancies. Vacancies resulting from the death, resignation, or removal of a Director in accordance with these Bylaws may be filled by the affirmative vote of the majority of all the then members of the Board of Directors.

D. Removal of Directors. A Director may be removed from office by the affirmative vote of a majority of all the then members of the Board of Directors or by a majority vote of the voting members in attendance at an annual meeting.

E. Resignation of Directors. A Director may resign from the Board at any time by notice in writing thereof to the Chairperson.

F. Chairperson and Vice-Chairperson. The Board of Directors, at its first regular meeting, and at such times when there shall be a vacancy, shall elect, by a majority of all the then members of the Board, one of its members as Chairperson of the Board, and one of its members as Vice-Chairperson of the Board. The Chairperson of the Board shall preside at all meetings of the Board of Directors and shall perform such other duties as stated by the Board of Directors. The Vice-Chairperson of the Board shall, in the absence of the Chairperson of the Board, preside at the meetings of the Board of Directors and shall perform such other duties as may be required by him or her by the Board of Directors. The Secretary and Treasurer shall perform all duties customary to the office of Secretary and Treasurer.

G. The Secretary. The Secretary shall have custody of the corporate seal of UCOA and shall have authority to fix the same to any instrument requiring it and, when so affixed, it may be attested by their signature or by the signature of their designee. The Board of Directors may give general authority to any officer to affix the seal of UCOA and to attest the affixing by his or her signature.

H. The Treasurer. The Treasurer shall have the custody of and be responsible for all corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in the books of UCOA. The Treasurer shall deposit or cause to be deposited all monies or other valuable effects in the name of the UCOA in such depositories as shall be selected by the Board of Directors.

The Treasurer shall disburse the funds of UCOA as may be ordered by the Board of Directors, or the Board's delegee, taking proper vouchers for such disbursements and shall render to the Board at the demand of each and at the Board's regular meeting, an account of all their transactions as Treasurer of the financial conditions of UCOA.

SECTION III. REGULAR MEETINGS. A regular annual meeting of the Board of Directors shall be held without other notice than these Bylaws, immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings of the Board without other notice than such resolution.

SECTION IV. SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors. The person or persons authorized to call special meetings of the Board may fix any place as the place for holding any special meeting of the Board called by them.

SECTION V. NOTICE. Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice to each Director at his address as shown by the records of the corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Notice of any special meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to the notice either before or after the time of the meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of such meeting, unless specifically required by law or these Bylaws.

SECTION VI. QUORUM. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, provided that if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting to another time without further notice.

SECTION VII. COMPENSATION. Directors shall not receive any stated salaries for their services, but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be allowed for each regular or special meeting of the Board, provided that nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving reasonable compensation therefor.

ARTICLE VII

CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

SECTION I. CONTRACTS The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these Bylaws to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances.

SECTION II. CHECKS, DRAFTS, ETC. All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer or an Assistant Treasurer and countersigned by the President or a Vice President of the corporation.

SECTION III. DEPOSITS. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositaries as the Board of Directors may select.

SECTION IV. GIFTS. The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or device for the general purposes or for any special purpose of the corporation.

ARTICLE VIII

BOOKS AND RECORDS

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any members, or his agent or attorney for any proper purpose at any reasonable time.

ARTICLE IX

FISCAL YEAR

The fiscal year of the corporation shall be fixed by resolution of the Board of Directors.

ARTICLE X

DUES

SECTION I. ANNUAL DUES. The Board of Directors may determine from time to time the amount of initiation fee, if any, and annual dues payable to the corporation by members of each class.

ARTICLE XI

SEAL

The corporate seal shall have inscribed thereon the name of the corporation and the words "Corporate Seal, Illinois."

ARTICLE XII

AMENDMENTS

The power to alter, amend, or repeal the Bylaws or adopt new Bylaws shall be vested in the Board of Directors unless otherwise provided in the articles of incorporation or the Bylaws. Such action may be taken at a regular or special meeting for which written notice of the purpose shall be given. The Bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

ESTABLISHMENT OF A PROFESSIONAL UNIVERSITY AND COLLEGE OMBUDSMAN'S ASSOCIATION: A PERSPECTIVE AND CHRONOLOGY

A Perspective:

Present-day Ombudsman organizations and institutions are not meeting the needs of a significant part of their members, particularly of those professionals and practitioners of Ombudsmanry in higher education. Establishment of these not-for-profit organizations, traditionally, have been monotonously monolithic in their failure to respond to those professionals who make it a living assisting members of a university community in accomplishing the expeditious settlement of their problems. Efforts to reform these organizations, from within, to accommodate and enhance the needs of the ombudsman profession have produced minimal change. Similar endeavors from without have produced an equally dismal effect.

Given the rapidly changing needs and demands of society, the shift to more complex managerial styles, and the reality of economic retrenchment - higher education is facing a series of philosophical and experiential challenges it can ill afford to lose. But lose they will, if decisions to maintain a semblence of balance, order and opportunity within their networks are predicated on advice, skills and knowledge of "pre sputnik" era personnel and not the "space shuttle age" professional.

A significant number of issues now facing higher educational systems, particularly as these systems grapple with investments in human capital and people management problems, demand new professional roles for the solution. This new professional role is characterized by William Pilder's,* "new set of behaviors," as directly related to his fifth year program, leading to a M.S. degree. Said program focused on establishing a new set of skills directly related to urgent issues of youth development in urban areas. They are:

1) To develop a new type of professional for work in higher education communities capable of responding to a variety of education needs not now met by present role definitions;

2) To develop in this new professional more independence of external sources of decision, information, problem definition, and motivation;

3) To develop the ability to deal constructively with the strong feelings which are created by conflict and confrontation of values and attitudes;

4) To develop the ability to make choices and commitments to action in situations of stress and uncertainty;

5) To develop the ability to use personal and others' feelings, attitudes, and values as information in defining and solving human problems.

Pilder's proposed new set of behaviors, though written ten years ago, have relevance and applicability to those qualities prevalent in the role of an Ombudsman and they are complimentary to the following proposed Action Plan designed to:

- enhance and/or understand the need for an Ombudsman in an educational community,
- think about ways to behave in order to develop and support ongoing change within the Ombudsman profession.

*William F. Pilder - Program Proposal - Indiana University, School of Education

ACTION PLAN

Objective 1...To establish a non-profit professional association to train personnel for various roles in Ombudsmanship in higher education.

Procedures

a) develop and offer undergraduate and graduate courses, including field experiences, on Ombudsmanry at represented institutions.

b) develop training module to be disseminated to appropriate educational personnel.

c) develop field training centers.

Objective 2...To catalyze growing interest in the educational Ombudsman by establishing a national communications network.

Procedures

a) publish newsletter on educational Ombudsman activities.

b) establish liaison with existing higher education Ombudsman.

c) sponsor regional and national conferences.

d) facilitate membership recruitment.

Objective 3...To establish a support system for those colleges/universities which are utilizing Ombudsman concepts.

Procedures

a) provide support personnel, i.e., Ombudsman in residence.

b) provide on-site training.

c) provide evaluation services.

d) provide consultant services.

e) develop operational materials.

Objective 4...To facilitate the development and diffusion of alternative modes of Ombudsman to meet needs of higher education publics.

Procedures

a) provide brokerage services to facilitate new offices.

b) assist in development and staffing of new offices.

c) facilitate the cooperative development of: 1) evaluation criteria for Ombudsman; 2) diffusion strategies; 3) Ombudsman organizational systems; and 4) alternative financial strategies for Ombudsman systems.

EXPECTED OUTCOMES

1. Professionals affiliated with this Association will be more responsible to the needs of higher educational populations.

2. Wider acceptance of the concept of Ombudsman to meet current needs of post-secondary systems.

3. To open new avenues for Ombudsman reform (rather than attempting change from within) by providing alternatives to traditional Ombudsman organizations.

4. To increase the number of Ombudsman alternatives available to the target populations.

5. Establishment of a professional not-for-profit professional Ombudsman Association, (University and College Ombudsman's Association).

6. Establishment of a center whereby the activities of the Association and related programs will be facilitated. Suggested name - "Ombudsman Assistance Center for Higher Education."

OBJECTIVES* (Alternative)

1. To promote the concept of Ombudsman and to encourage its development throughout the world.

2. To encourage and support research and study into the Office of the Ombudsman.

3. To develop and operate educational programs for Ombudsmen, their staff and other interested people.

4. To collect, store, disseminate information and research data about the institute of the Ombudsman.

5. To develop and operate programs enabling an exchange of information and experience between Ombudsmen through the world.

6. To provide scholarships, fellowships, grants and other types of financial support to individuals throughout the world to encourage study and research into the institution of Ombudsmen.

7. Such other matters as are necessary to further above objectives.

* Taken from International Ombudsman Institute Newsletter, January, 1979

CHRONOLOGY

1. Conversation with Ombudsman professionals to be followed up by a meeting to discuss the development of a Professional Association and Ombudsman Assistance Center:

   June 6-8, 1982

   Mr. Al Dittmer
   University of Nebraska

   Mr. Ferdinand A. Ermlich
   New York State University

   Ms. Ingrid Gadway
   Southern Illinois University

   Dr. Don Good
   Ohio State University

   Ms. Joycelyn Hart
   Cornell University

   Professor Larry B. Hill
   University of Oklahoma

   Dr. Lester J. Marks
   Ohio University

   Mr. Hugh M. Satterlee
   University of Illinois

   Mr. Bill Schatz
   California State University

2. Planned Committee meeting with the following to discuss the above stated meeting:

   July 15-17, 1982 - Hosted by NIU

   Dr. Don Good
   Ohio State University

   Dr. Lester J. Marks
   Ohio University

   Mr. Hugh Satterlee
   University of Illinois

   Mr. Leon M. Miller
   Northern Illinois University

3. Presentation at Des Moines, Iowa - September 30/October 2, 1982 United States Association of Ombudsmen. Leon M. Miller and Ferdinand A. Ermlich.

4. Ombudsman Conference at Lincoln Nebraska - October 28-30, 1982. Midwest Regional Ombudsman Conference hosted by Faye Moulton. (Name changed to University and College Ombudsman's Association.)

5. University and College Ombudsman's Association Conference at DeKalb, Illinois - June 23-25, 1983, hosted by Leon M. Miller from Northern Illinois University.

6. Incorporation of UCOA (Prior to Fall, 1983).

STUDENT RIGHTS AND RESPONSIBILITIES

PART I — CODE OF STUDENT CONDUCT: RULES, PROCEDURES, RIGHTS AND RESPONSIBILITIES GOVERNING NON-ACADEMIC RELATIONSHIPS

PART II — SELECTED RULES OF THE UNIVERSITY SENATE GOVERNING ACADEMIC RELATIONSHIPS

PART III — REGULATIONS GOVERNING TIME, PLACE, AND MANNER OF MEETINGS, DEMONSTRATIONS, AND OTHER ASSEMBLIES

PART IV — STUDENT RECORDS

University of Kentucky
Lexington, Kentucky

Effective August 16, 1987

FOREWORD

STUDENT RIGHTS AND RESPONSIBILITIES

The non-academic relationships between the University and students enrolled on the Lexington Campus, in the Medical Center, and in the Lexington Community College are covered in Part I entitled, 'Code of Student Conduct: Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships' which was originally adopted by the Board of Trustees on May 2, 1967 and may be amended only by that body.

An additional publication entitled 'Supplement to Code of Student Conduct: Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships-University of Kentucky Center at Fort Knox' delineates modifications of the above document as applicable to students enrolled at the University of Kentucky Center at Fort Knox.

Academic relationships between University System students and the University are covered in Part II entitled, 'Selected Rules of the University Senate Governing Academic Relationships.' Rules in Part II have been adopted and may be amended by the University Senate.

Part III, entitled 'Regulations Governing Time, Place, and Manner of Meetings, Demonstrations, and Other Assemblies' is taken from the University's Administrative Regulations.

Administrative Regulations are adopted by and may be amended by the President of the University.

The University's policies and procedures on Student Records are summarized in Part IV. This policy statement was adopted by and may be amended by the President of the University.

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PART I

CODE OF STUDENT CONDUCT:

Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships

Introduction

The University is empowered by Kentucky Law K.R.S. 164.200 to establish a disciplinary system to govern the campus. The statute provides:

> "The Board of Trustees may establish proper regulations for the government of the University and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the University."

By this publication of the rules governing student conduct, the University recognizes that students have the right to know the circumstances and manner in which this disciplinary power will be exercised and advises students that disciplinary rules will be enforced.

The Code does not cover decisions of the faculty of a professional school as to character, moral or ethical, required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate. Similarly, the Code does not cover decisions of the University Administration which are made concerning a contractual agreement between the University and a student. Therefore, such decisions are not subject to review within the procedures established herein.

ARTICLE I—THE UNIVERSITY JUDICIAL SYSTEM

Section

1.1 *Authority of the President of the University*

1.11 Pursuant to the provisions of K.R.S. 164.200, 164.210 and 164.220, the Board of Trustees hereby delegates the responsibility for student discipline to the President of the University.

1.2 *Disciplinary Offenses*

1.21 Offenses as defined below are punishable disciplinary offenses.

a. Interference, coercion or disruption which impedes, impairs or disrupts University missions, processes or functions or interferes with the rights of others on University property. (Examples of conduct falling within this section are described under Section 6.32);

b. Use, possession, or distribution on University property of narcotic or dangerous drugs, such as marijuana and lysergic acid diethylamide (LSD), except as expressly permitted by law;

c. Abusive, drunken, violent or excessively noisy behavior or expression upon University property;

d. Lewd, indecent or obscene behavior upon University property;

e. The threat or commission of physical violence against any person present on University property;

f. The commission of acts which constitute a violation of local, state or federal law upon University property;

g. Unauthorized entry or use of University facilities or any violation of University rules regarding the use of University property. Where entry to or occupation of premises or facilities was initially authorized, opportunity to comply with a lawful order to leave the premises must be given;

h. Failure to comply with directions of University officials acting in the performance of their duties;

i. The threat or commission of physical violence against any University employee for the purpose of influencing the employee's official actions;

j. Falsifying, altering or forging any official University records or documents, employing official University documents or records for purposes of misrepresentation, or causing any official University documents or records to be falsified by means of any misrepresentation;

k. Hazing by subjecting University students to unnecessary and excessive abuse, humiliation, or physical danger, or by committing any action or causing any situation which recklessly or intentionally en-

dangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization;

l. Knowingly passing a worthless check or money order to the University or to a member of the University community acting in an official capacity;

m. Stealing any item of tangible or intangible public or private property upon University property;

n. Possessing stolen property upon University property;

o. Possessing a firearm on University property without authorization of the Dean of Students;

p. Defacing, disfiguring, damaging or destroying public or private property upon University property;

q. Lifting, taking or acquiring possession of, without permission, any academic material (tests, information, research papers, notes, books, periodicals, etc.) from a member of the University community;

r. Giving false testimony or other evidence at any hearing of the University Judicial Board or the University Appeals Board;

s. Bribing any University employee;

t. An attempt to violate subsections g,j,m,p,q, or s;

u. Violation of conditions imposed in connection with one or more of the sanctions enumerated in Section 1.81 through 1.87.

Note 1: As used in the offenses specified in subsections a. through s. herein, University property is defined as all property owned, or leased to, and operated exclusively by the University, and all such property leased to or operated by student and non-student organizations which are under the control and regulation of the Board of Trustees of the University of Kentucky.

Note 2: In addition to the offenses defined above, certain other disciplinary offenses involving conduct which is destructive of academic freedom, the rights of others and the orderly operation of the University are set out in Section 6.3.

Note 3: Lack of intent may be asserted as an affirmative defense by any student charged with an offense listed above.

1.3 *University Policy on the Student and Local Authorities*

1.31 The minimum standards of individual conduct required by the penal statutes are both expected and required of every student attending the University. Further, while the institution does not desire to act as a policing authority for the activities of the student off University property, and while it cannot serve as a sentencing authority for a student's violations of federal, state or local law, the University may take appropriate action where necessary as provided under Sections 1.21(a), 1.21(f), 1.7 or Article VI of the Code of Student Conduct.

1.32 The University will not undertake to act as a collection agency for landlords, retail stores, magazine and book companies, etc.

1.33 The University cannot accept remand of students charged or convicted of violations of federal, state or local law for the purpose of imposing disciplinary sanction. However, a University representative may accept court appointment of probation of a student to the representative's care and may impose appropriate requirements. If such student violates these requirements, the student must be returned to court for such further proceedings as the court shall determine, but not for University disciplinary sanction.

1.34 A student charged with violation of federal, state or local law may request assistance from the Dean of Students Office. After receipt of the student's request and a review of the charge(s) and circumstances surrounding the incident, a member of the Dean of Students staff may be made available to counsel and assist the student.

1.35 For off-campus violations of the law, University authority shall not be used merely to duplicate the function of the general laws but will be asserted only when the University's interests as an educational community are affected.

1.4 *The Role of the Office of the Dean of Students*

1.41 When the Dean, after investigation into an alleged violation of the disciplinary rules, believes a student has committed a disciplinary offense defined in Section 1.2 or 6.3, the Dean shall notify and charge the student with said offense. Thereafter the Dean shall first notify the student of 'The Rights of the Accused' (see Sec. 2.3), after which the Dean may solicit

a plea of guilty or not guilty, which shall be in writing and notarized. When a violation of section 1.21 c,d,e,f,g,h,i,m,n,o,q,s, or t and a violation of Part II: Selected Rules of the University Senate Governing Academic Relationships, subsection 1 and/or 2 of Academic Offenses and Procedures, have allegedly been committed in the same set of circumstances or facts, the Dean of Students shall first consult with the Dean of the College in which the offense occurred. They shall determine whether the Dean of Students, the Dean of the College of the offended academic unit, or both will investigate and pursue the case in accordance with the appropriate procedure(s) and authority(ies) as set forth in Part I or Part II of Student Rights and Responsibilities.

1.42 When a student enters a plea of guilty, the Dean shall confer with the student and outline proposed disciplinary action as defined in Section 1.8 and/or counseling. Any information obtained from the student during a counseling session is strictly confidential and inadmissible in any judicial proceeding of the University except in cases where the student withdraws from the counseling process or refuses to comply with the conditions of the counseling process.

1.43 If the student enters a plea of not guilty or withdraws from or refuses to comply with the conditions of the counseling process, the Dean shall forward the reports and evidence concerning the cases to the office of University Counsel for evaluation and possible prosecution before the appropriate University judicial agency. The Dean is thereafter concerned with furnishing testimony as requested by University Counsel, keeping the records of the appropriate University judicial agency and in aiding the student in complying with any sanction decreed by the judicial agency.

1.44 The accused shall enjoy the right to choose an advisor to assist during all preliminary conferences and judicial hearings and shall be informed of this right. However, the student is not entitled to an advisor during any counseling session except at the request of the Dean.

1.45 All student grievances involving rights stated herein shall be reported to the Dean of Students within 30 days of their occurrence. Grievances reported after this period or which otherwise come to the attention of the Dean of Students may be acted upon according to the Dean's determination of the circumstances.

1.46 The Dean of Students shall investigate each student grievance to determine whether it contains merit.

a. If the Dean decides that it does, the Dean shall use moral suasion,

negotiation, personal appeal, and the prestige of the Dean's office to settle the case to the Dean's satisfaction and that of the student.

b. When the Dean is unable to satisfy the grievance to the satisfaction of the student or when the Dean has notified the student that the grievance does not contain merit, the student has the right to appeal within 30 days to the University Appeals Board.

1.47 The Dean of Students shall have broad investigatory powers in the nonacademic cases and the Dean shall receive prompt and full cooperation from students, student organizations, faculty and administrators. The Dean may recommend policies or practices that should be terminated, modified, or initiated to the Student Government Association, the Senate Council, deans, department heads, or other appropriate persons.

1.5 *The University Judicial Board*

1.51 There shall be a University Judicial Board, hereinafter referred to as the U. J-Board, with appellate jurisdiction over the decisions of any residence judicial body and original jurisdiction over cases involving alleged violations by students of the University disciplinary offenses defined in Section 1.2.

1.52 *Authority*

a. The U. J-Board shall receive appeals by accused students from decisions of any residence judicial body established pursuant to Section 4.3 of this document, and shall have the authority to reverse the decision of any such residence judicial body regarding the student's guilt or to mitigate, but not to increase, the sanction imposed by any such residence judicial body.

b. The U. J-Board shall have the sole authority to determine the issue of guilt in those cases referred to it pursuant to Section 1.43. It shall have the sole authority to impose sanction(s) short of actual suspension or dismissal upon any student found guilty of a violation of University disciplinary rules defined in Section 1.2. If the U. J-Board believes that actual suspension or dismissal is the appropriate remedy, it shall recommend such action to the Vice Chancellor for Student Affairs, Lexington Campus.

c. If a student is subjected to criminal prosecution and the University Judicial Process for an offense which is a violation of both this code and federal, state, or local law, the U. J-Board may direct that

disciplinary sanction imposed by the University be mitigated by any penalty imposed by off-campus authorities.

1.53 *Composition*

The U. J-Board shall consist of twenty-eight persons and a Hearing Officer.

a. The Hearing Officer shall be the Chairman of the Board and shall convene meetings of the Board at such times and places as necessary to carry out its duties. The Hearing Officer shall be a non-voting member of the Board as to the issue of guilt or innocence and as to the sanction, but shall decide and rule upon all questions of law, whether substantive or procedural. The Hearing Officer shall neither sit in on or take part in the Board's deliberation of the issue of innocence or guilt or of sanction. The Hearing Officer shall be available to advise upon procedural questions arising under this Code.

b. In notifying representatives of the University and an accused student that a hearing date has been established, the Hearing Officer will also indicate a date, time and place at which a Board of seven members shall be randomly selected from the pool of twenty-eight names arrived at through the selection process set forth under 1.55. The date for Board selection by the Hearing Officer shall be at least forty-eight hours prior to the established date of hearing, and representatives of the University administration and the accused may observe the selection process.

c. In order to insure the availability of a seven person Board, the Hearing Officer will draw all twenty-eight names and number them according to their order of selection. The first seven chosen shall comprise the Board and the remaining twenty-one shall stand as alternates who shall ascend to Board service according to the ascending numerical order of their selection.

d. In any proceedings of the Board, seven members of the Board, in addition to the Hearing Officer, must be present to hear the case. Any decision of the U. J-Board must be by majority of the voting members of the Board sitting on the case.

1.54 *Eligibility Requirements*

a. All members of the U. J-Board, except the Hearing Officer, must be students enrolled at the University of Kentucky on the Lexington

campus, in the Medical Center, or in the Lexington Community College. They must be in good disciplinary standing with the University.

b. The Hearing Officer shall be a person with training in the law, possessing at least the degree of Bachelor of Laws or its equivalent.

1.55 *The Selection Process*

a. The selection process for members of the U. J-Board, with the exception of the Hearing Officer, will be conducted jointly by the Dean of Students and the President of the Student Government Association or their designated representatives. For the purpose of arriving at the composition of the U. J-Board, a pool of names will be selected by accepted computerized random sampling methods from data representing all students enrolled for the current semester in the University of Kentucky on the Lexington campus, in the Medical Center, or in the Lexington Community College. Every reasonable means will be employed to contact the eligible students at their last known address as to their willingness to serve. A U. J-Board will be constituted of the first twenty-eight students affirmatively responding in the order of original selection.

b. The Hearing Officer shall be appointed by the President of the University. The President or, in the President's absence, the Vice President for Administration may appoint a substitute for the Hearing Officer at any time that officer is unavailable to serve when needed.

c. Any member of the U. J-Board is obligated to withdraw from participation in a hearing when the member feels unable to hear the case fairly and objectively and to decide its outcome impartially on the basis of evidence adduced.

d. Representatives of the University administration and the accused shall have the right to challenge, for cause, any member of the U. J-Board, except the Hearing Officer. Any challenge(s) shall be submitted in writing to the Hearing Officer no later than twenty-four hours prior to the established date of the hearing. Any challenge(s) shall be sustained or denied by the Hearing Officer. Should such challenge(s) be sustained, the alternate(s) shall ascend to the U. J-Board as delineated in 1.53c.

1.56 *Terms of Office*

The Hearing Officer and the student members shall be appointed to one-year terms. All terms are to begin November 1 and end on October 31.

1.57 *Absences*

Any unexcused absence during the term of office shall result in automatic dismissal from the U. J-Board. The U. J-Board, acting as a unit may make such additional regulations regarding excused absences as it may deem appropriate. All requests for excused absences shall be made to the Hearing Officer. The decision of the Hearing Officer may be appealed to the University Appeals Board in writing within thirty days of the Hearing Officer's decision. However, such appeal shall not suspend the action of the Hearing Officer.

1.6 *The University Appeals Board*

1.61 There shall be a University Appeals Board with appellate jurisdiction over decisions of the University Judicial Board and over decisions and/or recommendations of any faculty members and administrators on matters of University academic offenses. The Appeals Board shall exercise original jurisdiction with regard to the offenses described in Section 6.3 hereof.

1.62 *Jurisdiction in Cases of Disciplinary Offenses*

Within 30 days after receipt of the decision of the U. J-Board any accused student may appeal in writing to the Chairman of the University Appeals Board for a review by the Appeals Board of the U. J-Board's findings of guilt or for a review of the nature or severity of the sanction imposed or recommended.

1.63 *Disposition of Cases of Disciplinary Offenses*

a. If the student appeals on the issue of fact regarding commission of the offense, the Appeals Board shall review the evidence and its decision shall be final.

b. If the student requests a review of the sanction, the Appeals Board shall recommend what it believes to be the appropriate sanction to the Chancellor of the academic sector in which the student is enrolled, who shall set the sanction.

c. Any decision and/or recommendation by the Appeals Board must be by a majority of those members sitting on the case.

1.64 *Jurisdiction Over Cases Involving Student Rights Specified in Article II*

a. The Appeals Board shall hear any case referred to it by the Dean of Students and/or by the Academic Ombudsman and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students and/or the Academic Ombudsman. This written appeal must be submitted within 30 days after the Dean and/or the Academic Ombudsman has communicated to the Appeals Board and to the student that the case is without merit or the grievance cannot be satisfactorily terminated.

b. Upon receipt of the written appeal, the Chairman of the Appeals Board shall notify the Dean of Students and/or the Academic Ombudsman to forward all reports and evidence concerning the case.

c. The Appeals Board may then, by majority vote, agree to hear the student's case, decline to hear a case if it finds that it is being processed through other appropriate University channels, or allow the Dean's and/or the Academic Ombudsman's decision to be final.

1.65 *Disposition of Cases of Student Rights*

After hearing a case and deciding that a violation of student rights has been proved, the Appeals Board may select from the following remedies:

a. The Board may request the Dean of Admissions to admit an applicant denied admission in violation of Section 2.11.

b. The Board may request the Vice Chancellor for Student Affairs, Lexington Campus to give an applicant a scholarship, or financial aid, when such have been denied or withdrawn in violation of Section 2.12.

c. The Board may request the Vice Chancellor for Student Affairs, Lexington Campus to make available University facilities and services on a fair and equitable basis when a violation of Section 2.13 has been proved.

d. The Board may request the Vice Chancellor for Student Affairs, Lexington Campus to have any papers, property or personal effects,

taken from a student's person or premises in violation of Section 2.21, returned to the student.

e. The Board may request the appropriate University official to direct compliance with Section 2.22, 2.23 or 2.24 when a violation of the rights stated therein has been proved.

f. The Board may request the appropriate University official to direct compliance with Section 2.29.

g. The Board may request the appropriate University official to grant whatever other relief the Board deems proper.

Note: The detailed provisions relating to jurisdiction and disposition of cases involving coercion, interference and disruption are contained in Article VI.

1.66 *Composition of the University Appeals Board*

The University Appeals Board shall consist of ten members, three full-time students and six faculty members, and a Hearing Officer who shall be the Chairman. In addition, there shall be three student alternates and six faculty alternates who shall be selected on the same basis and with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall be expected to meet within 48 hours after notice from the Chairman.

a. *The Hearing Officer*

The Hearing Officer shall be the Chairman of the Board and shall be a person with training in the law appointed by the President of the University for a one-year term beginning on September 1, and ending on August 31. The Hearing Officer shall convene and preside at all meetings of the Board, with the exception of the Board's deliberations on questions concerning innocence or guilt or sanction. When the Board is exercising original jurisdiction, all questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the Hearing Officer. If the Hearing Officer cannot serve when needed, the President or, in the President's absence, the Vice President for Administration shall appoint a temporary substitute.

b. *The Student Members*

The student membership shall consist of a graduate or professional student and two undergraduate students. The undergraduates must be either juniors or seniors in good academic standing and the graduate or professional student must have been in residence at least one year and be in good academic standing. They shall be appointed to one-year terms, subject to reappointment. Their terms shall begin September 1 and end August 31. Members shall be appointed by the President of the University from the recommendations of the legislative branch of the Student Government Association.

c. *The Faculty Members*

The faculty members shall be appointed to staggered three-year terms by the President of the University upon the recommendation of the University Senate Council. All terms shall begin on September l and end on August 31.

d. *Other Procedural Rules*

A quorum for the conduct of business will be eight members including the Hearing Officer, not less than five of whom, exclusive of the Hearing Officer, shall be faculty members and at least one student of like status to the student in issue. The Appeals Board shall establish such other procedural rules, not inconsistent with the provisions of the Code, as will effectuate the orderly conduct of its functions.

1.67 *Temporary Appointments*

If a sufficient number of the members of the U. J-Board are not present at any time when that Board has duties to perform, the President of the Student Government Association, with the advice and consent of the Vice Chancellor for Student Affairs, Lexington Campus, shall make such temporary appointments as are necessary to insure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. If a sufficient number of the members of the Appeals Board are not present at any time when that Board has duties to perform, the President of the University or, in the President's absence, the Vice President for Administration, shall make such temporary appointments as are necessary to insure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein.

However, in no case shall a faculty member replace a student member or a student member replace a faculty member.

If at any time, in the judgment of the Hearing Officer of the affected board, there are sufficient cases pending before either the U. J-Board or the Appeals Board that it is unlikely that the pending cases can be processed within sixty days, or within the time prescribed otherwise in the Code, whichever is the shorter period, the Hearing Officer shall notify the President of that fact. The President may then take one or all of the following steps: (a) activation of additional boards from those persons already appointed (to the 28 member panel in the case of the U. J-Board or to alternate status in the case of the Appeals Board) and appointment of a Hearing Officer for each such additional board in conformity with sections 1.53 a., 1.54 c., 155d., and 1.66a.; (b) appointment of additional boards, for designated cases and time periods, of the size and general composition as provided in sections 1.53, 1.54, 1.55 and 1.66 and appointment of a Hearing Officer for each such additional board in conformity with sections 1.53 a., 1.54 c., 1.55 d., and 1.66 a.; (c) appointment of three-person hearing panels for designated cases and time periods. In making the appointments to such three-person hearing panels the President of the University should, if reasonably possible consult with the President of the Student Government Association. The authority, jurisdiction, and range of possible actions of, and the guaranteed rights of an accused person before, any special board or panel appointed or activated under the terms of (a), (b), or (c) above shall be the same as those applicable to the parent board supplemented by such appointment or activation.

1.7 *Temporary Sanctions*

1.71 In the event that the Vice Chancellor for Student Affairs, Lexington Campus, has reasonable cause to believe that a student's presence may result in injury to others or University property, or in the event that the student has been charged with a crime so serious as to threaten the welfare of the University community, the Vice Chancellor may impose such temporary sanctions as the Vice Chancellor considers necessary to protect members of the University community or its property, including exclusion from University property. Upon taking such action, the Vice Chancellor shall notify the University Appeals Board. The student may appeal the Vice Chancellor's decision to the University Appeals Board in writing within 30 days. If requested in the written appeal, the Chairman will call a meeting of the Board to hear the case within 72 hours. The Board shall consider the student's academic needs to attend class, to use the library, and to fulfill any other academic responsibilities in making its recommendation. This Board may recommend to the Chancellor of the academic sector in

which the student is enrolled changes or extensions of the Vice Chancellor's action. The Chancellor then shall determine the sanctions to be imposed. Such temporary sanctions shall be enforced only for such time as the conditions requiring them exist. Accordingly, the University official who made the final determination of the sanction to be imposed shall have jurisdiction for the purpose of reconsidering this sanction in the light of new circumstances.
Alternatively, the circumstances shall be reviewed by the Board whenever there are indications that they have been changed and upon an appeal in writing from the student involved.

1.8 *Sanctions*

1.81 *Warning*

The Dean of Students or the Dean's authorized representative may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action. A warning, unless imposed by the U. J-Board, is not appealable.

1.82 *Reprimand*

A written admonition shall become a part of the student's disciplinary record.

1.83 *Probation*

Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of probation for a specified period of time, with the exception of defined privileges which are necessary and required. If a student, while on probation, violates any of the terms set forth in the notice of probation or violates the Code of Student Conduct, as determined after the opportunity for a hearing, the student shall be subject to further discipline in the form of undated suspension, suspension or dismissal.

1.84 *Undated Suspension*

Exclusion from participation in any and all privileges or extracurricular University activities except for attendance in classes in which officially enrolled, with the exception of defined privileges which are necessary and required, for a specified period of time. If a student, while on undated suspension, violates any of the terms set forth in the notice of undated suspension, or violates the Code of Student Conduct, as determined after

the opportunity for a hearing, the student shall be subject to further discipline in the form of suspension or dismissal.

1.85 *Suspension*

Forced withdrawal from the University for a specified period of time, including exclusion from classes, termination of student status and all related privileges and activities, and exclusion from the campus if set forth in the notice of suspension. If a student, while on suspension, violates any of the terms set forth in the notice of suspension or violates the Code of Student Conduct while on a campus of the University, or in relation to a University sponsored activity, as determined after the opportunity for a hearing, the student shall be subject to further discipline in the form of dismissal.

1.86 *Dismissal*

Exclusion from the campus and termination of student status for an indefinite period. The conditions of reconsideration for readmission will be specified at the time of dismissal. The student may be readmitted to the University only with the specified approval of the Chancellor of the academic sector in which the student is enrolled upon recommendations of the Appeals Board.

1.87 *Monetary Reimbursement*

In cases where personal or public property has been stolen, defaced, disfigured, damaged or destroyed, the disciplinary sanction shall also include an appropriate monetary reimbursement for compensatory damages.

ARTICLE II-UNIVERSITY RIGHTS OF STUDENTS

Section

2.1 *Right of Admission and Access*

2.11 *Admission Policy*

An applicant for admission to the University shall not be discriminated against because of race, color, religion, sex, marital status, national origin, age or beliefs. Moreover, no otherwise qualified handicapped person will be denied admission solely because of the person's handicap.

2.12 *Scholarships, Grants-In-Aid, and Financial Aid*

An applicant for, or a recipient of, University financial aid, a University grant-in-aid, or a University scholarship, shall not be discriminated against because of race, color, religion, sex, marital status, national origin, age or beliefs. Moreover, no otherwise qualified handicapped person will be denied financial aid solely because of the person's handicap.

2.13 *Use of Facilities and Services*

The University may delineate the purpose for which students may use certain facilities and shall make them available on a fair and equitable basis. However, the University may restrict its facilities and services when their use would interfere with normal University operations.

2.14 *Discrimination in the Community*

The University will use its influence to secure equal access for all students to public facilities in the local community.

2.2 *Right of Privacy*

2.21 *Person and Property*

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

2.22 *Disciplinary Records*

A student's disciplinary record shall be kept separate and confidential unless the student consents in writing to have it revealed. However, the Dean of Students may disclose the student's disciplinary record without the student's consent if legal compulsion or the safety of people or property is involved, or if the information is required by authorized University personnel for official use at the University of Kentucky. In these circumstances, only the information pertinent to the inquiry may be revealed. The Dean may also act without the student's consent to have a statement of suspension or dismissal entered on the student's academic record for the time

that this disciplinary sanction would prohibit the student from registering. Written notice of this statement shall be sent to the student.

2.23 *Counseling Records*

A student's test data and record in the Counseling Center shall be kept in the Center, separate and confidential, unless the student consents in writing to have it revealed to a designated person and for a designated purpose. Without such release, no information will be revealed except to an appropriate authority and then only when there is a clear and imminent danger to an individual or to society, and such information will be limited to that which is directly pertinent to the reduction of that danger.

2.24 *Student Health Service Records*

Student Health Service medical, surgical and mental health records and information are strictly confidential and are not released to anyone without the student's knowledge and signed authorization.

Student Mental Health records are maintained separately in a confidential file. If it becomes apparent in the course of treatment that the student is likely to cause injury to self or others, pertinent information to this extent may be revealed for protection of the student or others.

2.25 *Dean of Students Records*

Official records and information maintained by the Dean of Students Office are treated in a confidential manner. A student has the right to view disciplinary records maintained on the student. Disciplinary and judicial records and the information contained therein will not be released except with the written authorization of the student.

General information, such as the student's name, address, telephone listing, college classification, and major field of study is released at the discretion of the Dean of Students upon receipt of a specific request for such information.

General information about a student will not be released if the student has filed with the Registrar of the University, in writing, a request stating the information to be withheld.

2.26 *Evaluation of Student Character and Ability*

A student's character and ability shall be evaluated only by those with personal knowledge of the student. Records containing such evaluations shall indicate when the information was acquired, by whom, and the position of the individual. Upon a student's request to an individual faculty member or administrator, that student should be informed of all inquiries about that student directed to the faculty member or administrator and that judgments have been or will be given.

2.27 *Subpoenaed Information*

If presented with a subpoena to produce information about specific students and/or campus organizations, the recipient shall notify immediately the Dean of Students and forward to that office a copy of the subpoena. The Dean of Students shall immediately notify the students or student organizations involved or use his/her best effort to do so, and forward to them a copy of the subpoena by certified mail addressed to their last known address.

2.28 *Non-Academic Information*

Information about a student's or a student organization's political or social views or beliefs which faculty, staff or administrators acquire in the course of their work as instructors, advisors, counselors or supervisors is to be kept confidential.

Students may waive the protection of this Section by granting express permission to the relevant faculty, staff or administrator.

2.29 *Sexual Harassment*

A student shall be free of sexual harassment by University faculty, staff, supervisors and employees. Sexual harassment—a form of sex discrimination—includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical actions of a sexual nature when submission to such conduct is made explicitly or implicitly a term or condition of the student's status in a course, program, or activity; or is used as a basis for academic or other decisions affecting such student; or when such conduct has the purpose or effect of substantially interfering with the student's academic performance, or creates an intimidating, hostile, or offensive academic environment.

2.3 *Rights of the Accused*

2.31 The student shall be guaranteed the following rights in all proceedings of the University Judicial System:

2.311 All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies.

2.312 No student shall be compelled to give testimony which might tend to be self-incriminating and refusal to do so shall not be considered evidence of guilt.

2.313 The accused student shall be informed in writing of the reasons for appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing.

2.314 The accused shall be entitled to receive upon request a copy of all rules and procedures governing the judicial agency at least 72 hours prior to appearance before the agency.

2.315 The accused student shall enjoy the right to hear and question all witnesses and to present witnesses of the student's choice.

2.316 The accused may choose an advisor to assist in all processes of the University Judicial System.

2.317 Only impartial members of the judicial agency shall sit in judgment of any case.

2.318 The accused shall have access to a permanent verbal or written transcript of every hearing of every judicial agency.

2.319 The accused student shall have the right to either an open or closed hearing. All hearings before any judicial agency shall be closed unless the accused student requests that said hearing be open. If a student desires an open hearing, the student must file a written request with the Hearing Officer at least 24 hours prior to the time set for the hearing. The Hearing Officer will then admit to the hearing, in addition to those admitted to closed hearings: one properly identified member of the working press from the student newspaper and from each established newspaper, magazine, television station or radio station requesting admission; four persons invited by the accused student; and four persons invited by the University Counsel. The Hearing Officer may order the removal of any disruptive person from the hearing.

2.320 Evidence obtained in violation of Section 2.21, as a direct or indirect result of a violation of Section 2.21, in the course of a counseling session, or through other improper means shall not be admissible in any proceeding of the University Judicial System or Residence Halls Judicial System.

2.321 Failure to adhere to the procedures contained in this Code or a violation of the rights of students contained in this Code shall be sufficient basis for reconsideration of the case by the appropriate judicial body.

2.4 *Right of Free Expression*

A student has the right to freedom of expression, which includes the right to picket or demonstrate for a cause, subject to the following conditions:

a. The student must act in an orderly and peaceful manner.

b. The student must not in any way interfere with the proper functioning of the University.

c. The student must obey the University's regulations as to time, place and manner (See PART III of this publication).

2.5 *Right to a Free Student Press*

2.51 Student publications must be free to deal openly, fearlessly and responsibly with issues of interest and importance to the academic community. Student publications will avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deception of its readers, unnecessary harassment and innuendo, and other violations of individual rights. The editors shall have the right to editorial freedom without the prior approval of copy and will be protected against dismissal or suspension, except for violations of policies established by the Board of Student Publications. Such policies shall be in accordance with the guarantees contained herein.

2.6 *Right of Student Access to Meetings of Registered Student Organizations*

The University affirms the right of all students, including members of the student press, to attend meetings of registered student organizations that receive the majority of their regular operating budgets from allocations of student fees money and/or University allocations.

Exceptions to the foregoing right include:

a. deliberations of election boards and selection committees.

b. contract negotiations of student organizations and private contractors.

c. discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee's, member's or student's right to a public hearing if requested, provided that this exception is not designed to protect the reputation of individual persons and shall not be interpreted to permit discussion of general personnel matters in secret.

"Meeting" means any gathering of a quorum of the members, regardless of where the meeting is held, whether a regular or special meeting, including any informational or casual gathering held in anticipation of or in conjunction with a regular or special meeting.

ARTICLE III—THE UNIVERSITY AS A SUPERVISOR OF STUDENT ORGANIZATIONS

Section

3.1 *Supervision of Student Organizations*

3.11 The supervision of student organizations shall rest with the Dean of Students.

3.2 *Types of Organizations, Membership, Registration and Advisors*

3.21 *Types of Organizations*

1. Social Sororities and Fraternities
2. Honor, Leadership and Recognition Societies
3. Departmental Organizations and Professional Fraternities
4. Political Organizations
5. Governmental Organizations
6. Specialty Organizations (religious, athletic, military, etc.)

3.22 *Membership*

Membership in student organizations shall be limited to students, faculty, and staff of the University, except Honor, Leadership and Recognition societies which may include other persons as provided for in their national constitutions.

3.23 *Registration*

3.231 Any student organization which wishes to use the University of Kentucky's name, facilities, or property, or to solicit thereon, must complete the registration form available in the Office of the Dean of Students.

3.232 The registration of any student organization is at the discretion of the Dean of Students and is dependent upon the completion of the required application form and compliance with the rules and additional criteria the Dean may set forth. Such criteria shall be established and published by the Dean and made uniform for all similar types of organizations. The Dean may limit an organization's registration, with its concomitant permission, to a fixed period of time, the length to be determined at the Dean's discretion.

3.233 Student organizations must be registered before they may use University facilities or property. The Dean of Students, with the approval of the President, shall promulgate regulations governing the use of University facilities by registered student organizations (See A.R. II - 7.0-2). These regulations shall specify the times when facilities and premises are available for use, the manner in which they may be used, and how they may be reserved.

3.24 *Advisors*

3.241 Each such organization must comply with the following requirements for advisors upon submission of an application for registration:

a. Every social fraternity or sorority shall have a University advisor, who shall be appointed by the Dean of Students and a faculty advisor elected by the membership.

b. Every honor, leadership or recognition society shall have a faculty advisor elected by the membership.

c. Every departmental organization and professional fraternity shall have a faculty advisor.

d. Every political organization shall have a University advisor elected by the membership or, failing that, appointed by the Dean of Students as well as a faculty advisor elected by the membership.

e. Every governmental organization shall have a University advisor appointed by the Dean of Students and a faculty advisor elected by the membership.

f. Every specialty organization shall have a sponsor, who must be approved by the Dean of Students, and a faculty advisor elected by the membership.

3.242 The definition and scope of the various advisors required above is as follows:

a. University Advisor: a member of the staff of the Office of the Dean of Students or any administrative office under the Dean's jurisdiction whose duty shall be to counsel and advise the organization and its officers as to their powers and responsibilities. However, the Dean shall have no authority to prohibit any proposed action by a political organization.

b. Faculty Advisor: a member of the faculty of the University connected with or interested in the organization, who shall offer support and advice to the officers in carrying out the purposes of the organization, and shall be available to meet with members of the organization at their regular meetings or at a special meeting called for that purpose.

A non-tenured faculty member shall not advise more than one registered student organization; a tenured faculty member may advise any number of registered student organizations at any one time.

c. Sponsor: a responsible adult interested in the purposes of the organization who shall give guidance and counsel to the officers in carrying out the purposes of the organization and shall be available to meet with the members of the organization at their regular meetings.

3.3 *The Offenses*

Offenses as defined below are punishable when committed by student organizations or their visitors or invitees.

3.31 Hazing by subjecting University students to unnecessary and excessive abuse, humiliation, or physical danger, or by committing any action or causing any situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

3.32 Interference, coercion or disruption which impedes, impairs or disrupts University missions, processes or functions, or interferes with the rights of others on University property, or the rights of registered student organizations. (Examples of conduct falling within this section are described under Section 6.32).

3.33 Conduct which is disorderly, abusive, drunken, violent or excessively noisy.

3.34 Discrimination against any person due to race, color, sex or religious affiliation or belief, except when the express and legitimate purposes of the organization require limitation as to sex and religion.

3.35 Knowingly electing, appointing, or retaining as an elected or appointed officer or committee chairman any student on academic probation, financially delinquent to the University (in accordance with Article V), or under any disciplinary sanction which prohibits the student from holding such office.

3.36 Organizing, sponsoring, implementing, or conducting programs or activities which are disorderly, which are violations of law or University regulations, or which contain lewd, indecent or obscene conduct or expression.

3.37 Recurrent financial over-obligation and non-payment of debts.

3.38 Any violation of University rules or policies which apply to registered student organizations or their use of University facilities or property.

3.4 *Sanctions*

3.41 No specific procedures for adjudicating the commission of any of the offenses have been established other than that the Dean of Students may impose sanctions up to and including refusal or cancellation of registration.

3.5 *Right of Appeal*

3.51 Within 30 days of receipt of notice that the Dean of Students has refused or cancelled the registration of an organization, the officers or proponents

of such organization shall be given the right to appeal in writing to the Vice Chancellor for Student Affairs, Lexington Campus.

3.52 The Vice Chancellor may either grant or reinstate the registration in question or refer the matter to the University Appeals Board. The Appeals Board shall forward its recommendation to the appropriate Chancellor whose decision shall be final.

ARTICLE IV—THE UNIVERSITY AS A SUPERVISOR OF RESIDENCE HALLS

Section

4.1 *Rules and Regulations*

4.11 The rules and regulations for University student residences are contained or provided for in the written rental agreement between the student and the University.

4.12 A compilation of all rules established under the rental agreement and currently in effect shall be made readily available on request to all residents of the University building to which such rules apply, and shall be posted in the University building to which they apply.

4.2 *Violations*

4.21 Violations of the rules promulgated by the Dean of Students in accordance with the rental agreement will be investigated by the Hall Director of the residence hall in which the violation is alleged to have occurred. Disposition of such cases shall be made in accordance with established and published procedures which have been approved by the Dean of Students.

4.22 Determination of violations of the rental agreement or applicable regulations incorporated therein by reference shall be made in accordance with the procedure set out in the University Administrative Regulations.

4.3 *Governing Body*

4.31 There shall be a governing body for each comprehensive geographical housing unit as designated by the Dean of Students. These governing bodies are given authority to establish, upon approval of the Dean of Students and a majority of those students governed, additional rules regarding conduct and regarding dispositions of cases, within their respective jurisdictions. Governing bodies may advise the Dean of Students on residence hall

policies, programming and staffing. Officers of the governing bodies shall be elected at large by the residents of each respective housing unit.

ARTICLE V—STATEMENT OF FINANCIAL DELINQUENCY

Section

5.1 *Student Responsibility*

5.11 The University expects the student to be financially responsible and not be delinquent in financial obligations to the University or to any department or division thereof, including room and board payments to sanctioned fraternal student organizations. Such obligations shall not include fines and penalties assessed against the student by other than University officers.

5.2 *Unmet Financial Obligations*

5.21 An office or a department of the University, with previous approval of the Vice Chancellor for Administration, Lexington Campus, will notify a student twice of any unmet financial obligation owed to it exceeding $20.00.

If not paid within 60 days, from date due, the office or department will notify the Registrar's Office that the student is delinquent.

5.22 After the Registrar has been so notified, the Registrar shall not allow the student to register, transfer credits, be readmitted to the University, or receive the graduation diploma which certifies the degree earned until the office or department declaring the delinquency notifies the Registrar that the obligation has been met or until the statute of limitation on collection applies.

5.3 *Disputed Liability*

5.31 If there is a dispute as to whether or not a student is legally liable for a financial obligation asserted by the University, and the student challenges such obligation through either timely administrative (Vice Chancellor for Administration, Lexington Campus) or legal means, then the sanctions of Article V with respect to registration shall not apply until final resolution of the dispute.

ARTICLE VI—INTERFERENCE, COERCION AND DISRUPTION

Section

6.1 *Statement of Policy*

6.11 The University of Kentucky has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceful assembly. It is equally clear, however, that in a community of learning, interference, coercion or disruption cannot be tolerated.

6.2 *Requirements for Article VI Charge(s)*

6.21 Students who engage in conduct proscribed by this Article of the Code shall be charged pursuant to this Article only where one or more of the following occurs:

1. Where there is a threat of or commission of physical violence, or

2. Where there is a threat of or destruction of University property, or

3. Where conduct necessitates the declaration of or takes place during a State of Emergency as provided herein, or

4. Where the Dean of Students or the Dean's authorized representative gives prior notice that Section 6.3 is applicable.

6.3 *Offenses*

6.31 No student shall engage in interference, coercion or disruption with relation to University missions, processes, functions, or personnel.

6.32 Section 6.3 is violated when a student, acting alone or in concert with others, impedes or impairs University missions, processes or functions, or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or property, or part thereof, without authorization by the University; blocking the entrance or exit of any University building or corridor or room therein; setting fire to, or by any other means, damaging any University building or property; or the property of others on University premises; any display of, or attempt, or threat to use firearms, explosive or other weapons upon University property without University authorization; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly upon University property; blocking normal pedestrian or vehicular traffic on

University property; and failure to vacate premises when ordered to do so by a University official.

6.4 *Administrative Authority and Responsibility*

6.41 When it appears that there is a violation of Section 6.3, the University administration is authorized and directed to take one or more of the following actions:

a. Prefer charges under the Code of Student Conduct.

b. Impose interim suspension.

c. Declare a state of emergency.

d. Make application to the courts for injunctive relief.

e. Request the assistance of outside law enforcement agencies available under the laws of the Commonwealth of Kentucky.

f. Take such other actions deemed necessary by the President of the University to protect lives and property and provide for the orderly operation of the institution.

6.5 *Disciplinary Procedures*

6.51 The University Appeals Board shall exercise original jurisdiction with regard to all cases wherein students are charged with a violation of Section 6.3.

6.52 The decision of the Appeals Board shall be final as to the issue of guilt or innocence and as to questions of law and procedural questions arising under this Code.

6.53 If the Appeals Board, by a majority of the members hearing any particular case, finds that an accused student is guilty of a violation of Section 6.3, it shall fix the sanction therefor, which shall be either suspension or dismissal, and may include monetary reimbursement. The Board may, however, impose the penalty of undated suspension, if it makes a specific finding of substantial mitigating circumstances.

6.54 Within 30 days after receipt of the decision of the Appeals Board, a student found guilty may appeal in writing to the President of the University for a review of the nature or severity of the sanction imposed. In the event

of an appeal, the President may decrease the sanction imposed by the Appeals Board.

6.6 *Interim Suspension*

6.61 Interim suspension is defined as exclusion of a student from the campus, pending a prompt hearing.

6.62 Interim suspension may be imposed only by the President of the University, the Vice President for Administration, the Chancellors, the Vice Chancellor for Student Affairs, Lexington Campus, or the Dean of Students when any one of these officials has reasonable cause to believe that at student has committed an offense defined in Section 6.3.

6.63 In no case shall an interim suspension be in effect for a period longer than 7 days.

6.64 The official invoking interim suspension shall cause charges to be preferred and the reports and evidence forwarded to the Chairman of the Appeals Board, who shall docket the case for a prompt hearing.

6.7 *State of Emergency*

6.71 The President of the University, or in the President's absence, the Vice President for Administration, or other University official specifically designated by the President, may declare that a state of emergency exists on the campus. The declaration of a state of emergency shall be made when, in the judgment of the President or the President's designee, conditions are such that a clear and present danger exists with regard to the safety of persons or property or when conditions are such as to justify a reasonable belief that disruption is likely to occur.

6.72 In the event of a declaration of a state of emergency, the following procedures may be implemented:

a. No persons, other than students, faculty and staff of the University with proper University identification, and representatives of duly constituted law enforcement agencies shall be permitted on the campus without appropriate identification issued by the University's Department of Public Safety.

b. The President, the Vice President for Administration, the Chancellors, the Vice Chancellor for Student Affairs, Lexington Campus, the Dean of Students or their authorized representatives may im-

pose upon any person such temporary sanctions as are considered necessary to protect members of the University community or its property, or to prevent disruption of the University.

c. The President, or in the President's absence, the Vice President for Administration, may impose such other temporary regulations, including the suspension of all mass meetings, and other gatherings, as may be reasonably necessary to protect the safety and welfare of persons on the campus, prevent damage to property, and provide for the orderly and efficient operation of the University.

d. Take any of the actions enumerated in Section 6.4.

6.8 *No Amnesty*

6.81 No person shall have authority to grant amnesty or to make any promises as to prosecution or nonprosecution in any court, state, or federal, or before any board to any person charged with or suspected of violating Section 6.3 of this Code.

ARTICLE VII—AMENDMENT

Section

7.1 *Amendment Procedure*

7.11 The Code of Student Conduct shall be amended only by the Board of Trustees. Responsibility for proposing revisions to the Code of Student Conduct is delegated to a committee consisting of students, faculty and administrators. The exact composition and procedure of the committee is to be determined by the President of the University.

7.12 The Committee shall accept and review recommendations from students, faculty and administrators regarding revisions of the Code of Student Conduct. The Committee shall prepare proposed revisions and forward them to the President for presentation to the Board of Trustees for its consideration.

7.13 Nothing included above shall be construed as a limitation upon the President to propose changes without reference to the Committee.

PART II:

SELECTED RULES OF THE UNIVERSITY SENATE GOVERNING ACADEMIC RELATIONSHIPS

These selected Rules of the University Senate are subject to modification at any time by the Senate. Other rules involving students in academic matters particularly in the advisory area will be found in the University Catalogue and schedule books. Information relative to the participation of students in the University Senate, and clarification and/or interpretation of these rules may be obtained from the Senate Council Office or the Chairman of the Rules Committee.

STUDENT ACADEMIC AFFAIRS
(from Section VI of University Senate Rules)

1.0 *Academic Rights of Students*

1.1 *Information About Course Content*—A student has the right to expect the course to correspond generally to the description in the official catalog of the University of Kentucky and the right to be informed *in writing* at the first or second class meeting about the nature of the course—the content, the activities to be evaluated, and the grading practice to be followed. Whenever factors such as absences or late papers will be weighed heavily in determining grades, a student shall be informed.

1.2 *Contrary Opinion*—A student has the right to take reasoned exception to the data or views offered in the classroom without being penalized.

1.3 *Academic Evaluation*

a) Students have the right to receive grades based only upon fair and just evaluation of their performance in a course as measured by the standards announced by their instructor(s) at the first or second class meeting.

b) Students have the right to receive a fair and just academic evaluation of their performance in a program. In addition to the student's overall academic record, evaluation may include the assessment of such activities as research and/or laboratory performance, qualifying examinations, professional board examinations, studio work or performance activities, behavior in professional situations, or interviews to determine continuation in a program. The program faculty and/or relevant administrative officer must inform the student

as to which activities will be included in the academic assessment no later than the beginning of the activity to be evaluated.

c) Evaluations determined by anything other than a good faith judgment based on explicit statements of the above standards are improper. Among irrelevant considerations are race, color, religion, sex, national origin, sexual orientation, age, marital status, and political affiliations, or any activities outside the classroom that are unrelated to the course work or program requirements.

One form of sex discrimination is sexual harassment. It is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of an intimidating, hostile, or offensive nature, when submission to such conduct is made either explicitly or implicitly a term or condition of the student's status in a course, program, or activity, as a basis for academic or other decisions affecting such student, or substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive working or academic environment.

1.4 *Academic Records*—A student has the right to have his academic record kept separate and confidential unless he consents in writing to have it revealed. However, the Registrar or his designee may disclose the student's academic record without his consent if the information is required by authorized University personnel for official use, such as advising students, writing recommendations, or selecting candidates for honorary organizations.

1.5 *Evaluation of Student Character and Ability*—A student has the right to have his character and ability evaluated only by individuals with a personal knowledge of him, and upon request, to be informed that such an evaluation has been or will be made. Records containing information about a student's character and ability shall indicate when the information was provided, by whom, and the position of this individual.

1.6 *Student Participation in Academic Affairs*

1. The faculty of each college within the University and the faculty of the Graduate School shall establish some form of Student Advisory Council (SAC) to represent student opinion on academic matters pertinent to that college or school.

2. The form for each council, as well as the areas of responsibility, shall be determined by the faculty of the college or school. Students themselves shall be responsible for the selection of council members by democratic process. Each Student Advisory Council shall keep records of its proceedings. The Dean of such college or school shall forward for approval a statement of form and of areas of responsibility to (a) the University Senate Council and (b) the President.

3. The faculty of each college or school shall determine whether a student member of its Student Advisory Council shall be entitled to vote with its faculty council or equivalent body on academic affairs.

1.7 *Attendance and Participation During Appeal*—Students shall have the right to attend classes, to pursue their academic progress, and to participate in University functions during the consideration of any appeal.

2.0 *The Academic Ombudsman*

The Academic Ombudsman is the officer of the University charged with consideration of student grievances in connection with academic affairs.

2.1 *Functions, Jurisdiction and Procedures of the Office*

2.1.1 *Functions*—The Office of Ombudsman shall provide a mechanism for handling issues for which no established procedure exists or for which established procedures have not yielded a satisfactory solution. It is not intended to supplant the normal processes of problem resolution. In some cases where there is a clear need to achieve a solution more quickly than normal procedures provide, the Ombudsman may seek to expedite the normal processes of resolution.

2.1.2 *Jurisdiction*—The authority of the Academic Ombudsman is restricted to issues of an academic nature involving students on the one hand and faculty or administrative staff on the other, explicitly governed by Sections IV, V, VI of the Rules of the University Senate. However, the Ombudsman may refer issues falling outside his/her jurisdiction to appropriate offices charged with the responsibility for dealing with them, such as the Vice Chancellor for Student Affairs or the Affirmative Action Officer.

When a problem falls partly within his jurisdiction and partly within the jurisdiction of some other office, the Ombudsman shall cooperate with the relevant other office in seeking a solution. However, the Ombudsman's authority in affecting a solution shall extend only to those aspects of the issue falling within his jurisdiction as defined in the *Rules of the University Senate.*

Jurisdictional disputes involving the Academic Ombudsman and other offices which cannot be resolved through negotiations shall be referred to the President.

2.1.3 *Decision to Accept a Case*—When an issue to be resolved is brought to the Academic Ombudsman, he shall first determine if the issue falls within his jurisdiction, as defined by the *Rules of the University Senate.* If it does not, he shall refer the person presenting the issue to the proper authority to deal with it.

If the issue does fall within his jurisdiction, the Ombudsman shall determine if efforts have been made to adjudicate it through normal channels and procedures. Where such channels and procedures exist and have not been utilized, the Ombudsman shall recommend their use, unless there is compelling evidence that they will not effectively resolve the issue.

The Academic Ombudsman shall investigate each issue falling within his jurisdiction to determine:

1. whether it contains merit;

2. whether it is deserving of his extended attention; and

3. the priority of attention which it should be accorded by his office.

The Academic Ombudsman shall notify the student directly concerned of his determination that an issue does not contain merit. The student then has the right to appeal within 30 days to the University Appeals Board. Upon receipt of the written appeal, the chairman of the Appeals Board shall notify the Academic Ombudsman to forward all reports and evidence concerning the case. The Board may then by majority vote agree to hear the student's case, or to allow the Academic Ombudsman's decision to be final.

2.1.4 *Statute of Limitations*

The Academic Ombudsman is empowered to hear only those grievances directed to his/her attention within 365 days subsequent to the conclusion of the academic term in which the problem occurred. However, the Ombudsman may agree to hear a grievance otherwise barred by the Statute of Limitations in those instances where (l) the Ombudsman believes that extreme hardship including but not limited to illness, injury, and serious financial or personal problems gave rise to the delay or (2) all parties to the dispute agree to proceed.

2.1.5 *Procedures*—When the Academic Ombudsman determines that an issue merits his attention, he shall contact the parties involved to determine the background of the issue and areas of disagreement. With this information in hand, he shall seek to determine alternative means of achieving an equitable resolution and propose to the conflicting parties those solutions which appear to offer the greatest promise of mutual satisfaction. Normally his investigatory and arbitration activities shall be conducted informally and need not involve confrontation of the conflicting parties. However, more formal procedures and direct confrontation of the parties involved may be utilized if circumstances dictate that these will produce a more effective resolution.

If his arbitration efforts are unsuccessful, the Academic Ombudsman shall refer the case to the University Appeals Board in writing if the complainant wishes to pursue the issue. At the request of the Appeals Board, the Ombudsman shall appear before it to offer testimony or shall prepare a written report of the case.

2.1.6 *Liaison*—The Academic Ombudsman shall maintain close liaison with the Vice Chancellor for Student Affairs, the Affirmative Action Officer and other such officials who have responsibility and concern for the academic governance of students. However, he shall not violate the rights of students or other parties involved in cases brought to him through the disclosure of any information communicated to him in confidence.

2.1.7 *Records and Reports*—The Academic Ombudsman shall retain a record of all cases accepted. In cases involving discrimination (including sexual harassment), a summary of the case shall be sent to the Affirmative Action Officer. He shall review all files at the end of his term of office and he should destroy any file of a case which has been resolved which is two years of age or older. If not destroyed, then all names should be removed. The decision not to destroy a file ought to be based on criteria such as resolution which might serve as a precedent for similar such cases in the future. All unresolved cases which are more than one year old and which were never forwarded to the Appeals Board shall be destroyed. He shall present annually a report of his activities to the University Senate, the Student Government Association and the President of the University and may offer recommendations for changes in rules, practices or procedures to the end of achieving more harmonious and effective governance of student academic affairs.

At the request of the Senate Council, the Ombudsman shall prepare reports or submit recommendations on specific matters referred to him. He may on his own volition, report directly to the Senate Council or the President

of the University, Student Government, Deans, Department Chairmen, or other appropriate persons on problems which he feels deserve their early attention.

2.2 *Qualifications of the Academic Ombudsman*

As estabished by the *Rules of the University Senate*, the Academic Ombudsman must be a tenured member of the faculty. Beyond this his qualifications should be those which will permit him to perform the functions of his office with fairness, discretion and efficiency. It is important that he be regarded by students as one who is genuinely interested in their welfare and sympathetic to their problems. It is equally important that he be both temperate in his judgments and judicious in his actions. He must be firm and persistent in seeking to achieve prompt and equitable solutions to the problems which are brought to him. Because much of his success will depend upon his ability to utilize informal channels of communication and action, he should be a person able to develop and maintain cordial personal relations with a wide variety of students, faculty and members of the administrative staff. Above all, he must be a person of unquestionable integrity and resolute commitment to justice.

2.3 *Selection Procedure*

a. The Chairman of the Senate Council, with the advice of the Senate Council members, shall appoint a Search Committee consisting of the following members:

(1) a member of the Senate Council;

(2) two students, one an undergraduate and one a graduate or professional student, chosen by the Student Government Association; by methods provided by the rules of the Student Government Association;

(3) a member designated by the President of the University who shall serve as Chairman of the Search Committee.

b. The Search Committee shall solicit nominations for the Academic Ombudsman from students, faculty and administration.

c. Nominees shall be initially screened according to criteria set forth by the *Rules of the University Senate* and such other criteria as may be established by the University Senate and the Search Committee. The list of eligible candidates shall then be submitted for approval

to the President of the University, the Senate Council and a Committee of the Student Assembly, not to exceed nine members, appointed by procedures designated by the Assembly. Only those candidates approved by all three bodies shall be given further consideration for appointment to the office. Approved candidates who are willing to be considered for the post of Ombudsman may be interviewed by the Search Committee. From among the jointly approved candidates, the Search Committee shall recommend no more than three to the President.

d. Should the office of Academic Ombudsman be vacated prior to the expiration of the normal term of the office, a new appointment shall be made to fill the unexpired term using the same procedures as described above.

3.0 *Academic Offenses and Procedures*

3.1 *Plagiarism*

All academic work, written or otherwise, submitted by a student to his instructor or other academic supervisor, is expected to be the result of his own thought, research, or self-expression. In any case in which a student feels unsure about a question of plagiarism involving his work, he is obligated to consult his instructor on the matter before submitting it.

When a student submits work purporting to be his own, but which in any way borrows ideas, organization, wording or anything else from another source without appropriate acknowledgment of the fact, the student is guilty of plagiarism.

Plagiarism includes reproducing someone else's work, whether it be published article, chapter of a book, a paper from a friend or some file or whatever. Plagiarism also includes the practice of employing or allowing another person to alter or revise the work which a student submits as his own, whoever that other person may be. Students may discuss assignments among themselves or with an instructor or tutor, but when the actual work is done, it must be done by the student, and the student alone.

When a student's assignment involves research in outside sources or information, he must carefully acknowledge exactly what, where and how he has employed them. If he uses the words of someone else, he must put quotation marks around the passage in question and add in appropriate indication of its origin. Making simple changes while leaving the organization, content and phraseology intact is plagiaristic. However, nothing in

these Rules shall apply to those ideas which are so generally and freely circulated as to be a part of the public domain.

3.2 *Cheating*

Cheating is defined by its general usage. It includes, but is not limited to, the wrongfully giving, taking, or presenting any information or material by a student with the intent of aiding himself or another on any academic work which is considered in any way in the determination of the final grade. Any question of definition shall be referred to the University Appeals Board.

4.0 *Disposition of Cases of Academic Offenses*

4.1 *Responsibility of Instructor and Department Chairman*

An instructor who suspects that a student has committed an academic offense shall consult with the department chairman, or the designee of the chairman, as soon as practical after the instructor develops the suspicion. If the instructor is also the department chairman, he or she shall consult with the dean of the college's designee. Prior to consultation, however, the instructor may take action to prevent or detect an academic offense or preserve evidence of same. In taking such action the instructor should minimize disruption and embarrassment to students.

The instructor and department chairman shall review the evidence of an academic offense, ask the dean of their college to inquire of the registrar concerning prior academic offenses, and decide on an appropriate course of action. (See 4.9 and 4.10) If the evidence warrants an accusation of an academic offense, the student shall be invited to meet with the instructor and department chairman. The student shall be informed of the charge and given an opportunity to state his or her case. The student shall be informed of the possible penalties that may be imposed or recommended. If the student is not reasonably available or fails to attend the meeting, the instructor, with the approval of the department chairman, shall inform the student by certified mail or other means of delivery with receipt acknowledged in writing, of the nature of the evidence, charges, and possible penalties.

The instructor and department chairman shall decide on an appropriate penalty. If there is disagreement the department chairman shall prevail. The instructor and department chairman may impose one or more of the following penalties in the event they determine an academic offense has occurred.

a. Assign a grade of E for the course in which the offense occurred (the minimum penalty).

b. Recommend to the Dean of their college or the Dean of the Graduate School, if appropriate, that the student be suspended, dismissed or expelled.

The determination or recommendation of the instructor and department chairman shall be made within seven working days after the accusation is made, unless the student consents in writing to an extension of this time. The determination or recommendation shall be in writing to their dean with copies to the student and the dean of the student's college, if he or she is enrolled in another college. Certified mail or other means of delivery with receipt acknowledged in writing shall be used to notify the student. If the offense also involves a violation of Part I, Code of Student Conduct, the report shall also be sent to the Dean of Students.

4.2 *Responsibility of the Dean of the College Where the Offense Occurred or of the Dean of the Graduate School, If Appropriate*

After reviewing the file forwarded by the department chairman, the dean or his/her designee shall, within seven working days, forward the file to the appropriate Chancellor. If the dean disagrees with the sanction recommended by the chairman, the dean shall forward only his or her recommendation to the Chancellor.

When a violation of Part I, Code of Student Conduct, Section 1.21 c, d, e, f, g, h, i, m, o, q, or r and a violation of Part II, Selected Rules of the University Senate Governing Academic Relationships, Section on Academic Offenses and Procedures, has allegedly been committed in the same set of circumstances or facts, the Dean of Students shall first consult with the dean of the college where the offense occurred. They shall determine whether the Dean of Students, the dean of the college where the offense occurred, or the Dean of the Graduate School, or all three will investigage and pursue the case in accordance with appropriate procedure(s) and authority(ies) as set forth in Part I or Part II of STUDENT RIGHTS AND RESPONSIBILITIES.

After reviewing the file or report, the dean may then take one or more of the following actions listed under a. or b.

When it is the dean who initially finds that a student has committed an academic offense, the dean should first consult with the instructor and department chairman, if available, and then arrange a personal conference

with the student and do the following: present the evidence with respect to the offense; give the student an opportunity to state his/her case; and make known to the student the charges, if any, and the possible sanctions which may be imposed or recommended. If the student is not reasonably available or fails to attend such a conference, the dean shall proceed to inform the student of the nature of the evidence, charges and possible sanctions by certified mail or other means of delivery with receipt acknowledged in writing.

Within seven days of formally charging the student as set out above, the dean may take one or more of the following actions:

a. impose the minimum penalty or E for the course in which the offense occurred;

b. forward the file to the appropriate chancellor recommending a sanction of suspension, dismissal or expulsion.

Notice of action taken under a. or b. above shall immediately be sent by the Dean or the dean's designee to the student by certified mail or other means of delivery with receipt acknowledged in writing, with copies to the instructor, and the department where the offense occurred, dean of the student's college, Registrar and Academic Ombudsman. If the student is enrolled in a college in a different sector, notice of action should also be sent to the appropriate chancellor.

4.3 *Responsibility of the Chancellor*

After the student has been notified of action, the appropriate chancellor will wait ten working days to give the student an opportunity to exercise the right of appeal to the Academic Ombudsman and then will proceed promptly as follows:

a. If the student does not appeal the dean's recommendation of suspension, dismissal or expulsion within the specified period, the appropriate chancellor shall review the file, and may approve and implement or disapprove the recommended sanction;

b. If the student appeals the dean's recommendation of suspension, dismissal or expulsion within the specified period, the appropriate chancellor takes no action unless the University Appeals Board subsequently recommends that the sanction of suspension, dismissal or expulsion be imposed and implemented. If such a recommendation is received from the University Appeals Board, the appropriate

chancellor shall review the file, and may approve and implement or disapprove the recommended sanction.

Notice of action taken under a. or b. must be sent by the appropriate chancellor to the student by certified mail or other means of delivery with receipt acknowledged in writing, with copies to the instructor, department chairman and dean of the college where the offense occurred, dean of student's college, Registrar, Academic Ombudsman and chairman of the University Appeals Board. In the case of foreign students, a copy should also be sent to the Director of International Student Affairs.

4.4 *Rights of the Student*

The student may appeal: 1. the determination of his/her guilt; 2. the severity of the sanction if more than the minimum sanction is recommended. The appeal must be filed in writing with the Academic Ombudsman within 15 working days after the student's notification of the sanction. It shall be the obligation of the student to provide the instructor with a current address and to keep the instructor advised of changes of address.

The student shall have the right of class participation and attendance during the consideration of any appeal.

4.5 *Role of the Dean of the Student's College*

When the student involved is not enrolled in the college in which the offense occurred, the dean of his or her college shall be informed by copy of all official correspondence pertaining to the sanctions being recommended. Should the student appeal to the University Appeals Board, the dean of the student's college may appear on his or her behalf.

4.6 *Responsibility of the Academic Ombudsman*

The Academic Ombudsman shall, within a reasonable time, preferably within 20 working days of receiving the student's written appeal, attempt to resolve the case to the satisfaction of the student and of the instructor or dean imposing or recommending the sanction. If the Academic Ombudsman cannot within 20 working days of receiving the student's written appeal satisfactorily resolve the case, he/she shall forward a written report to the University Appeals Board with copies to the student, and to the person who instituted the charge. However, the period may be extended to permit more time for investigation with written approval of the student. The report should include copies of the student's appeal and report of the incident, and any reports submitted by the accuser.

4.7 *Responsibility of the University Appeals Board*

The Hearing Officer of the University Appeals Board shall schedule a hearing in any case of cheating or plagiarism reported by the Ombudsman, the hearing to be held within 20 working days of the receipt by the Hearing Officer of the Ombudsman's report, unless the student consents to an extension of time for the hearing. The student may withdraw the appeal at any time. Notices to the student will be sent by certified mail to the address on file with the Ombudsman; failure of a student to apprise the Ombudsman of a change in address shall be cause of dismissal of the appeal.

In cases of academic offenses where the student contests guilt, the Appeals Board shall sit as a fact finding body and determine whether or not the student cheated or plagiarized from such evidence as is brought before the Board (including testimony under oath, written statements, exhibits, and a view of the classroom where the cheating occurred if this be an issue). The Board may call witnesses on its own initiative and may continue the hearing for this purpose. Unless the Board believes, by majority vote of those present and by a preponderance of the evidence, that the student cheated or plagiarized, it shall acquit the student.

In cases where the only issue is the severity of the sanction, the Board shall sit as an appeals board and shall concur in the recommended sanction unless it believes, by a majority vote of those present and by a preponderance of the evidence, that the sanction is too severe. The Board may hear witnesses and consider written statements and exhibits in reaching its decision concerning the severity of the sanction. The Board may impose the minimum penalty of an E in the course or may recommend to the Chancellor the imposition of a penalty of suspension or dismissal less severe than that recommended by the dean of the student's college.

Within five days of the decision of the Appeals Board the Hearing Officer of the Board shall notify the student, the instructor, the department chairman, the dean of the student's college and the appropriate chancellor of the action of the Board. In addition, if the decision of the Board is to impose a penalty of E in the course the Hearing Officer shall notify the Registrar of that act.

In all cases involving academic offenses the student shall have the rights set out in Section 2.3 of the Code (Rights of the accused).

When the Board hears a case in which the instructor and the dean have recommended actual suspension or expulsion, it may concur with the in-

structor and the dean, and recommend to the President of the University for his approval and implementation that the punishment of actual suspension or expulsion be imposed. If the Board does not agree that such punishment should be imposed, it shall return its decision and its recommendation of appropriate punishment to the instructor.

The instructor may refuse to accept a recommendation of the Appeals Board with respect to an appropriate punishment, but if he does so, the board shall have the authority to give the student a W in the course. (See Section V., 1.34)

4.8 *Reporting Academic Offenses*

All final decisions of guilt of an academic offense shall be reported in writing to the Registrar by the dean of the college in which the offense occurred, with the following information: 1) name of student; 2) student identification number; 3) student's college; 4) course and section number; 5) approximate date of offense; 6) brief description of offense; 7) sanction imposed; and 8) date of imposition of sanction.

4.9 *Responsibility of Registrar*

The Registrar shall keep a record of all final decisions of guilt of an academic offense with the following information: 1) name of student; 2) student identification number; 3) student's college 4) course name and number and section number; 5) approximate date of offense; 6) brief description of offense; 7) sanction imposed; and 8) date of imposition of sanction. This information shall be released only with the consent of the student, or in response to an inquiry from a dean of the University of Kentucky, or a dean's designee, or the Academic Ombudsman of the University of Kentucky. A record shall be maintained by the Registrar of every instance in which information is released under this provision.

4.10 *Penalties for Academic Offenses*

The minimum penalty for an academic offense is an E in the course in which the offense took place. The repeat option may not be used to remove an E given for an academic offense. If a prior academic offense has been recorded in the Registrar's Office, the minimum penalty shall be suspension for one semester (or a minimum of four months in those colleges in the Medical Center where the semester system is not in use). Penalties more severe than the minimum may be imposed where warranted by the circumstances:

a. Suspension: forced withdrawal from the University for a specified period of time, including exclusion from classes, termination of student status and all related privileges and activities. If a student while on suspension violates any of the terms set forth in the nature of suspension he or she shall be subject to further discipline in the form of dismissal.

b. Dismissal: termination of student status subject to the student's readmission. The conditions for readmission will be specified at the time of dismissal. The student may be readmitted to the University only with the specified approval of the appropriate chancellor upon recommendation of the Appeals Board.

c. Expulsion: permanent termination of student status, without possibility of readmission except upon showing that the finds of fact which formed the bases of the action were clearly erroneous. (To be invoked only in unusual circumstances and when the offense committed is of such serious nature as to raise the question of the student's fitness to remain a member of the academic community.)

5.0 *University Appeals Board*

5.1 *Functions of the University Appeals Board*

5.1.1 *Cases of Student Academic Rights*

After hearing a case involving a violation of student academic rights as set forth herein, the Board may select from the following remedies:

a. The Board may direct that a student be informed about the content, grading standards, and procedures of a course when a violation of the pertinent rules has been proved.

b. When an academic evaluation based upon anything other than a good-faith judgment of a student has been proved, the Board may direct that a student's grade in a course be changed to a W (Withdrawal), or a P (Passing, credit toward graduation but not toward grade point standing), or, if such determination can be made, to an appropriate letter grade. (See Section V – 1.1) For an exception, See College of Medicine grading.

c. The Board may take any other reasonable action calculated to guarantee the rights stated herein.

6.0 *Honor Code*

Any school or college may establish, with the approval of the Senate, an Honor Code or comparable system governed by the students with approval by and/or appeal to the faculty of such a college. When such an Honor Code or comparable system has been established, the procedures for disposition of cases of academic offenses described above shall not apply to the extent that the offenses are subject to the Honor Code and committed by a student subject to the Code.

The punishment meted out to a student governed by such a system shall be as designated thereby except that actual suspension or expulsion shall be imposed only with the recommendation of the dean of the college and upon approval by the appropriate Chancellor.

RULES RELATING TO ATTENDING THE UNIVERSITY

(from Section V of University Senate Rules)

1.0 *Grades and Marking Systems*

1.1 *The Marking System (except for Colleges of Law, Medicine, and Dentistry)*

Results of work will be recorded in the Registrar's Office as follows:

A— Represents an exceptionally high achievement as a result of aptitude, effort and intellectual initiative. It is valued at four (4) grade points for each credit hour.

B— Represents a high achievement as a result of ability and effort. It is valued at three (3) grade points for each credit hour.

C— Represents average achievement. It is valued at two (2) grade points for each credit hour.

D— Represents the minimum passing grade (not to be used for graduate students). It is valued at one (1) grade point for each credit hour.

E— Represents unsatisfactory performance and indicates failure in the course. It is valued at zero (0) grade points and zero (0) credit hours.

F— Represents failure in a course taken on a Pass-Fail basis.

I— Incomplete - (See *Explanation of Certain Grades,* next page.)

P— Represents a passing grade in a course taken on a Pass-Fail basis. It may also be assigned by the University Appeals Board in cases involving a violation of student academic rights. (See 1.4, this Section and 5.1, Section VI.)

W— Denotes withdrawal. It may also be assigned by the University Appeals Board in cases involving a violation of student academic rights.

S— Satisfactory work in progress, or final grade in courses carrying no academic credit.

1.2 *Marking Systems for Colleges of Law, Medicine, Dentistry, Architecture and Landscape Architecture*

1.2.1 *College of Law*—The College of Law uses a special letter grading system in which the following grades are given with the respective quality point values indicated:

A+ 4.3	B+ 3.3	C+ 2.3	D+ 1.3	E 0
A 4.0	B 3.0	C 2.0	D 1.0	
A- 3.7	B- 2.7	C- 1.7	D- 0.7	

A student's academic grade record is expressed as a grade point average computed by multiplying the semester hours of credit for each course by the quality point value of the grade received in the course. These products are added together, and the sum divided by the total semester hours attempted. The grade point average thus derived is the basis for each student's academic status as indicated in the published rules and policies of the Law Faculty.

1.2.2 *College of Dentistry*—Honors, Pass and Unsatisfactory are the designations for the College of Dentistry students. The H, P, U designations are utilized *only* for dental students. The few graduate and/or undergraduate students in essentially dental classes are graded as is the rest of the University.

1.2.3 *College of Medicine*

Grade *Achievement Level*

A Represents exceptionally high achievement in performance. It is valued at four (4) quality points for each credit hour.

B Represents the expected level of achievement or performance in each course. This grade reflects student competence in all areas of course requirements. It is valued at three (3) quality points for each credit hour.

C Represents marginal performance. It is valued at two (2) quality points for each credit hour.

E Represents failure or unacceptable performance in a course. It is valued at zero (0) quality points for each credit hour.

P Represents a passing grade in a course taken on a pass-fail basis. It is not used in quality point calculations.

W Denotes withdrawal from the College. Receipt of a 'W' must be approved or recommended by the Student Progress and Promotion Committee. Withdrawal from a required course is not permitted, except when a student withdraws from the College.

U Represents unsatisfactory performance in a specific area of course requirements. It is given instead of an 'E' grade when evidence exists that the student might earn a 'C' grade upon completion of make-up work. In the interim the 'U' will be valued at one quality point for each credit hour. A 'U' grade must be replaced by a 'C' or 'E' grade. The quality point calculation will then be the average of the 'U' and the 'C' or 'E' grade.

I Represents incomplete work at the time grades are submitted for courses. It is given only when there is a reasonable possibility that a grade of 'C' or better will be earned upon completion of the work. All 'I' grades in required courses must be removed by a passing grade before a student can be promoted to a subsequent year. If a student later withdraws from the College, an outstanding 'I' grade can revert to a 'W' grade at the discretion of the SPPC.

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Note: See University *Bulletin* or College of Medicine for promotion criteria.

1.2.4 *College of Architecture*

The grading system below does not affect the use of interpretation of the other letter grades included in the University Marking System (i.e., F; I; P; and S), nor will it change the present College requirement that in all studio work in Architecture the minimum passing grade from level to level in the studio sequences shall be a grade of "C".

A 4.0	B+ 3.3	C+ 2.3	D+ 1.3	E 0
A- 3.7	B 3.0	C 2.0	D 1.0	
	B- 2.7	C- 1.7	D- 0.7	

1.2.5 *Landscape Architecture Program*

A 4.0	B+ 3.3	C+ 2.3	D+ 1.3	E 0
	B 3.0	C 2.0	D 1.0	
A- 3.7	B- 2.7	C- 1.7	D- 0.7	

1.3 *Explanation of Certain Grades*

1.3.1 *Grade E*: The grade E means that the student can obtain credit in the course only by repeating the entire work of the course in class, or by special examination in accordance with procedures outlined in Section 2.13 (2). In rare cases in which undue hardship is involved in repeating the work in class, the dean of the college in which the student is enrolled may approve repeating the work by correspondence.

1.3.2 *Grade I*: The grade I means that part of the work of the course remains undone. It shall be given only when there is a reasonable possibility that a passing grade will result from completion of the work. The instructor shall not give an I grade when the reason for incompleteness is unsatisfactory to him.

An undergraduate student shall have the option of having the I grade as a permanent part of his record. If the student elects to complete the course in order to change the I grade to a letter grade, he must do so before graduation, but in no event after a lapse of two years from the date the I grade was awarded. If the student does complete the course under this condition, the instructor shall forward to the Registrar the appropriate letter grade to replace the I. If the student elects to retain the I grade in a course required for graduation, or is unable to complete such a course because of the two-year limitation or for any other reason, he must retake it and satisfactorily complete it with a letter grade in order to graduate.

Each department, school or college shall maintain a file record of incomplete grades recorded in courses of that department, school or college. This record, completed by the instructor shall include:

1. the name of the student;
2. the course number and hours of credit;
3. semester and year of enrollment;
4. signature of the instructor;
5. a brief statement of the reason(s) for recording the incomplete; and

6. an adequate guide for removal of the incomplete grade (with a suggested final grade).

1.3.3 *Grade S*: The grade S may be recorded for students in courses of research, independent work, or seminar-type, if at the end of a semester the student, because of the nature or size of the project, has been unable to complete the course. The project must be substantially continuous in its progress. When the work is completed, a final grade will be substituted for the S. Grade S may be recorded also as a permanent mark in courses carrying *no* academic credit.

The grade may *not* be given to a student who has done unsatisfactory work or to one who has failed to do a reasonable amount of work.

1.3.4 *Grade W*: The grade W shall be given to students who officially withdraw from a class or classes under conditions described in Section V., 1.8.2 and 1.8.3. It may also be assigned by the University Appeals Board. Also see Section VI., 5.1. (US:10/8/79)

1.4 *Courses Taken on a Pass-Fail Basis*—Undergraduate students above the freshman level and not on academic probation may select a maximum of four (4) elective courses, with certain restrictions, to be taken on a Pass-Fail basis. Students in the Honors Program above the freshman level may, with advance written approval of the Director of the Honors Program, select additional elective courses to be taken on such a Pass-Fail basis. Credit hours successfully completed under this option will count toward graduation but will not be used in calculating grade point standing. Courses taken on a Pass-Fail basis shall be limited to those considered as elective in the student's program and such other courses or types of courses as might be specifically approved by the Senate Council for a college or department. Prerequisites for such courses may be ignored at the student's own hazard. The student is expected to participate fully in the course and take all examinations as though he were enrolled on a regular basis. Students may not change from a pass-fail basis nor from a regular basis to a pass-fail basis after the last day to drop a course without a grade in any given term. Courses offered only on Pass-Fail shall not be included in the maximum number of elective courses which a student may take under these provisions. (See 2.12, this Section, for procedures on Pass-Fail available under that option.)

1.7 *Changing Grades*

a. An individual faculty member may change a mark once it has been reported to the Registrar's Office only in the case of an error. Reports

of all such grade changes shall be sent to the Registrar with a copy to the dean of the college in which the instructor is assigned. The instructor may also recommend to his department chairman the changing of a grade for any reason other than an error, and the grade shall be changed if the department chairman approves. In every such approval, a report of the grade change shall be sent to the Registrar by the department chairman with a copy to the instructor and dean of the college involved. There shall be only one grade change per student per course. No grade may be changed after the student has graduated from the University except in the case of the error provided for above.

b. However, the University Appeals Board may change a grade to P or W in the case of a violation of student academic rights. (See 5.11, (2), Section VI.)

c. Graduate and professional schools may have individual rules on this matter so long as they are not inconsistent.

1.8 *Grades for Students Who Withdraw or are Dropped*

1.8.1 Students who miss the first two class periods of a course without notifying the department of their intention to attend may be reported by the Department to the Dean who shall drop the students from the course and notify the Registrar that the student has been removed from the class roll.

1.8.2 Any student may withdraw from any class (except for those used to meet the Freshman English requirement; see V., 4.3.1) before the midpoint of the term. In order to withdraw, the student must submit a completed withdrawal form to his or her dean. The dean shall report the withdrawal to the Registrar. (US: 2/12/82)

Students who withdraw within three (3) weeks from the beginning of classes in the fall or spring semester (or a proportional amount of time in the summer or other terms) will have no record of the class appear on their transcripts.

During the remaining first half of the course a record of the class will appear on the transcripts of students who withdraw and they must receive a grade of W.

1.8.3 A student may withdraw from a class during the latter half of the term upon approval by the dean of the student's college of a petition certifying urgent *non-academic* reasons including but not limited to:

I. Illness or injury of the student;
II. Serious personal or family problems;
III. Serious financial difficulties.

Before acting on such a petition, the dean will consult with the instructor of the course. If such a petition is approved by the dean of the student's college, the dean shall inform in writing the instructor of the class of his action, and the student shall be assigned a grade of W. (US: 4/11/83)

1.9 *Grade Point Average*

Grade point average is the ratio of the number of points gained to the number of credits attempted, W, P, S, and I being ignored.

1.10 *Not in Class*

Students who have been entered by the Registrar into the official class roll, but have never attended class, and who have not officially withdrawn, shall be reported NOT IN CLASS. The names of such students shall be deleted from the official roll by the Registrar. (See Section IV., 3.2 and Section V., 1.3.4, 2.4.1, and 2.4.3.)

2.0 *Credit, Classification, Loads, Academic Standards*

2.1 *Credit Hours*

2.1.1 *Accelerated Programs*

The College Board Level Examination Program Subject and General Examinations, the College Board Advanced Placement Examinations, the American College Testing Program Proficiency Examination Program Subject Examinations, and courses evaluated by the American Council on Education for which credit recommendations are made under the Program on Noncollegiate Sponsored Instruction are recognized as appropriate credit for meeting degree requirements.*

*Colleges and/or departments in consultation with the Admissions and Registrar's Office shall determine and publish appropriate cut-off scores for the CLEP, AP, and PEP examinations.

2.1.2 *Credit by Special Examination*

1. *Entrance Examination*—An individual academic unit may require, in addition to the freshman classification test, with the approval of

the Senate, entrance or classification tests to be taken by its applicants for admission to its programs.

2. *Special Examination*—Any full-time or part-time student enrolled in the University, and in good academic standing, shall have the right to request a special examination for credit in any course offered in the University System, regardless of whether he has audited the course, is currently enrolled in it, or has studied for it independently.

   a. Application for a special examination must be made in writing. Undergraduates will address requests to the chairman of the department in which the course is given, or to the office of the academic unit responsible; graduate students to the Director of Graduate Study in the department in which the course is given. Approval of requests from undergraduate students rests with the department chairman; from graduate students, with the Dean of the Graduate School acting upon recommendation of the Director of Graduate Study.

   b. The request for special examination may be denied by the department chairman or the office of the administrative unit responsible, or the Dean of the Graduate School acting upon the recommendation of the Director of Graduate Study, if it is decided that the student has not furnished evidence that he is reasonably prepared to take the examination, or that the course is of such a nature that credit by examination is inappropriate. (The fact that a student has failed the course within the last semester may be regarded as evidence that the student is unprepared to take a special examination.)

   c. The instructor may schedule the examination at his convenience, but must offer it within a reasonable time after the student has submitted his request.

   d. The examiner shall inform the Registrar of the student's grade in the course. A student currently enrolled in the class who successfully completes a special examination shall be formally removed from the official roll, unless the student is dissatisfied with the results, in which case he may continue in the course and be graded in the usual manner. The instructor then may or may not include the results of the special examination in computing the final grade.

e. Credit earned by special examination may be counted as residence credit by the dean of the student's college. The limits on maximum loads are waived in cases where the excess is due to special examination credits.

f. The student, with the department chairman's consent, may take the special examination on a Pass-Fail basis, including any course not otherwise available under the Pass-Fail option. Credit derived in this manner shall not reduce the number of courses permitted under the Pass-Fail rules. (See 1.4 and 2.3, this Section.)

2.1.3 *Credit for Work Done by Correspondence*

Not more than thirty (30) credit hours of the total required for an undergraduate degree may be gained by correspondence. No more than one-third of the requirements for a major may be gained by correspondence. No credit will be given in the Graduate School or in the professional colleges for courses done by correspondence.

2.1.4 *Maximums*

No more than half of the credit toward an undergraduate degree may be earned by any combination of CLEP Examinations, PEP Examinations, PONSI courses, Departmental Examinations, and Advance Placement Examinations.

2.1.5 *Credit for Students who Withdraw to Enter Military Service* (See Registrar's Office for Policy and Procedures)

A student who, after completing the eighth week and before completing the twelfth week of the semester, withdraws and within ten (10) days enters the Armed Services of the United States shall be entitled to receive credit and residence for one-half of each course in which he is passing at the time of his withdrawal. The grade reported shall be that attained in the course up to the time of withdrawal. Where such withdrawal occurs upon completion of the twelfth week of the semester, or later, such students shall be entitled to receive full credit and residence under like conditions. For the eight-week Summer Session the minimum attendance requirements shall be four and six weeks respectively. If, with the credit and residence time granted, the student has fulfilled all requirements for a degree, he shall be recommended for that degree by the Senate of the University. If a comprehensive examination is required for graduation, this requirement shall be waived. (See 1.8, this Section.)

2.2 *Student Load*

With the exceptions noted below, the maximum load to be carried during any semester by any student in an undergraduate college (including residence and correspondence courses) shall be 19 credit hours or the amount specified in the curriculum for the particular semester, whichever is larger.

The maximum allowable load to be carried during any summer term for *undergraduate* students (including residence and correspondence courses) shall be nine (9) credit hours in the eight-week summer session and four (4) credit hours in the four-week intersession. The maximum load for *undergraduate* students for the summer term and intersession shall be thirteen (13) credit hours.A student may be permitted by the dean of his/her college to carry such extra credit hours as in the dean's judgment, based upon the student's past performance, the student can complete successfully.

A student on academic probation shall take no more than fifteen (15) credit hours in a semester, three (3) credit hours in the four-week intersession, or seven (7) credit hours in the eight-week session.

The professional colleges and the Graduate School may set lower maximum loads which are consistent with their degree requirements.

The maximum allowable load to be carried during any summer term for *graduate* students shall be nine (9) credit hours in the eight-week summer session and four (4) credit hours in the four-week intersession. The maximum load for *graduate* students in any combination of the four and eight week sessions shall be twelve (12) credit hours. A student may be registered simultaneously at the University of Kentucky and at another institution only with the approval of the dean of the college in which he is registered at the University of Kentucky, the credit hours obtained at the other institution being considered a part of his maximum load. If the simultaneous registration has not been authorized, the transfer of credit from the other institution may be denied.

2.4 *Academic Standards*

2.4.1 *Absences*

Attendance and Completion of Assignments

For each course in which the student is enrolled, the student shall be expected to carry out all required work including laboratories and studios, and to take all examinations at the class period designated by the instructor.

Each instructor shall determine his/her policy regarding completion of assigned work, attendance in class, absences at announced or unannounced examinations, and excused absences in excess of one-fifth of class contact hours (see Rule V-2.4.2 below). This policy shall be presented in writing to each class at its first or second meeting. Students' failure to comply with the announced policies may result in appropriate reductions in grade as determined by the instructor.

2.4.2 *Excused Absences:*

1. Illness of the student or serious illness of a member of the student's immediate family. The instructor shall have the right to request appropriate verification.

2. The death of a member of the student's immediate family. The instructor shall have the right to request appropriate verification.

3. Trips for members of student organizations sponsored by an academic unit, trips for University classes, and trips for participation in intercollegiate athletic events. When feasible, the student must notify the instructor PRIOR TO the occurrence of such absences, but in no case shall such notification occur more than one week after the absence. Instructors may request formal notification from appropriate university personnel to document the student's participation in such trips.

4. Major Religious Holidays. Students are responsible for notifying the instructor IN WRITING of anticipated absences due to their observance of such holidays no later than the last day for adding a class.

Students missing work due to an excused absence bear the responsibility of informing the instructor about their excused absence within one week following the period of the excused absence (except where prior notification is required), and of making up the missed work. The instructor shall, if feasible, give the student an opportunity to make up the work missed during the semester in which the absence occurred, if feasible. The student shall be given the opportunity to make up exams missed due to an excused absence during the semester in which the absence occurred, if feasible. In those instances where the nature of the course is such that classroom participation by the student is essential for evaluation, the instructor shall, if feasible, give the student an opportunity to make up the work missed during the semester in which the absence occurred.

If attendance is required or serves as a criterion for a grade in a course, a student shall have the right to petition for a "W" if he or she has excused absences in excess of one-fifth of the class contact hours for that course.

2.4.3 *Unsatisfactory Scholarship and Attendance*

A student who is doing unsatisfactory work or who is irregular in attendance in any course shall be reported to the dean of the college in which he is registered. This student shall be under the special supervision of his dean. If, after a suitable length of time, it becomes apparent that no improvement is being made, the dean may drop the student from the course, reporting the action to the Registrar and to the instructor. (See 3.2, Section IV, and 2.41, this Section.)

2.4.4 *Participation in Intercollegiate Athletics*

The University accepts the eligibility rules for intercollegiate athletics as set up by the Southeastern Conference, National Collegiate Athletics Association, Region II, The Association of Intercollegiate Athletics for Women, and the Kentucky Women's Intercollegiate Conference.

2.4.5 *Final Examinations*

If a final examination is to be given, it will be administered during the examination period as scheduled by the Registrar for the semesters of the regular school year. These examination periods will utilize the last five days of each semester, and will be preceded by a study day or weekend on which no classes or examinations will be scheduled. In cases of "take home" final examinations, students shall not be required to return the completed examination before the regularly scheduled examination period.

During the last week of classes of a regular session or during the three day period prior to the last day of class of intersession or summer school, no examination shall be given except for laboratory practicals or "make'up" examinations.

Final examinations, where appropriate, will be administered during the last class day of the intersession and the summer session.

Final examinations may be given at times other than the regularly scheduled time in the following instances:

(1) *Faculty:*

In the case of conflicts or undue hardship for an individual instructor, a final examination may be rescheduled at another time during the final examination period upon the recommendation of the chairman of the department and with the concurrence of the dean of the college and the Registrar.

(2) *Students:*

a. Any student with more than two final examinations scheduled on any one date shall be entitled to have the examination for the class with the highest catalog number rescheduled at another time during the final examination period. In case this highest number is shared by more than one course, the one whose departmental prefix is first alphabetically will be rescheduled. The option to reschedule must be exercised in writing to the appropriate instructor two weeks prior to the last class meeting.

b. If a conflict is created by rescheduling of an examination, the student shall be entitled to take the rescheduled examination at another time during the final examination period.

c. In the case of undue hardship for an individual student, a final examination may be rescheduled by the instructor.

2.4.6 *Common Examinations*

A student for whom two examinations have been scheduled for the same time shall be entitled to have the examination for the class with the higher catalog number rescheduled. In case both classes have the same number, the one whose departmental prefix is alphabetically first will be rescheduled. This rescheduling must be requested of the appropriate instructor in writing at least two weeks prior to *the scheduled examination.*

Departments electing to give exams, other than final exams, in a course to all sections of the course at a common time shall be required to do the following:

1. List the day of the week and the time at which the exam will be given in the official *Schedule of Classes.*

2. Provide an opportunity for students missing such exams with a valid excuse to make up the missed work.

Departments must adopt at least one of the following policies for administering common examinations or some alternate arrangement to be approved by the dean of the college in which the course is given:

1. Provide a prime time course section that does not participate in the common examinations.

2. Spread each examination over a time block (e.g., 4:15-6:00 p.m., or 7:00-10:00 p.m.) with the requirement that no student can enter after the first student has left.

3. Give two examinations at widely disparate times (perhaps 7:00 a.m.), but not the morning after the evening examination.

2.4.7 *Policies Regarding Other Examinations*

Policies regarding examinations other than the scheduling of final examinations in University courses will be set by the instructor of the course and/or by the department offering the course. These policies will be communicated in writing to students during the first or second meeting of the class each semester. Exams other than final exams, make-up exams and take-home exams must be given during a regular scheduled class meeting time unless approved by the department chairman or a common exam has been scheduled for all sections of the course. 3.1.

2.4.8 *Language Limitations for Foreign Students* 3.1.

Students whose native language is other than English and who have had formal instruction in schools of their own country shall not be permitted to take elementary, intermediate or conversation courses or examinations for credit in that language.

3.0 *Repeat Option, Scholastic Probation, Academic Suspension and Reinstatement*

3.1 *Undergraduate Colleges*

3.1.1 *Repeat Option*

A student shall have the option to repeat once as many as three different courses which have been completed with only the grade, credit hours and

quality points for the second completion used in computing the student's academic standing and credit for graduation. A student also may use the repeat option when retaking a course on a Pass-Fail basis (provided the course meets the requirements for being taken Pass-Fail), even though the course was originally taken for a letter grade. If a failing grade (F) is earned on the second attempt, the original grade will continue to be used in calculating the grade point average and the second attempt shall constitute exhaustion of one of the student's three repeat options under this provision. A student exercising the repeat option must notify in writing the dean of the college in which the student is enrolled and the student's advisor no later than the last day for dropping the course without a grade of any kind appearing on the transcript. (This is three weeks following the first day of classes in regular semesters.) If a student officially withdraws from the second attempt, then the grade, credit hours and quality points for the first completion shall constitute the grade in that course for official purposes, and the second attempt shall constitute exhaustion of one of the three options to repeat a course under this provision, unless at the time of withdrawal, permission to attempt again the same course shall be granted by the instructor and the dean of the college in which the student is enrolled.

3.1.2 *Quality Point Deficit*

The scholastic probation and academic suspension systems are based on quality point deficit. The base for determining the deficit is the number of quality points which would result from multiplying the number of hours attempted by two. Deficit is the difference, if any, between this base and the number of quality points earned.

3.1.3 *Scholastic Probation*

a. The academic record of each freshman student will be reviewed after his/her first full semester. If a student has a quality point deficit at the end of his/her first full semester, the Dean shall warn the student that he/she is making unsatisfactory progress; and, if this deficit is greater than five (5), the Dean may place the student on scholastic probation. If the student has demonstrated that he/she cannot or will not do satisfactory work, the student shall be subject to academic suspension from the University, but the dean may place the student on scholastic probation if the individual case justifies it.

b. The following undergraduate student shall be placed on scholastic probation by the dean of his college:

1. Except for first semester freshmen, a student who, at the end of any semester or session, has a cumulative deficit in excess of five quality points.

2. A student who has earned 90 semester hours (senior standing) and who at the end of a semester or session has a cumulative grade point standing of less than 2.0.

3.1.4. *Removal from Probation*

The following undergraduate student shall be removed from probation by the dean of his/her college:

(a) A student on scholastic probation who has not earned 90 semester hours (senior standing), and who at the end of the semester or session has reduced his cumulative deficit to five quality points or less.

(b) A student on scholastic probation who has earned 90 semester hours (senior standing) and who at the end of a semester or session has a cumulative grade point standing of 2.0.

3.1.5 *Academic Suspension*

The following undergraduate student who has not previously been academically suspended shall be subject to academic suspension from the University, but a dean may continue a student on scholastic probation if the individual case justifies it:

(a) A student who acquires an additional deficit in excess of five (5) quality points during any semester or session while on scholastic probation.

(b) A student who has a cumulative deficit in excess of 15 quality points at the end of any semester or session while on scholastic probation.

(c) A student who has been on scholastic probation for three consecutive semesters.

(d) A student who demonstrates that he cannot or will not do satisfactory work.

A student who is under academic suspension may not enroll in any courses offered by the University of Kentucky, nor take any examination for University of Kentucky credit while on academic suspension or probation.

A student who has been academically suspended a second time shall not be readmitted to the University except in unusual circumstances and then only upon recommendation of the dean of the college in which the student plans to enroll and approval of the University Senate Council.

3.1.6. *Reinstatement*

After they have remained out of the University for at least a semester and a summer session (a semester for a student academically suspended at the end of a summer session) student who have been academically suspended may be reinstated by the dean of the college in which they plan to enroll when they present evidence that they are capable of performing at the level required to prevent being suspended a second time.

Students who have been academically suspended shall, upon reinstatement, be placed on scholastic probation and be subject to final academic suspension from the University if:

(a) They acquire any additional deficit during any semester or session or while on scholastic probation.

(b) They have not reduced their deficit by eight (8) quality points or eliminated them by the end of the second semester following their reinstatement.

(c) They have failed to meet the requirements for removal from scholastic probation by the end of the third semester following their reinstatement.

Once reinstated students have been removed from scholastic probation, they shall be subject to the same conditions for subsequent academic suspension as students who have not previously been academically suspended.

3.1.7 *Individual College Academic Probation and Suspension Policies*

Individual colleges may establish policies regarding academic probation and suspension with regard to a student's academic standing within the college in addition to the University-wide policies given here. If a college establishes such a policy, the policy must be approved by the University Senate, and the policy shall be made available in writing to the students.

A student suspended from a college or program may transfer to another college or program which has a 2.0 grade point average admission require-

ment for transfer students, even if the student has a GPA lower than 2.0, provided he or she is not subject to the provisions for suspension from the University (Section V - 3.1.5). However, the student must meet all other admission criteria established by the college or program (see Section IV - 2.4). If the student would have been placed on academic probation by the college to which he or she is transferring had he or she been previously enrolled in that college, then the college may place the student on probation at the time of admission.

3.2 *Professional Colleges*

3.2.1 *College of Law*

1. *Academic Requirements and Exclusion for Poor Scholarship*

All students in the College of Law must maintain a satisfactory cumulative grade point average, and failure to do so will result in the student being dropped from the College for poor scholarship. Any student who receives a grade point average below 1.5 for his or her first semester of law study may be dropped by the Dean on recommendation of the Law Faculty Academic Status Committee for poor scholarship. Any student who fails to achieve a 2.0 cumulative grade point average at the end of the first two semesters will automatically be dropped for poor scholarship. In addition, any student whose cumulative average falls below 2.0 at the end of any subsequent semester will also be dropped from the College.

Any student who receives a grade of E in a required course must re-register for the course and complete all requirements therefor. When a course is retaken for credit, both the initial and subsequent grade will be reflected on the student's record and counted in the computation of class standing, subject to part 2(b) below.

2. *Readmission*

a. Any student dropped for poor scholarship may petition the Law Faculty Academic Status Committee for readmission. A recommendation to the Dean for readmission is within the discretion of the Committee; however, in most cases, the following policies will guide the Committee; a student dropped after the first semester will be required to petition the full Faculty for readmission; in the case of students dropped at the end of the second semester, a student with a cumulative grade point average of 1.9 and above will nor-

mally be readmitted, a student with a cumulative average of 1.7 to 1.89 may be readmitted but will be carefully scrutinized, and a student with a cumulative average below 1.7 will normally not be readmitted; any student dropped at the end of the third semester or thereafter will be subject to case-by-case analysis.

b. Any student readmitted after being dropped at the end of the second semester must make material progress toward raising his or her cumulative grade point average to 2.0. Such student must raise his or her cumulative average to 2.0 by the end of the fourth semester. In addition to the foregoing academic standards for readmission, the Committee may impose additional academic standards in individual cases, and in any case may impose other reasonable conditions of readmission including, but not limited to, the repetition of courses, limitation of outside work, specification of schedule of study (including specification of particular courses and limitation of hours), and the limitation of extracurricular activities. Failure to comply with the requirements and conditions of readmission will result in the student being dropped from the College a second time in which case he or she will not be readmitted without approval of the University Senate Council upon the recommendation of the Dean following action by the full Law Faculty. Any student aggrieved at any time by recommendation of the Academic Status Committee may petition the full Law Faculty for review.

c. For purposes of the above rules, a student who is required by the Academic Status Committee to repeat fourteen (14) or more hours of the freshman curriculum in his or her third or fourth semester will be considered as enrolled in his or her first and second semesters.

d. A student who has once been dropped for poor scholarship and who fails to have a 2.0 cumulative average at the end of the semester or summer session in which he or she completes his 87th hour of course work will not be allowed to graduate from the College of Law. Such student will not be allowed to enroll in additional hours of course work in an attempt to achieve a 2.0 cumulative average.

3.2.2 *College of Pharmacy*

Definition—Pharmacy standing is the over-all grade point average for all professional and non-professional work accomplished by the student while enrolled in the College of Pharmacy.

(1) Any student who fails to achieve a pharmacy standing of 2.0 at the end of any semester shall be dropped from the University or placed on academic probation.

(2) Any student who fails to achieve a pharmacy standing of 1.5 at the end of any semester shall have his record reviewed by the College of Pharmacy faculty and may be dropped from the University without a preliminary probationary semester.

(3) Any student who, at the end of his first probationary semester, fails to have achieved a semester standing of 2.0 at the end of this semester shall be dropped from the University.

(4) Any student who, at the end of his first probationary semester, achieves a 2.0 standing for that semester but fails to bring his pharmacy standing up to 2.0 will be continued on probation or be dropped from the University.

(5) Any student who, at the end of his second consecutive probationary semester, fails to have achieved a 2.0 pharmacy standing shall be dropped from the University.

(6) A student who has been dropped for academic deficiency may be readmitted on probation according to University regulations except that his academic requirements will be those outlined in (3), (4), and (5) above.

(7) Any student who, regardless of pharmacy standing, fails to have achieved a 2.0 standing for two consecutive semesters may be placed on probation.

3.2

3.2.3 *College of Medicine*

Each year, Curriculum and Student Progress Committees (CSPC) will be established for the purpose of reviewing the academic record of each student periodically and at the end of each academic year and making specific recommendations relative to promotion, adjustment or academic load, repetition or dismissal. A student will not be promoted nor graduated with

grades of "U", "F", or "I" recorded for any course or clerkship. In those instances where grades of "U" or "E" are indicated or recorded for more than one course or clerkship, the student may be dropped from enrollment or required to repeat an entire year. In those instances where the student's performance is less than "C", but sufficient evidence exists that with additional work the student could be expected to meet the minimal course requirements, a "U" grade will be recorded. The recording of such a grade neither implies nor guarantees that the student will be permitted to perform makeup work. Upon reviewing the student's overall academic record, the appropriate Curriculum and Student Progress Committee:

a. will consult with appropriate course or clerkship director(s), and,

b. make specific recommendations to the appropriate academic unit as to whether or not the student may correct the deficiencies.

If the student does not achieve a grade of "C" on recommended makeup work, the temporary grade of "I" or "U" will become "E". An "E" grade may be removed only when the student repeats the entire course or clerkship. When grades of "U" or "E" are indicated or recorded for more than two courses or clerkships, the student is dropped from enrollment.

Additionally, a student who is required to repeat any portion of the curriculum must achieve a level of performance which is clearly a "C" or better in each course. A repeating student whose performance is unsatisfactory in any course will be dropped from enrollment at such time as the deficiency is officially reported to the Office of Academic Affairs.

A student who has been dropped from enrollment may be reinstated if he can demonstrate that the reasons for previously poor academic performance have been eliminated. In the event a student wishes to be reinstated, he must repeat the initial application process for acceptance to the College of Medicine. All applicants previously dropped from enrollment are evaluated on a highly individualized basis.

3.2.4 *College of Dentistry*

The following academic disciplinary policies for students in the Professional Dental Educational Program are initiated upon unsatisfactory academic performance.

A student who fails a course is placed on academic probation. Additionally, the Academic Performance Committee may recommend to the Dean that a student who is performing unsatisfactorily in one or more courses be

placed on probation. In each case, the duration of academic probation is at least one complete semester.

Students who are on academic probation will be excluded from participation in certain curricular privileges or extracurricular activities of the College of Dentistry including the following:

a. taking certain enrichment courses;

b. beginning a totally self-instructional course before the official starting date unless this course is part of a special curriculum developed by the Academic Performance Committee;

c. serving as an officer or committee member of any College of Dentistry organization or committee, and,

d. participating in any College of Dentistry extracurricular activity or in the activity of any College of Dentistry organization if the participation involves the expenditure of an appreciable amount of time.

A student is removed from academic probation by the Dean when the terms of probation are met.

A student is suspended from the College of Dentistry if the student:

1. fails to meet the terms of academic probation,

2. is placed on academic probation a second time,

3. has been in residence in a dental curriculum for five (5) academic years and has not been graduated within one (1) year following the end of the time period agreed to upon admission, or,

4. fails two or more courses during an academic year.

Any student subject to academic suspension may request a review by the Academic Performance Committee prior to suspension. The student placed on academic suspension may apply for reinstatement under probation. The reinstatement may not become effective until at least one complete semester has passed from the time of suspension. (US:4/30/79).

4.3.1 *Writing Requirement*—Two semesters of writing courses (normally ENG 101, Writing I, and ENG 102, Writing II) or their equivalent are required of each student unless the student demonstrates competency according to

the exemption plans specified in the *Bulletin.* Only in unusual circumstances will a student be permitted to withdraw (for reasons stated in Section V 1.8.3) and only the Dean of the student's college can authorize such a withdrawal, in consultation with the instructor. A full-time student must enroll in a writing course each semester until the student has satisfied this requirement unless the student qualifies for a one-semester option, in which case the student may enroll during either semester of his/her freshman year.

RULES RELATING TO ADMISSION TO THE UNIVERSITY

(from Section IV of University of Kentucky Senate Rules)

2.0 *Admission Requirements*

2.1 *Undergraduate Colleges*

2.1.2 *Admission to Advanced Standing*

(1) *Admission of University of Kentucky Community College Students*

Grades, credits, quality points and academic status from courses taken in a University of Kentucky Community College shall be transferred when the community college student enrolls in the University System. The applicability of any given courses not offered in the University System towards a University degree shall be determined by the Dean of the College in which the student enrolls.

(2) *Admission of all Other Students*

The applicant for admission must present evidence that he is in good standing in every respect in the institution he last attended. At no time shall college or university records be disregarded to admit an applicant solely on the basis of his high school records. Credit hours for baccalaureate degree courses accepted from a junior college, or other two year colleges or branches, shall be limited to a maximum of 67 semester hours. The applicant must have maintained a grade point average of 2.0 or an average of C in all previous collegiate level work.

All collegiate level work taken at a fully accredited college or university is recognized credit hour for credit hour except that the Dean of the College may require validation by appropriate means of course equivalencies or applicability toward degree requirements for more specialized courses. In order to be classified as fully accredited, a

college or university must be a member of one of the six regional accrediting associations, such as the Southern Association of Colleges and Schools. Advanced standing from an unaccredited college or university may be obtained by special subject examinations or by validation under conditions set forth by the Dean of Admissions and Registrar and the Dean of the College in which the student will enroll. The applicability of the transfer work towards a university degree shall be determined by the Dean of the College in which the student enrolls.

3.0 *Registration and Assignment to Classes*

A student shall use his full and proper name in registering and for all official purposes.

3.1 *Late Registration*—After the sixth day of classes in either semester or the fourth day of that term of the summer session in which the student is enrolled, no student may register for an organized class. On recommendation of the dean concerned, the Registrar may set a later date for final registration in classes that do not start on the first day of a semester or a summer session, or for the registration of a group of students who were not present at the regular registration time.

3.2 *Assignment to Classes*—The dean of the college is responsible for the student's schedule. This schedule, when filed in the Registrar's Office, becomes authority for the first official class roll of the instructor. No student will be admitted to any class, nor will be dropped from any class, except by the authority of the Registrar's Office.

At the end of the term, the instructor must report a final grade on all names appearing on the official class roll, except that students who have never attended class and who have not officially withdrawn shall be reported NOT IN CLASS. These names so designated will be deleted from the official roll by the Registrar. It is the responsibility of the instructor in each class to certify that the final roll is correct. (See 1.10, 2.4.1 and 2.4.3, Section V.)

3.3 *Repeated Registration in a Course*—The chairman of a department may refuse to allow a student to register in a course a third time, including correspondence.

3.4 *Concurrent Registration in Courses Bearing the Same Number*—A student may not register in a given term for more than one course bearing the same number except where the course description indicates the course may be repeated for a specified number of credit hours.

PART III

REGULATIONS GOVERNING TIME, PLACE, AND MANNER OF MEETINGS, DEMONSTRATIONS, AND OTHER ASSEMBLIES

(University's Administrative Regulation II-8.3-4)

The University of Kentucky recognizes and confirms the right of all members of the University community to free expression, assembly, and advocacy. In order to facilitate the effective use and enjoyment of the facilities of the Lexington campus for the exercise of such rights and in order to minimize conflict between the form of their exercise and the rights of others in the effective use of University facilities, the following regulations are herewith established.

1. Planned or spontaneous demonstrations, meetings, or assemblies may be conducted in those appropriate areas of the campus which are regularly available to the public, **provided** such demonstrations, meetings, or other assemblies:

a. Are conducted in a lawful and orderly manner;

b. Do not prohibit vehicular or pedestrian traffic;

c. Do not interfere with classes, other scheduled meetings, events and ceremonies or with other educational processes of the University; and

d. Are conducted only with specific authorization when held in (l) University buildings, or (2) University stadia or amphitheaters, or (3) residential areas of the campus, or (4) other areas available by reservation only.

2. **Reservation** of appropriate University grounds, areas, facilities or other University property for the purpose of conducting a demonstration, meeting, or other assembly will be granted, subject to the restrictions contained in Section 1 above, to the following described University organizations, groups, and individuals:

a. Registered student organizations, in accordance with the "Regulations Governing the Use of University Facilities by Registered Student Organizations", on file and available at the Dean of Students Office.

b. Members of the University faculty and staff, for extracurricular events related to their University duties.

c. Official alumni groups and similar University-related organizations, and colleges, schools, departments, and other units of the University, for events directly related to their purposes and in keeping with the University's role as an educational institution.

The individual responsible for reserving a particular facility or area, or his designee, must be present when the facility or area is being utilized pursuant to the reservation.

3. The following designations and accompanying regulations pertain to the use of specific categories of University facilities and areas for the purpose of conducting any demonstration, meeting, or assembly. All areas must be utilized in a lawful and orderly manner, and are subject to those restrictions contained in Section 1 above.

a. **Designated Unrestricted Areas.** No reservation is required for utilization of the designated unrestricted areas listed below. However, in unusual circumstances reservation of a designated unrestricted area may be granted by the Vice Chancellor for Student Affairs, Lexington Campus, at his discretion.

1. **Free Speech Area.** The Free Speech Area is located west of the Student Center and Alumni Gymnasium and bounded by those two buildings, Administration Drive, Limestone Street, and Euclid Avenue.

   The Free Speech Area is available 24 hours per day when the University is officially in session and shall be made available to organizations and groups as defined above, as well as individual members of the University community. Sound amplification will be provided upon request during established operating hours of the Student Center, subject to 30 minutes prior notice necessary for proper hook-up and adjustment. The volume and direction of sound amplification equipment is under the supervision of the Director of the Student Center.

2. **Student Center Patio.** The Student Center Patio is available during the established operating hours of the Student Center and when not previously scheduled by the Student Activities Board. Sound amplification will be provided upon request, subject to 30 minutes prior notice necessary for proper hook-up and adjustment. The volume and direction of sound

amplification equipment is under the supervision of the Director of the Student Center.

b. **Restricted Areas.** The following areas may be utilized on a reservation-only basis:

1. Indoor facilities

2. Intramural fields and other recreational areas

3. Stadia and amphitheaters

4. Parking lots

5. Residential areas of the campus

6. Administration lawn

A list of available University facilities and the offices responsible for reserving such facilities is appended hereto. Necessary forms for completion and specific procedures and regulations regarding the use of such facilities may differ from building to building or area to area; and same may be obtained from the person designated as responsible for reserving the specific facility or area listed.

c. **Prohibited Areas.** No unauthorized demonstration, meeting, or other assembly shall take place within or upon the following prohibited areas:

1. Chandler Medical Center and its adjacent grounds, sidewalks, and parking areas.

2. Maxwell Place and its adjacent grounds, sidewalks, and parking areas.

3. All streets and driveways utilized for vehicular traffic.

4. Use or continued use of the above areas and facilities, as well as other areas and facilities not designated above, for demonstrations, meetings, or other assemblies and gatherings shall be subject to the Rule of Reason—i.e., subject to the judgment that the manner of use of the area is what could be expected of a reasonably prudent person. Thus, the use or continued use of any such areas may be denied if, for example, the activity blocks doorways, causes noise which interferes with classroom, office or other University activity, or presents an imminent threat of physical violence or destruction of property.

The responsibility for making such a determination and decision rests with the Dean of Students or his designated representative. If the Dean or his designated representative believes that an area or facility is being improperly used or believes the users of the area are acting imprudently, he shall:

a. Warn the offending group or individuals that continued misuse will not be permitted;

b. Recommend alternative locations or means of expression;

c. Instruct the offending individuals or the assembled group to vacate the area;

d. Cite individuals or groups for violation of University regulations;

e. Request assistance of law enforcement officials; or

f. Any combination of (a), (b), (c), (d), and (e).

Failure to comply with the directions of the Dean of Students or his designated representative may result in charges of violation of the Code of Student Conduct, or of other University regulations in the case of non-student members of the University community, being placed by the Dean against the offending parties. Those failing to comply are also reminded that they may be found in violation of the law if so determined by a law enforcement official on the scene.

5. Where numbers in excess of 20 are involved, authorized organizations, individuals or groups as provided under Section 2 above may engage in parades and marches upon University property, provided a designated representative of the sponsoring organization, individuals or group meets with the Dean of Students and the Director of Public Safety, or their authorized representatives, at least one hour prior to the commencement of the parade or march. This meeting shall be for the purpose of agreeing upon an appropriate route which will not interfere with, impede or otherwise disrupt the normal functions and processes of the University, or otherwise interfere with the rights of others in their effective use of University facilities and property.

6. Other than that being utilized for University authorized and scheduled academic activities or other University-sponsored activities and with the further exception of those provisions for use of sound amplification equipment in designated areas specified in Section 3 above, the use of amplified sound equipment except bullhorns in any area of the University campus is prohibited unless a specific, written exception has been granted by the Dean of Students Office.

UNIVERSITY FACILITIES AND RESPONSIBILITY FOR RESERVATION THEREOF

FACILITY	RESPONSIBLE OFFICE
Alumni Gymnasium Seaton Building Soccer Field	Director, Campus Recreation Room 135, Seaton Building 257-2898
Agricultural Science Auditorium	Management Operations Office Room S-103 Agricultural Science Center 257-2983
Carnahan House Conference Center	Conferences and Institutes Office Room 106, Frazee Hall 257-3861
Buell Armory	ROTC Office Room 101, Barker Hall 257-2696
Commerce Building Auditorium Classrooms Chemistry-Physics Building Auditorium Patterson Office Tower—1st Floor Conference Rooms Taylor Education Building Auditorium	Office of the University Registrar Room 8, Gillis Bldg. 257-4201 or 257-1695
Center for the Arts Concert Hall Reception Room Recital Hall	Coordinator's Office Room 125 Center for the Arts 257-1706
College of Law Courtroom	Dean, College of Law Room 209, Law Building 257-8317
Complex Commons	Program Coordinator Room 301, Complex Commons 257-4401

Guignol Theatre Laboratory Theatre	Theatre Arts Department Room 111, Fine Arts Building 257-3297
Medical Center Auditorium	Learning Media Services 307 Health Science Learning Center 233-6242
Memorial Hall and Amphitheatre	Director, Student Center 209 Student Center 257-5781
Parking Lots, Parking Structures and Open Areas	Director, Student Center 209 Student Center 257-5781
Patterson Office Tower 18th Floor	Vice Chancellor for Administration Lexington Campus 101 Administration Building 257-6344
Student Center	Director, Student Center Room 209, Student Center 257-5781

UNIVERSITY OF KENTUCKY ALUMNI ASSOCIATION FACILITIES

Alumni House	Director, Alumni Association 400 Rose Street 257-7162

UNIVERSITY OF KENTUCKY ATHLETIC ASSOCIATION FACILITIES

Memorial Coliseum Shively Sports Center	Director, Athletic Association Room 6, Memorial Coliseum 257-2881

PART IV

STUDENT RECORDS

Records Maintained

Various units at the University of Kentucky maintain records relating to students which fall into the following general categories: (1) academic records from schools previously attended, (2) scores of results on various standardized tests and interest/attitude inventories, (3) degrees awarded, (4) current academic work completed, (5) grades and other faculty evaluations, (6) applications for admissions, (7) applications and other data relating to financial aid, (8) applications for employment, (9) class rolls, (10) letters of recommendation, (11) academic advisor notes, (12) attendance data, (13) biographical and identifying information (including name, social security number, sex, marital status, date of birth, residency and citizenship status, ethnic background, academic major and military status), (14) medical data, (15) current student status, (16) accounts relating to fees, (17) academic offenses, (18) disciplinary offenses, and (19) counselling records.

The official academic records keeper at the University of Kentucky charged with maintaining information in categories (1) through (6), (9), (13), (15), and (16) is the University Registrar. Excepting accounts related to fees, this same information is distributed by the Registrar to the Deans of the Colleges for their internal academic purposes. Additionally, the Deans' offices maintain category (10) and (17) records. Records in categories (4), (5), (9) and (15) may also be duplicated at the departmental level and in some cases category (11) and (12) records are maintained by the department. The Dean of Students' Office is responsible for the maintenance of category (18) and some category (19) records. This office also maintains some records in categories (10) and (13) and occasionally may have category (15) records. In the Community College System, the Director's Office is responsible for the maintenance of records in all categories although duplicates of some records are maintained in the Office of the Vice Chancellor for the Community College System and the Office of the University Registrar. The Office of the Controller maintains the records in category (16). Category (14) records are maintained by the Student Health Service. The Counselling and Testing Center is primarily responsible for generating and maintaining the records in categories (2) and (19) and some records which would fall into category (14). The Placement Service maintains category (1), (3), (4), (5), (8), (10) and (15) records relating to students using the Service. The Office of Student Financial Aid and the Controller's Office have records in category (7). All categories of student records for students in the College of Medicine are maintained in the Office of Student Services at the Medical Center. Other offices, such as the Office of Veterans Affairs and the Office of the Academic Ombudsman have records relating to certain students but these are generally duplicative of other records maintained elsewhere or are generated by the student.

Access to Records

In general, the records maintained by the University are available only to the student, to University personnel with legitimate educational interests, to other institutions where the student is seeking financial aid and as provided by Section 164.283 of the Kentucky Revised Statutes. However, information may be released by the institution to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons. Records may also be furnished in compliance with a judicial order or pursuant to a subpoena or with the consent of the student.

Students may inspect and review all records pertaining to them within 45 days of making request for same, except for (1) records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting or assisting in a professional capacity in connection with treatment of the student (except that the student may have these records reviewed by a physician or appropriate professional designated by the student), (2) financial records of the student's parents, (3) confidential letters and recommendations put in the files prior to January 1, 1975, (4) confidential recommendations relating to admission, applications for employment, or honors, if the student has waived his right to review such records. Where a particular record cannot be reviewed by a student without revealing confidential information relating to other students the records custodian will inform the student, upon request, of the contents of the record pertaining to that student.

Cost

A charge of 10 cents per page will be made for reproducing copies of student records other than official transcripts. Official transcripts will be furnished at a cost of $3.00.

Procedures for Challenge

A student who believes that any record maintained by the University pertaining directly to that student is inaccurate, misleading, or otherwise violative of the right of privacy of the student as provided by Title IV of Pub. L. 90-247, as amended, and Pub. L. 93-380 as amended by Senate Joint Resolution 40 (1974) may request a hearing before a panel of three persons appointed by the President of the University. The panel may direct that appropriate action be taken to correct, explain, or expunge the record challenged.

Requests for hearings should be addressed to the Office of Legal Counsel, Room 2, Administration Building, University of Kentucky, Lexington, Kentucky 40506.

Directory Information

The following items of information from student records may be released by the University without the consent of the student unless the student has notified the University Registrar, in writing, that he objects to such release: Name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

DEAN OF STUDENTS
UNIVERSITY OF KENTUCKY
LEXINGTON, KY. 40506-0027

MIT Libraries

Department of Distinctive Collections
Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139-4307

libraries.mit.edu

The remaining contents of this folder have been redacted.

If you would like to see the full folder, please email the

Department of Distinctive Collections at

distinctive-collections@mit.edu