NOTE: O&A changes are highlighted in yellow. Joe Harrington’s suggested changes are in red font and highlighted in green. Pam Keller’s are in blue font and highlighted in gray.

UNIVERSITY SENATE CODE
(SenEx articles are I, V, VI, X XI, XII, XVI, XVII)

Article I University Senate: Structure and Functions

Section 7 Election of Officers (paragraph 2)
This organizational meeting shall be limited in its agenda to the following items: (a) election of a president-elect (a faculty member), and vice president (a student), (b) if there is no president-elect able to serve as president, a president shall also be elected, (c) if a third-year faculty member is elected president-elect, that person shall serve as president and an ex-officio non-voting member of University Senate during the following year. that he/she serves as president.

Correction: (c) if a third-year faculty member is elected president-elect, that person shall serve as an ex-officio non-voting member of University Senate during the year that he/she served as president.

Article X Standing Committees of the University Senate

Section 2 Membership, (paragraph 6.2nd to the last sentence)
These appointments are endorsed by the Provost via a letter of service to the appointee and his/her the appointee’s supervisor.

Article XI University Commissions, Boards, and Other Committees

Section 2 The Parking Commission

(a) Members

II. Ex officio, non-voting members. The ex-officio non-voting members shall be the Chief Financial Officer of the Lawrence campus, the Vice Provost for Administration and Finance or his/her the vice provost’s designee; the Director of Design and Construction Management; the Chief Justice of the Court of Parking Appeals or a Court officer; the Director of the Office of Public Safety or his/her the director’s designee; the Director of Parking & Transit, the Assistant Director of Parking & Transit, the Transportation Coordinator or a member of the Transit Commission (a student); the Director of Academic Achievement and Access Center or his/her the director’s designee.

(b) Responsibilities

I. General Policies. In accordance with Board of Regents policy and Kansas law, the Chancellor or the Provost (as designee) and his/her designee, the Provost, are authorized to supervise and control parking and are responsible for the regulation of parking on campus. The Commission shall develop and recommend to the Provost general policies for the control and management of
the parking of vehicles on property under the control of the University, and the traffic control booths. It shall consider charges to the Commission submitted by SenEx and by the Provost. The Commission shall annually forward all of its recommendations directly to the Provost, who, with the Chancellor, will make final decisions.

(d) Committees

IV. Rules Committee

In addition to faculty/staff/student members, the Associate Vice Provost for Administration and Finance or his/her designee, the Director of Design and Construction Management, and the Chief Justice of the Court of Parking Appeals (or a Court officer) shall be non-voting members.

Section 4 The Judicial Board

(a) Membership and Terms of Office

III. three members of the unclassified professional staff (as defined in Part II. E of the Handbook for Faculty and Other Unclassified Staff), appointed by the Provost, for three-year overlapping terms. These appointments are endorsed by the Provost via letters of service to the appointees and his/her supervisors

IV. two members of the university support staff, appointed by the Provost, for three-year overlapping terms. These appointments are endorsed by the Provost via letters of service to the appointees and his/her supervisors.

Article XII Judicial Functions

Section 2 Procedural Guarantees

III. A party against whom a complaint or grievance is brought shall have the right to a written statement of the complaint or grievance against him or her, which statement shall set forth with particularity the facts upon which the complaint or grievance is based and shall indicate the provision or provisions of the University Rules and Regulations alleged to have been violated, or the acts of established University bodies or officials alleged to have been unlawful, arbitrary, or capricious. In cases involving alleged violations of University parking and traffic regulations the usual printed and completed summons or citation shall be deemed a sufficient written statement of the charge.

IV. A party against whom a complaint or grievance is brought shall have the privilege of remaining silent and refusing to give evidence, and he or she shall be informed of this privilege during the initial state of the proceedings.

VIII. Each party to a proceeding shall be entitled to prompt, written notice of the decision of the hearing body hearing his or her complaint or grievance.

Article XVI Student Representation on Committees

16.2.1 To be eligible for membership in such bodies, a student shall be regularly enrolled in the University. If an undergraduate: he or she the student shall be in good academic standing as defined by the College or school the student is enrolled in. If a graduate student, he or she the student shall be enrolled for at
least six hours credit and maintain academic standing as defined by the graduate program the student is enrolled in.
Article II. Academic Work and Its Evaluation

Section 2. The Grading System

2.2.6.3 During Period 1, a student may withdraw from a course by canceling enrollment in that course. The course will not appear on the student's official record.

2.2.8.1 Students seeking the credit/no credit option in a semester-long course must register their choice in their dean's office during the 21st through the 30th instructional days of the semester. In all eight-week courses, including summer session, students must choose credit/no credit during the 11th through the 15th instructional day of class. In courses of other duration, students must choose credit/no credit during the week that 40 percent of the class sessions have been completed. In courses shorter than one week, students must choose credit/no credit before the first class session. After the deadline, a student may not alter his or her choices.

Section 3. Change of Grade

2.3.3 In the most extreme and unusual circumstances a student may petition to either:

a. withdraw from all the courses in which he/she was enrolled. In this case a properly constituted committee from the school or College in which he/she was enrolled may assign the letter W in all courses of that semester. The faculty members(s) in charge of the course(s) need not be consulted.

Or

b. if the student is asking for selective relief in a course in which he/she was enrolled, a properly constituted committee from the school or College in which the course was taken may assign, after consultation/concurrence with the faculty member in charge of the course, the letter I, incomplete, or W, withdrawal. If the incomplete is assigned, it is to be in accordance with University Senate Rule 2.2.3. The work necessary to complete the course and remove the incomplete is to be determined by the faculty member in charge of the course. If the faculty member in charge of the course is unavailable or otherwise unable to provide a regime of work to complete the course, the department will take responsibility to determine the required work.

2.3.5 A student may initiate a grade appeal of a final course grade if he or she believes that there has been an improper application of the grading procedure announced for the course by the instructor. Students who have other grievances should see Article V.

Section 6. Academic Misconduct

2.6.3 If either party to a charge of academic misconduct or to a grade appeal involving a charge of academic misconduct is dissatisfied with the unit level resolution of the charge, he or she either party may seek review by the Judicial Board in accordance with applicable procedures.

2.6.4 Every instructor shall make clear, at the beginning of each course, his or her rules for the preparation of classroom assignments, collateral reading, notebooks, or other outside work, in order that no student may not, through ignorance, subject themselves to the charge of academic misconduct. An instructor has the authority to set reasonable rules for classroom
conduct. When an instructor judges that a student's behavior is disruptive or obstructive to learning, the instructor can request that the student leave the classroom. Refusal to comply with a request to leave a classroom can itself be grounds for a charge of academic misconduct.

2.6.5 The following sanctions may be imposed upon a student or an instructor for academic misconduct:

- **Admonition**: An oral statement to the student or instructor that his or her present actions constitute academic misconduct.

**Section 8. Academic Forgiveness**

2.8.3 When invoking academic forgiveness, a student may designate not more than three (3) academic terms to be discounted in his/her academic record. Only University of Kansas terms completed prior to returning to the University of Kansas may be designated.

2.8.5 When invoking academic forgiveness, a student must obtain the approval of the Dean in his/her academic unit. The student then submits the request for academic forgiveness to the University Registrar.

**Section 9. Exceptions to University Wide Academic Policies**

2.9.1 Under exceptional circumstances, a student or, if a physical or mental incapacity prevents the student from filing an appeal, another individual may petition for an exception to a University-wide academic policy. The petitioner must first contact the chair of the department or program involved. If the department Chair believes there may be exceptional circumstances, the petition shall be forwarded with a recommendation to the Dean of the College or School. If the Dean (or his/her designee) believes there may be exceptional circumstances, the petition shall be forwarded with a recommendation to the chair of the Faculty Senate Executive committee (FacEx). For purposes of this provision, lack of knowledge of the appropriate policy is not an exceptional circumstance. The decision of FacEx in regard to the petition request is final.

**Article V. Organization for Conflict Resolution**

**Section 1. University Ombuds Office**

5.1.4 **Qualifications**. The University Ombuds shall possess a comprehensive knowledge of the University organization and procedures and a post-baccalaureate degree. He or she The University Ombuds shall, at the time of initial appointment, have completed at least six years of service at the University of Kansas.

**Section 3. The Judicial Board**

5.3.1 **Chair**. The law member serving in his or her third or final year as member of the Judicial Board shall serve as its Chair. If, by reason of absence, disability or disqualification, the Chair is unable to serve, the law member next senior in terms of service on the Judicial Board shall assume the duties of chairperson's duties.
5.3.3 Hearing Panels

d. If possible, at least one member should be of the same sex as the complainant.

To ascertain the prior involvement of selected individuals, the Judicial Board Chair shall advise these five members of the Board by confidential communication of the nature of complaint, including the names of the parties involved, and call for members who have had any prior connection with the case to inform the Chair of that fact without delay. In the case of the prior involvement of a selected Board member, a replacement shall be similarly chosen.

Section 4. The Court of Parking Appeals

5.4.2 Administrator. The Chief Justice shall be the administrative officer of the Court of Parking Appeals. He or she may call upon the associate Chief Justice to assist with the administrative tasks of the Court.

5.4.3.1 Challenges. Parties to a Court proceeding may challenge a member of the Court for grounds constituting prejudice or bias on the part of the member, which challenge shall be sustained only by the concurrence of a majority of the Court. A member may disqualify himself or herself for cause from participating in a particular proceeding, subject to concurrence in his or her disqualification by a majority of the Court.

Article VI. Procedures for Conflict Resolution

Section 2. Informal Means of Dispute Resolution

6.2.2.1 Powers. The University and Faculty Ombuds shall have access to all administrative officials of the University and, in accordance with law, to all University records, including those of faculty members. They shall not have authority to take disciplinary action, reverse decisions, or circumvent existing University rules and procedures. They shall supplement, not replace, other means, where they exist, for redress of grievances. All proceedings in individual cases shall be held confidential by the Ombudsman unless otherwise authorized by the complainant.

Section 4. Jurisdiction

6.4.15.2 Appeal. Upon request by either party, a three-person review panel appointed by the Provost or the Provost's designated representative will review the decision of the unit, relevant documents, and written statements by either party. The review panel shall prepare written recommendations which shall be advisory to the Provost, or, in cases of disputes within the area of the Chancellor, to the Chancellor. A statement of final disposition shall be issued by the Provost or Chancellor or his/her designee. The disposition is not appealable within the University [Grievance Procedures for Personnel Policies and Procedures, Unclassified Professional Staff].

Section 5. Prehearing Procedures and Administration of the Grievance System

6.5.1.2 Other Necessary Information. The Judicial Board Chair may, with notice to the parties, request such additional information from either party or other members of the university community as
6.5.2.1 Request of a Party. When a party to a dispute has requested an initial hearing before the Judicial Board under Section 6.4.3.1(b) of the University Senate Rules and Regulations, the Judicial Board Chair shall rule on the jurisdictional request and inform the parties in writing of the Chair’s decision and the reasons for it. If the Chair determines that a hearing on the jurisdictional request is necessary, the Chair may, at his or her discretion, schedule a hearing, with appropriate notice to the parties. The jurisdictional ruling of the Chair shall not be reviewable.

6.5.3.1 Dismissal Without a Hearing.

e. the party filing the grievance or appeal lacks standing because has not suffered a distinct injury as a result of the challenged conduct and has not been empowered to bring the complaint or appeal on behalf of the university, or

6.5.4.4 Review. If the party in question wishes to contest the loss of right to file grievances, the party in question may request a hearing before an appeals panel of the Judicial Board.

Section 6. Hearing Phase

6.6.2 Selection of Panel. After determining that the Judicial Board has jurisdiction, and that there is no basis for dismissing the case under section 6.5.3 of the University Senate Rules and Regulations, the Judicial Board Chair shall promptly designate a hearing panel as provided for in section 5.3.3 of the University Senate Rules and Regulations. Each side shall be entitled, within five days of being notified of the membership of the panel, to challenge any member of the hearing panel who has a conflict of interest or has been previously involved in the matter. The Judicial Board Chair shall rule on any such challenge, and if finds good cause to remove the panel member, shall promptly designate a replacement.

6.6.4.1 Scheduling a Hearing. The chair of the hearing panel shall schedule a hearing as soon as possible after receiving the record of the case from the Judicial Board Chair. Every effort should be made to schedule the hearing during regular working hours at a convenient time for the parties and the members of the hearing panel. However, if the chair of the hearing panel determines that no such time is available, may schedule the hearing at any time he or she determines to be reasonable and appropriate.

6.6.4.2 Presentation by Parties. Each party shall have an equal opportunity to present evidence and arguments. The complaining party shall present his or her evidence or arguments first, followed by the responding party. The chair of the hearing panel may, in his or her discretion, place reasonable time limits on each party’s presentation of evidence and arguments. The availability and scope of any rebuttal is within the discretion of the chair of the hearing panel.
6.6.4.3 **Admissibility of Evidence.** Each party shall have the right to introduce witnesses and documentary evidence but reasonable advance notice of such introduction must be given to the other party and to the hearing panel. Strict rules of evidence do not apply, but the chair of the hearing panel may exclude such evidence as he or she deems irrelevant, unnecessary, or unduly prejudicial. Statements or admissions made as part of the mediation process are not admissible.

**Section 7. Appeals Phase**

6.7.4.2 **Compilation of Record:** When an appeal has been filed, the Judicial Board Chair shall ensure that the record for appeal is complete. The record shall include the initial complaint and response, any other documentary evidence and correspondence from the initial hearing, the tape recording of the initial hearing (or a transcript thereof), the written decision of the unit level hearing panel or specialized tribunal whose decision is under appeal, and the appeal and response or responses. If the Judicial Board Chair determines that the record for appeal is incomplete or that necessary information is omitted from the record, he or she the chair may request such information from the parties, the unit level hearing panel or specialized tribunal, or other relevant individuals.

6.7.4.3 **Selection of Appeals Panel:** After determining that there is a basis for an appeal, the Judicial Board Chair shall promptly designate an appeals panel as provided for in section 5.3.4 of the University Senate Rules and Regulations. Within five days of being informed of the membership of the panel, any party may challenge any member of the appeal panel who has a conflict of interest or has been previously involved in the matter. The Judicial Board Chair shall rule on any such challenge, and if he or she the chair finds good cause to remove the panel member, shall promptly designate a replacement.

6.7.5.1 **Scheduling of Hearing.** The chair of the appeals panel shall schedule a hearing as soon as possible after receiving the record from the Judicial Board Chair. Every effort should be made to schedule the hearing during regular working hours at a convenient time for the parties and the members of the appeals panel. However, if the chair of the appeal panel determines that no such time is available, he or she the chair may schedule the hearing at any time determined to be reasonable and appropriate.

6.7.5.2 **Presentation of Parties.** Each party to the appeal shall have an equal opportunity to present arguments to the appeals panel. The appellant shall present his or her arguments first, followed by the appellee(s). The chair of the appeals panel shall determine the length of presentation of the parties, and the opportunity for rebuttal, if any. The hearing on appeal is not an evidentiary hearing, and neither party shall be entitled to submit evidence. In exceptional cases, if the appeals panel determines that information not contained in the record is necessary for the resolution of the appeal, the panel may, with due notice to the parties, obtain such information in the form of testimony or documentary evidence.

**Section 8. Other Powers and Responsibilities of Judicial Board Chair**
6.8.1.1 **Case Management.** It shall be the responsibility of the Judicial Board Chair to ensure, to the best of his or her ability, to the best of the chair’s ability, that matters submitted to the Judicial Board are processed in a prompt and fair manner. In fulfilling this responsibility, the Judicial Board Chair shall have all the powers specified in the University Senate Code and the University Senate Rules and Regulations, as well as the inherent authority to take such reasonable steps as he or she determines to be necessary, provided that such steps do not unduly prejudice the rights of the parties and do not conflict with applicable provisions of the University Senate Code, the University Senate Rules and Regulations, the Handbook for Faculty and Other Unclassified Staff, Board of Regents policies and procedures, and other applicable rules, regulations, or law.

6.8.2.3 **Annual Report.** The Judicial Board Chair shall report annually to the University Senate Executive Committee on the workload and effectiveness of the Judicial Board and shall make such recommendations for changes in the University Senate Code and University Senate Rules and Regulations as he or she deems advisable.

**Section 9. Procedures of the Court of Parking Appeals**

6.9.2.1 The charged party shall, within 10 business days of issuance of the citation, submit a signed statement to the Parking & Transit Department giving his or her any the reasons for contesting the allegations and specifying the nature of the relevant supporting evidence he or she the charged party is prepared to produce, to support his or her contest. The statement must include the charged party’s current address and telephone number.

6.9.2.3 A charged party may request that he or she appear in person (personal appearance) to appear in person (personal appearance) or may have his/her the case decided by the officers of the Court without argument or evidence beyond the citation and the charged party’s statement (ex parte).

6.9.4 **Court Proceedings.** Court proceedings shall follow the procedures established by the Court of Parking Appeals. In general, proceedings are to be open to the public, but a hearing may be closed to all except the charged party, his or her any the charged party’s representative(s), and the representatives of the party or, and the representatives of the University if so requested by a party, and if the hearing is closed in accordance with the Kansas Open Public Meeting laws.

**Article VII. Policy and Procedures Concerning Financial Exigency**

**Paragraph 2**

In the document that follows, the terms "University of Kansas" and "the University" refer to the University of Kansas (Lawrence campus); the term "unit" refers to a budgetary unit such as a department or a program; the term "Chancellor" is to be interpreted to mean that although the Chancellor will ordinarily make use of his staff and consult with appropriate individuals, the responsibility and authority to act are the Chancellor’s.

**Section 2. Declaration of Financial Exigency**

7.2.1.3 The Chancellor shall present a written summary of the documentation and decision, including a presentation of his/her the Chancellor’s efforts to avert Financial Exigency, to the University Senate
Committee on Planning and Resources and to the University Senate Executive Committee prior to a special joint meeting of those two committees at which the Chancellor shall appear to document the necessity for the proposed declaration.

7.2.1.5 Having received the response and having decided to declare University-wide Financial Exigency, the Chancellor shall do so to the University community. The Chancellor shall document the reasons for the declaration of Financial Exigency and shall include her/his response respond to any significant objections raised by SenEx. The SenEx response to the declaration of Financial Exigency shall be made public at the same time.

7.2.3.2 In addition, due process must be scrupulously followed either under or in anticipation of Financial Exigency. All of the rights and privileges of a faculty member to seek remedy for an alleged infringement of academic freedom or violation of established University tenure policies and procedures that now provide him or her the faculty member access to the Faculty Senate Faculty Rights Board shall also apply to such allegations regarding action taken by the University under or in anticipation of conditions of Financial Exigency. A faculty member, who has received notice of release under 7.2.3.1, above, may appeal the Chancellor's decision to the Faculty Senate Faculty Rights Board. Appeal must be in writing, be filed within thirty (30) days of the date of notification, and may be based on any of the following grounds

(last paragraph of 7.2.3.2)

The Chancellor shall bear the burden of proof in appeals based on the first and second grounds. The faculty member shall bear the burden of proof in appeals based on the third ground. The faculty member shall have access to all relevant information in the possession of the administration to aid in preparing his or her case in an appeal based on any of the three grounds.

Article VIII. Policies and Procedures Regarding Academic Program Discontinuance
Section 2. Recommendations for Discontinuance of Active Academic Programs

8.2.6 The Provost shall report a his or her recommendation for or against Discontinuance to the Chancellor and shall concurrently inform the appropriate faculty, Dean(s) and governance bodies. Such recommendation shall be submitted in writing and shall include an explicit statement or rationale, including responses to the recommendation(s) of the Committee on Academic Policies and Procedures and the University Senate, as provided in 8.2.5 and 8.2.6.

8.2.7 The Chancellor shall evaluate the recommendations, make a final decision for or against Discontinuance and communicate that decision to the appropriate faculty, Dean(s) and governance bodies as well as the appropriate faculty and Dean(s), where appropriate the Chancellor and shall specify the subsequent date of discontinuance and the phase-out period.

Section 3. Recommendations for Discontinuance of Inactive Academic Programs

8.3.6 The Provost shall provide a written recommendation for or against Discontinuance to the Chancellor and shall concurrently inform the appropriate faculty, Dean(s) and governance bodies. If the Provost’s recommendation differs from the recommendation(s) of the Committee on Academic Policies
and Procedures and/or the University Senate, as provided in 8.3.4 and 8.3.5, the Provost shall provide an explicit statement or rationale for his/her recommendation.

8.3.7 The Chancellor shall evaluate the recommendations and communicate her final decision for or against Program Discontinuance to the appropriate faculty, Dean(s), and governance bodies and shall, where appropriate, specify the subsequent date of discontinuance.

Section 4. Notice to the Faculty of Nonreappointment Due to Academic Program Discontinuance

8.4.6 Normally, the Committee's decision shall be final and binding, and the case shall be deemed closed. If, however, the Chancellor or the faculty member affected disagrees with that decision, he or she shall respond in writing to the recommendations of the Faculty Rights Board, documenting the reasons for disagreement and requesting reconsideration and final disposition within fifteen (15) days. It is understood that the final administrative authority resides with the Chancellor, who is the appointed representative of the Board of Regents.

Section 5. Impact on Students

Paragraph 2

A good-faith effort will be made by the school in which the program to be discontinued is housed to contact former students who were enrolled in the program at any time during the three academic years prior to the Chancellor’s decision to discontinue the program. A former student will be readmitted to a program that is being phased out only if he or she is eligible for readmission and has sufficient credits as determined by the academic program to allow the student complete the program within the four or six academic year phase-out (respectively).

Article IX. Guidelines for Dealing with Allegations of Scholarly Misconduct

Section 2. Inquiry

9.2.1 Anyone having information that leads him/her to believe to the belief that a faculty or staff member (or student working in sponsored research) has engaged in scholarly misconduct as defined above should report the matter in writing to the Vice Chancellor for Research and Graduate Studies (hereinafter identified as the Vice Chancellor). The Vice Chancellor has federal monitoring and reporting responsibility, and will make a determination of the appropriate individual to undertake the Inquiry process. The Vice Chancellor will consider the issues of fairness and avoidance of conflict of interest in designating the individual to conduct the Inquiry and will ensure that the respondent has copies of the appropriate policy and regulations.

9.2.3 Prior to any inquiry of his/her own, the individual designated by the Vice Chancellor to undertake the Inquiry process shall inform the respondent of the nature of the complaint against him/her. Relevant parts of the written complaint should be made available to the respondent at this time. The individual designated to undertake the Inquiry process should also promptly take all reasonable and practical steps to obtain custody of all relevant records and evidence necessary to protect the integrity of any evidence that might relate to the resolution of the complaints per section 9.2.4 below.
9.2.6.1 If the individual designated to undertake the Inquiry process should determine that there is no basis for Investigation, he or she should inform the Vice Chancellor, the complainant, and the respondent in writing. No further reporting is necessary, and is in fact prohibited (see section 9.2.3). If the complainant does not accept this decision, he or she the complainant may notify the Vice Chancellor of the grounds for dissent.

9.2.6.2 If the individual designated to undertake the Inquiry process determines that a more thorough investigation is necessary, he or she that individual shall immediately notify in writing the Vice Chancellor. Within three working days of receipt of this information, the Vice Chancellor shall make those notifications, if any, that are required by any external grant or contract sponsors. In addition, other appropriate administrators (such as the Dean of the College or School and the Provost and Executive Vice Chancellor [hereinafter Provost] in the case of a faculty member) shall be informed at this time.