

# REGULATIONS

The rules and regulations of the University of Kansas pertaining to academic work are published in the University Senate Rules and Regulations, the Faculty Senate Rules and Regulations, and the University of Kansas Senate Code. Copies of these documents are on file with University Governance, Strong Hall, 1450 Jayhawk Blvd., Room 33, Lawrence, KS 66045-7518, 785-864-5169, or online in the University of Kansas Policy Library (<http://www.policy.ku.edu>).

See your school's Regulations page for specific rules and regulations: CLAS (<http://catalog.ku.edu/liberal-arts-sciences/#regulationstext>), Arts (<http://catalog.ku.edu/arts/#regulationstext>), Architecture (<http://catalog.ku.edu/architecture/#regulationstext>), Business (<http://catalog.ku.edu/business/#regulationstext>), Education (<http://catalog.ku.edu/education/#regulationstext>), Engineering (<http://catalog.ku.edu/engineering/#regulationstext>), Health Professions (<http://catalog.ku.edu/health-professions/#regulationstext>), Journalism (<http://catalog.ku.edu/journalism-mass-communications/#regulationstext>), Music (<http://catalog.ku.edu/music/#regulationstext>), Nursing (<http://catalog.ku.edu/nursing>), Pharmacy (<http://catalog.ku.edu/pharmacy/#regulationstext>), Social Welfare (<http://catalog.ku.edu/social-welfare/#regulationstext>).

View Graduate Studies (<http://catalog.ku.edu/graduate-studies>) admission and degree requirements and regulations. KUMC Office of Graduate Studies (<http://catalog.ku.edu/graduate-studies/kumc>) has their own dedicated page for degree requirements and regulations.

Consult College Student Academic Services or the dean's office of your school for more information.

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## Academic Transcripts

The academic transcript lists all courses attempted and completed and other academic information. To determine if Independent Study courses taken through Continuing Education are calculated in the grade-point average on the transcript, see [registrar.ku.edu](http://registrar.ku.edu). Schools may calculate such grades in the gradepoint average and use this average for admissions and graduation purposes. You may order academic transcripts online at <http://transcripts.ku.edu> for Lawrence/Edwards students and at <http://www.kumc.edu/student-services/enrollment-services/>

*forms.html* for KUMC students. Call (785) 864-4423 (Lawrence) or (913) 588-7055 (KUMC) for instructions and fees.

## Adding Courses/Changing Sections

Procedures and deadlines for adding a course or changing sections are outlined in on the Office of the University Registrar website, <http://registrar.ku.edu/adddrop-class> and in the academic calendar at <http://registrar.ku.edu/calendar>.

## Application for Graduation (AFG)

Students must apply online to graduate. Sign on to Enroll & Pay, <https://sa.ku.edu> and navigate to "Apply for Graduation." If you have questions, contact the Office of the University Registrar, 121 Strong Hall, (785) 864-4423, . For each semester graduation, please see the academic calendar (<http://registrar.ku.edu/calendar>) for application for graduation deadlines. You cannot graduate unless you have completed the AFG by the deadline. Undergraduates must have finished at least 75 hours of course work to apply for graduation. To change your AFG to a different semester, contact your school or college.

## Classification of Students

Students are assigned to a particular class level on the basis of the following credit hour requirements:

- First-year—0-29 credit hours
- Sophomore—30-59 credit hours
- Junior—60-89 credit hours
- Senior—90 or more credit hours

The codes for class and school appear in the Schedule of Classes, online at [www.registrar.ku.edu](http://www.registrar.ku.edu).

## Course Numbering System

The course numbering system can be useful as a general guide to students in planning a course of study.

- 000-099 Noncredit courses or those credit courses for which records are kept but which do not count toward graduation.
- 100-299 Courses for first- and second-year students.
- 300-499 Courses for juniors and seniors.
- 500-699 Courses for juniors and seniors, also taken by some graduate students with fewer than 30 hours of graduate credit.
- 700-799 Courses for graduate students with fewer than 30 hours of graduate credit, also taken by some undergraduates.
- 800-899 Courses primarily for graduate students with fewer than 30 hours of graduate credit (not normally open to undergraduates).
- 900-999 Courses primarily for graduate students with more than 30 hours of graduate credit (not normally open to undergraduates).

## Credit by Examination

KU offers its own program of examinations for advanced credit. Applications are available in the Student Records Center. They must be approved by the instructor and the chair of the department concerned and by the student's dean or dean's representative. A report of the examination taken, showing the hours of credit to be granted and the

grade awarded, must be signed by the professor giving the examination, the chair, and the dean or dean's representative.

At the discretion of each academic dean, grades of A, B, C, or D may be used to indicate degrees of achievement, or a grade of Credit may indicate satisfactory performance. No record is made of an unsatisfactory attempt. Credit by Examination grades are not included in the grade-point average that appears on the official transcript.

A fee is charged per credit hour for each course. For current fee information, visit the KU Comprehensive Fee Schedule at <http://registrar.ku.edu/cfs>.

Warning: Some medical schools do not accept credit by examination.

## Diplomas

Degrees are awarded three times a year to students who have completed applications for graduation on time and have met all requirements as of the last day of final examinations for each of the three terms: fall semester, spring semester, and summer session. A diploma normally is issued for each degree earned. Only one B.A. degree may be awarded to a student by a school or the College. Only one B.G.S. degree may be awarded to a student in the College. In the College, the combination of a B.A. degree and B.G.S. degree may only be awarded in rare situations. Almost all other combinations of two like or unlike degrees may be awarded if all degree requirements have been met. Normally, 30 credit hours of additional course work are required to earn a second bachelor's degree. The diploma reflects only the honors earned at the time degree requirements were met. Diplomas generally list majors approved by the Board of Regents. Additional majors earned after a degree has been awarded are reflected on the transcript. To receive a diploma reflecting the additional major, the graduate may order a replacement diploma by signing on to the Enroll & Pay system and navigating to "Diploma Delivery Request." You must present photo identification to pick up your diploma. Diplomas that have not been picked up after a year are discarded.

## Enrollment

Please see [registrar.ku.edu/enrollment](http://registrar.ku.edu/enrollment) for more information.

## Full-time Student Status

Undergraduates who wish to be certified as full-time students must be enrolled for a minimum of 12 credit hours each semester (6 hours in summer). Credit by examination, Independent Study courses offered through Continuing Education, and academic work done to make up incomplete work for prior terms do not count towards a current terms hours.

## Junior/Senior Level Requirement

A minimum of 45 credit hours in courses numbered 300 or above is required for graduation from all KU undergraduate schools.

## Maximum and Minimum Semester Enrollment

No student may enroll for more than 20 hours per semester except by permission of the dean of the school in which the student is enrolled. Schools may adopt more restrictive policies. See Full-time Student Status. Enrollment status (<http://registrar.ku.edu/enrollment-status>) and maximums (<http://registrar.ku.edu/maximum-enrollment-hours>) are found on the Office of the University Registrar website.

## Maximum Community College Credit Allowed

No more than the equivalent of the first two years of work (64 hours) in any curriculum may be transferred from a community college as per

Faculty Senate Rules and Regulations (<http://policy.ku.edu/governance/FSRR#art2sect5>). Transfer credit information is available online at <http://credittransfer.ku.edu/>.

## Repetition of Courses

Policies regarding the replacement of courses are listed in the University Senate Rules and Regulations under 2.2.8, Grade Replacement in Repeat Courses (<http://policy.ku.edu/governance/USRR#art2sect2>). When courses do not meet the guidelines in the Grade Replacement in Repeat Courses policy, then all attempts at the course are counted towards the calculation of the official KU GPA on an academic transcript.

*Students who receive an Incomplete (I) in a course, should not re-enroll in that course.*

## Residence Credit

Residence credit includes all KU course work offered in the Schedule of Classes, [www.registrar.ku.edu](http://www.registrar.ku.edu). College-level course work includes only courses numbered 100 and above.

## Withdrawal from a Course

This information is subject to change. Specific dates and updates are listed each semester in the Schedule of Classes, online at [www.registrar.ku.edu](http://www.registrar.ku.edu). The complete policy appears in the University Senate Rules and Regulations, Article II, 2.2.5, <http://policy.ku.edu/governance/USRR>.

## Withdrawal (Drop) Policies for All Students

- Each semester and term is divided into three periods.
- The deadlines for irregular-length courses are adjusted according to the length of the course. See <http://registrar.ku.edu/short-courses> for specific deadlines.
- Refund dates differ from the dates for canceling and withdrawing from a course.
- During the first period, all schools and colleges allow students to cancel a course. A canceled course does not appear on the student's academic record.
- During the second period, the student must follow the withdrawal procedures of the College or the school in which he or she is enrolled. A grade of W appears on the student's transcript. The grade appears on the student's academic record but is not used in computing the grade-point average. It is the student's responsibility to meet withdrawal deadlines.
- During the third period, a student cannot withdraw from a course. The course grade is determined by the student's overall academic performance.
- Retroactive withdrawal from a course is not allowed.
- Drops or withdrawals are official as of the date they are completed online or presented in person to the Office of the University Registrar on the Lawrence campus, to the Edwards Campus reception desk in Overland Park, or to the Office of the Registrar on the KU Medical Center campus. It is the responsibility of the student to submit the withdrawal form by the required deadline.
- Specific requirements are listed by semester in the Schedule of Classes, online at [www.registrar.ku.edu](http://www.registrar.ku.edu).
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## Absences

2.1.4 In cases where part of a class grade is based on attendance, a student shall not be penalized for absence from regularly scheduled class activities which conflict with mandated religious observances. In cases of conflicts between regularly scheduled class activities and mandated religious observances, the student is responsible for initiating discussion with the instructor to reach a mutually acceptable solution. (Link (<https://policy.ku.edu/governance/USRR/#art2sect1para4>))

## Academic Forgiveness (USRR 2.8)

2.8.1 An undergraduate student may request the Office of the University Registrar, with the approval of the Dean, to invoke academic forgiveness in cases where the following conditions are met. (The term "academic forgiveness" shall mean the suspension of University Senate Rules and Regulations, Article 2.4.2.1, in order to discount the coursework of past academic semester(s).) (Link (<http://policy.ku.edu/governance/USRR/#art2sect8>))

2.8.2 Academic forgiveness shall be available once to those students who meet these requirements.

1. Have had a break of at least four (4) years in their attendance at the University of Kansas. A student will be considered in "attendance" during a semester or term if the student is enrolled in a least one KU course in residence, earning a grade of A-F, S, U, CR, or NC.
2. Had earned a cumulative University of Kansas G.P.A. of less than 2.0 immediately prior to leaving K.U.
3. At the time of petition, have earned a G.P.A. of at least 2.5 in at least 12 credit hours earned after returning to K.U. All grades earned at K.U. since returning will be used to make this G.P.A. calculation.

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.

2.8.4 Academic terms discounted for a student using the academic forgiveness policy shall not be computed into the student's current G.P.A., nor shall any hour completed or degree requirements satisfied in these discounted terms be counted toward a degree granted from the University of Kansas.

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.

## Auditing and Visitation of Classes (FSRR 5.5)

5.5.1 The regulation of the auditing or visitation of classes shall be the responsibility of the faculties of the College and the several schools of the University.

5.5.2 Such regulation shall provide for approval of the instructor of the class involved. (Link (<http://policy.ku.edu/governance/FSRR/#art5sect5>))

## Change of Grade (USRR 2.3)

2.3.1 Unless the provisions of 2.3.2 obtain, no change in a grade shall be made after it is filed with the University Registrar except upon the official request of the faculty member in charge of the course. The request must be made within one calendar year of the original grade due date for the semester in which the course is taken. The Registrar shall notify the chairperson of the department in which the course is given, with a copy to the originating faculty member. Such a change may be made only if (1) the original grade resulted from an error, or (2) the original letter was I or P or (3) due to sanctions imposed in the case of academic misconduct. In any of these cases, the change of letter shall not include the change to a W. For purposes of this provision, an official request includes an electronic request through online processes developed by the Registrar.

2.3.2 In the following exceptional cases a committee of at least three faculty members appointed by the chairperson of the department in which the course is given may review a student's work and assign the course grade:

2.3.2.1 When a faculty member who has been charged with and found guilty of sexual harassment or academic misconduct has assigned a grade to the student who has pressed charges.

2.3.2.2 When a clerical error is suspected in a course grade assigned by a faculty member who has become seriously ill and incapacitated or has died or whom the chairperson of the department in which the course is given cannot locate with due diligence.

2.3.2.3 When a student is found guilty of academic misconduct after the course grade has been assigned by a faculty member who has become seriously ill and incapacitated or has died or whom the chairperson of the department in which the course is given cannot locate with due diligence.

2.3.2.4 When there is procedural irregularity in the assignment of the course grade. However, in such a case, the grade shall be assigned in accordance with section 2.3.5.3 of the University Senate Rules and Regulations.

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.

Each course is to be considered separately but the same committee may consider more than one course at the discretion of the dean of the school responsible for the course.

2.3.4 To insure uniform implementation of these procedures a) each school and the College will develop a written policy for the guidance of the committee and b) each school or College will adopt a uniform policy as to whether concurrence or only consultation is required. The policies are to be made available to faculty and student.

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.

2.3.5.1 Each academic unit within the University shall provide its members access to an exclusive procedure for appeal of a final course grade, which shall be the sole procedure available to such members at the unit level.

2.3.5.2 Such an appeal shall be made in accord with the procedures established by the unit under Article V, section 2 of the University Senate Rules and Regulations. To the extent that a grade appeal involves charges of improper application of grading procedures, the dispute shall be resolved under the applicable procedures for disputes involving improper application of grading procedure, and appeal to the Judicial Board shall be available in accordance with those procedures. To the extent that a grade appeal involves charges of academic misconduct, the dispute shall be resolved under the applicable procedures for disputes involving academic misconduct, and appeal to the Judicial Board shall be available in accordance with those procedures.

2.3.5.3 If the Judicial Board sustains the student's appeal, the grade shall be assigned in accordance with Section 2.3.2 of the University Senate Rules and Regulations. (Link (<http://policy.ku.edu/governance/USRR/#art2sect3>))

## **Code of Student Rights and Responsibilities (Student Code)**

The Code of Student Rights and Responsibilities outlines the rights of students and many of the standards of conduct expected within the University of Kansas community. (Link (<http://policy.ku.edu/code-student-rights-and-responsibilities-student-code>))

## **Credit/No Credit (USRR 2.2.8)**

2.2.8 A student may elect to be graded on a scale of CR (credit) or NC (no credit) instead of on a scale of A, B, C, D, or F as provided below.

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 choice. [

2.2.8.2 A student may use the credit/no credit option for at most one course per semester.

2.2.8.3 For undergraduate students, the grade of CR (credit) will be received for grades of C- and above, and the grade of NC (no credit) will be received for grades of D+ and below. For graduate students, the grade of CR will be received for grades of C and above, and the grade of NC (no credit) will be received for grades of C- and below. [To be implemented Spring 2012]

2.2.8.4 The instructor will not be informed when a student has chosen this option, and will assign a conventional letter grade, which will then be converted by the University Registrar to CR or NC as appropriate.

2.2.8.5 Courses graded CR or NC will not count in computing grade point average. Courses graded CR will be included in the total hours counted toward graduation; courses graded NC will not count as hours earned.

2.2.8.6 No course graded CR or NC can count toward the satisfaction of the requirements for an undergraduate major or toward the satisfaction of the requirements for a graduate degree or a graduate certificate, except in the School of Law. Courses graded CR or NC may be taken in a student's undergraduate major or in a student's graduate program if the student does not need to count them toward the satisfaction of requirements. [To be implemented Spring 2012]

2.2.8.7 The College, schools, departments, programs, and other academic units may establish degree requirements, major requirements, minor requirements, certificate requirements or other academic requirements requiring that the CR/NC grading option not be chosen for most or all of a student's courses. [To be implemented Spring 2012] (Link (<https://policy.ku.edu/governance/USRR/#art2sect2para7>))

## **Electronic Mail Policy**

The University of Kansas (Lawrence and Edwards Campuses) provides electronic mail [1] (<http://policy.ku.edu/provost/electronic-mail-policy/#email>) for use by students, faculty, staff, and others affiliated with KU. The University encourages the appropriate use of email to further its mission goals. KU provides email for use when engaging in activities relating to instruction, research, clinical and public service, and management and administrative support. KU also permits incidental personal use provided that such use does not interfere with KU operations, does not generate incremental identifiable costs to KU, or does not negatively impact the user's job performance. [2] (<http://policy.ku.edu/provost/electronic-mail-policy/#CommitmentofTime>)

KU email may not be used for commercial purposes, for personal financial gain, to distribute chain mail, or to support outside organizations

not otherwise authorized to use University facilities. Individuals who wish to use KU email in support of external organizations (charities, for example) must secure written or email approval of the provost and executive vice chancellor (provost) or the provost's designee. The provost ordinarily will approve such use only when it furthers KU's mission and goals.

Registered student and campus organizations such as the College Republicans or the KU Young Democrats may use their membership list-serves to notify members of meetings, speeches, or rallies. Faculty members may use electronic systems for course-related discussions of political topics. Individuals may use email to exchange ideas and opinions, including those dealing with political issues. The latter is generally considered an incidental use of the email system. However, KU email may not be used to support external organizations, partisan political candidates, party fundraising, or causes. [3] (<http://policy.ku.edu/provost/electronic-mail-policy/#PoliticalActivity>)

The University supports a climate of trust and respect and does not ordinarily read, monitor, or screen electronic mail. However, complete confidentiality or privacy of email cannot be guaranteed. Confidentiality cannot be guaranteed because of the nature of the medium, the need for authorized staff to maintain email systems, and the University's accountability as a public institution. The provost or provost designee may authorize access to employee or student email in a number of circumstances including, but not limited to, situations involving the health or safety of people or property; possible violations of University and Board of Regents codes of conduct, regulations, or policies; possible violations of state or federal laws; subpoenas and court orders; other legal responsibilities or obligations of the University; or the need to locate information required for University business.

The University routinely uses email for both formal and informal communication, including emergency messages, with faculty, staff and students. Faculty, staff, and students are required to register an email account or utilize a University-provided account during their enrollment or employment at the University. These addresses are used for University business and official University communications. All faculty and students, and all staff who have access to email, are expected to check their email regularly for University communications. Official University communications include, but are not limited to, enrollment information, grade reports, financial statements and other financial information, library overdue notices, and policy announcements.

KU email may be used to survey students, faculty, and staff. Requests to conduct surveys through email should be directed to the Office of the Provost.

Because use of broadcast email places stress on the email system, it is Lawrence campus policy to use the broadcast function very sparingly. In addition to the business communications cited above, it is used for messages from the Chancellor's Office, the Provost's Office, or other offices about mission-related matters or issues of broad interest to the University community, and for emergency messages dealing with power outages, street closings, or other public safety matters. Any request to use broadcast email to contact students, faculty, or staff, including survey requests, must be approved in advance and in writing or by email by the Office of the Chancellor or the Office of the Provost.

The broadcast function generally is not used to announce events such as concerts, theatre performances, conferences, symposia, or colloquia sponsored by KU units or organizations. Public events sponsored by KU units or registered student and campus organizations may be announced

in KU Today, the electronic newsletter produced by News and Media Relations and posted on the electronic KU calendar (for instructions, see Submit KU News (<http://publicaffairs.ku.edu/media/submit>).) News and Media Services regularly broadcasts a complete KU Calendar of Events.

KU email accounts remain the property of the State of Kansas. The University routinely disables accounts after graduation or termination from the University. (Link (<http://policy.ku.edu/provost/electronic-mail-policy>))

## Grade Replacement Policy in Repeat Courses (USRR 2.2.9)

### 2.2.9 Grade Replacement Policy in Repeat Courses.

If a student takes a course at KU, receives a D or F in the course, enrolls in and repeats the course at KU, the new grade may be used in place of the original grade for purpose of GPA calculation, subject to the limitations herein.

2.2.9.1 The course must be numbered 000-299 and have been taken in the Fall 2001 semester or thereafter. Classes taken from Fall 2001 through Summer 2007 must have been requested by the student during the semester as qualifying for this policy. Beginning in Fall 2007, this policy automatically applies to classes that meet the criteria outlined in this section.

2.2.9.2 The grade of D or F can not be the result of an academic misconduct sanction of "Reduction of Grade for the Course."

2.2.9.3 Students may only repeat a course for grade replacement a maximum of five (5) times. This means a student may only repeat five courses once, or repeat a combination of a single course or multiple courses for a total allotment of five grade replacement opportunities. Multiple repeats for grade replacement of a course are discouraged, but not explicitly prohibited. The time and date of registration of the course repeat(s) enrollment will be used to determine the limit of five repeat courses for grade replacement.

2.2.9.4 Each attempt to improve and replace a course grade by repeating a course will reduce the number of repeats for grade improvement available to the student, regardless of the grade earned in the repeat of a course.

2.2.9.5 For each attempt to improve and replace a course grade by repeating a course, the grade recalculation will happen by default using the higher of the original or repeated course grades as follows

2.2.9.5.1 If the higher grade was earned in a retake of the course, this will be considered course and grade replacement. The original course and grade will remain on the transcript, but will NOT be included in the calculation of GPA.

2.2.9.5.2 If the grade earned for any repeated course is lower than the original course grade, the lower grade will be shown on the transcript but will NOT be included in the calculation of the GPA.

2.2.9.5.3 If a student makes multiple attempts to replace a course grade by repeating the course multiple times (up to the limit of five times), and achieves a higher grade, this grade will be considered the course and grade replacement. The original and repeated courses and grades will appear on the transcript but the inferior grades will not be included in the GPA calculation.

2.2.9.6 Only the original course (department, number and original number of credit hours) may be retaken for course and grade replacement. A similar course (different department, or number, or credit hours) will not be considered for course and grade replacement.

2.2.9.7 This policy may not be used to replace course(s) and grade(s) that have been applied to a baccalaureate degree already awarded by the University of Kansas. (Link (<https://policy.ku.edu/governance/USRR/#art2sect2para8>))

## The Grading System (USRR 2.2)

### Section 2. The Grading System

2.2.1 The letters A, B, C, D, S (satisfactory), CR (credit), and + shall be used to indicate passing work.

2.2.1.1 The grade of A will be reported for achievement of outstanding quality.

2.2.1.2 The grade of B will be reported for achievement of high quality.

2.2.1.3 The grade of C will be reported for achievement of acceptable quality.

2.2.1.4 The grade of D will be reported for achievement that is minimally passing, but at less than acceptable quality.

2.2.2 The letters F, U (unsatisfactory), and NC (no credit) shall indicate that the quality of work was such that, to obtain credit, the student must repeat the regular work of the course

2.2.3 The letters W and I may be given. The letter I shall indicate incomplete work, such as may be completed without re-enrollment in the course. The letter W shall indicate withdrawal for which no credit or grade point is assigned.

2.2.3.1 The letter I should not be used when a definite grade can be assigned for the work done. It shall not be given for the work of a student in any course except to indicate that some part of the work has, for reasons beyond the student's control, not been done, while the rest has been satisfactorily completed. At the time an I is reported on the electronic roster, the character and amount of work needed, as well as the date required for completion and lapse grade if further work is not completed by this date, should be indicated.

2.2.3.2 A student who has an I posted for a course must make up the work by the date determined by the instructor, in consultation with the student, which may not exceed one calendar year from the original grade due date for the semester in which the course is taken, or the last day of the term of graduation, whichever comes first. An I not removed according to this rule shall automatically convert to a grade of F or U, or the lapse grade assigned by the course instructor, and shall be indicated on the student's record.

2.2.3.3 Changes beyond a year or extensions to the time limit may be granted by the dean's representative upon submission of a petition from the student containing the endorsement of the course instructor who assigned the I grade, or the department chairperson if the instructor is unavailable. After the I grade is converted to a grade of F or U, the grade may only be changed in accordance with USRR Article II, Section 3.

2.2.3.4 No graduate student will be allowed to take oral comprehensive exams if an I grade is currently listed on the student's transcript.

2.2.4 The College or any school may use the letter P to represent satisfactory progress during one semester of work for which a grade

will be given only upon the completion of the course or project in a subsequent semester.

2.2.5 The College or any school may use the letters SP (Satisfactory Progress), LP (Limited Progress), NP (No Progress) only for dissertation and thesis hours or their approved equivalents. In the case of a completing student, the grade assigned to the final thesis or dissertation hour enrollments must be SP. [Effective Spring 2017]

2.2.6 The University fall and spring semesters each consist of seventy-three instructional days. The withdrawal period is divided into three instructional-day time segments:

a. **Period 1:** the first fifteen (15) instructional days of the semester or the first seven (7) instructional days of summer session (See 2.2.6.1 and 2.2.6.2);

b. **Period 2:** beginning with the sixteenth (16th) instructional day through the sixtieth (60th) instructional day of the semester or the eighth (8th) instructional day through the thirtieth (30th) instructional day of summer session (See 2.2.6.1 and 2.2.6.3);

c. **Period 3:** beginning with the sixty-first (61st) instructional day through the last day of classes for the semester or the thirty-first (31st) instructional day through the last day of classes for the summer session (See 2.2.6.4).

NOTE: The three time periods of instructional days for any course that has fewer instructional days than a normal semester shall be calculated on the basis of a percentage that the instructional days of the course in question represent relative to a normal semester of 73 instructional days. For example, a course of five weeks duration with a total of 25 instructional days represents one-third the length of a normal semester. Thus, Period 1 would include the first five (5) instructional days of the course, Period 2 would begin with the 6th and continue through the 20th instructional day and Period 3 would begin with the 21st instructional day and continue through the last day of the class.

*[Revised 75 to 73 8/2011, removed KU Continuing Education withdrawal policy (Independent study courses changed from a 6 month to semester based format 8/30/11)]*

2.2.6.1 Course withdrawal policy and procedure are determined by the individual time period (see 2.2.6, 2.2.6.2, 2.2.6.3, 2.2.6.4 and 2.2.6.5). These rules apply to both undergraduate and post-baccalaureate courses, other than Law School courses, unless specifically excluded in accordance with 2.2.6.2.

2.2.6.2 Each academic dean shall submit to the Provost a list of courses such as internships and practica that are to be excepted from 2.2.6. Upon approving the list of proposed exceptions, the Provost shall provide it to the University Registrar.

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

2.2.6.4 During Period 2, a student seeking to withdraw from a course must follow the withdrawal procedures of the College or School in which the student is enrolled. A student who withdraws during Period 2 shall receive a grade of W, which will appear on the student's academic record but will not be included in computing the grade point average. Neither the instructor nor the College or School is entitled to withhold approval of the withdrawal, but the College or School can reinstate enrollment under the provisions of USRR 2.6.5. The University Registrar shall maintain and

make available information regarding withdrawal procedures of each school and the College. It is the responsibility of the student to take the necessary steps to effect the withdrawal before the deadline established under USRR 2.2.6, above.

2.2.6.5 During Period 3, a student cannot withdraw from a course. The course grade will be determined by the student's overall academic performance.

2.2.6.6 After a student completes a course and a letter grade has been assigned, including an "Incomplete" where appropriate, retroactive withdrawal from the class is not allowed, except in accordance with USRR 2.3.3.

2.2.7 The withdrawal of a student from the University shall be reported by the dean of the College or the school to the University Registrar for posting to the permanent record after consultation with the appropriate personnel dean. The rules in USRR 2.2.6 shall apply except in accordance with USRR 2.3.3.

2.2.8 A student may elect to be graded on a scale of CR (credit) or NC (no credit) instead of on a scale of A, B, C, D, or F as provided below.

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 choice.

2.2.8.2 A student may use the credit/no credit option for at most one course per semester.

2.2.8.3 For undergraduate students, the grade of CR (credit) will be received for grades of C- and above, and the grade of NC (no credit) will be received for grades of D+ and below. For graduate students, the grade of CR will be received for grades of C and above, and the grade of NC (no credit) will be received for grades of C- and below. [To be implemented Spring 2012]

2.2.8.4 The instructor will not be informed when a student has chosen this option, and will assign a conventional letter grade, which will then be converted by the University Registrar to CR or NC as appropriate.

2.2.8.5 Courses graded CR or NC will not count in computing grade point average. Courses graded CR will be included in the total hours counted toward graduation; courses graded NC will not count as hours earned.

2.2.8.6 No course graded CR or NC can count toward the satisfaction of the requirements for an undergraduate major or toward the satisfaction of the requirements for a graduate degree or a graduate certificate, except in the School of Law. Courses graded CR or NC may be taken in a student's undergraduate major or in a student's graduate program if the student does not need to count them toward the satisfaction of requirements. [To be implemented Spring 2012.]

2.2.8.7 The College, schools, departments, programs, and other academic units may establish degree requirements, major requirements, minor requirements, certificate requirements or other academic requirements

requiring that the CR/NC grading option not be chosen for most or all of a student's courses. [To be implemented Spring 2012]

## 2.2.9 Grade Replacement Policy in Repeat Courses.

If a student takes a course at KU, receives a D or F in the course, enrolls in and repeats the course at KU, the new grade may be used in place of the original grade for purpose of GPA calculation, subject to the limitations herein.

2.2.9.1 The course must be numbered 000-299 and have been taken in the Fall 2001 semester or thereafter. Classes taken from Fall 2001 through Summer 2007 must have been requested by the student during the semester as qualifying for this policy. Beginning in Fall 2007, this policy automatically applies to classes that meet the criteria outlined in this section.

2.2.9.2 The grade of D or F can not be the result of an academic misconduct sanction of "Reduction of Grade for the Course."

2.2.9.3 Students may only repeat a course for grade replacement a maximum of five (5) times. This means a student may only repeat five courses once, or repeat a combination of a single course or multiple courses for a total allotment of five grade replacement opportunities. Multiple repeats for grade replacement of a course are discouraged, but not explicitly prohibited. The time and date of registration of the course repeat(s) enrollment will be used to determine the limit of five repeat courses for grade replacement.

2.2.9.4 Each attempt to improve and replace a course grade by repeating a course will reduce the number of repeats for grade improvement available to the student, regardless of the grade earned in the repeat of a course.

2.2.9.5 For each attempt to improve and replace a course grade by repeating a course, the grade recalculation will happen by default using the higher of the original or repeated course grades as follows

2.2.9.5.1 If the higher grade was earned in a retake of the course, this will be considered course and grade replacement. The original course and grade will remain on the transcript, but will NOT be included in the calculation of GPA.

2.2.9.5.2 If the grade earned for any repeated course is lower than the original course grade, the lower grade will be shown on the transcript but will NOT be included in the calculation of the GPA.

2.2.9.5.3 If a student makes multiple attempts to replace a course grade by repeating the course multiple times (up to the limit of five times), and achieves a higher grade, this grade will be considered the course and grade replacement. The original and repeated courses and grades will appear on the transcript but the inferior grades will not be included in the GPA calculation.

2.2.9.6 Only the original course (department, number and original number of credit hours) may be retaken for course and grade replacement. A similar course (different department, or number, or credit hours) will not be considered for course and grade replacement.

2.2.9.7 This policy may not be used to replace course(s) and grade(s) that have been applied to a baccalaureate degree already awarded by the University of Kansas.

2.2.10 When it would not be appropriate to grade a course according to the grading system established above, the College or school may

authorize the use of grades S and U in designated courses. A course to be graded S or U shall be identified prior to the beginning of the course in the Schedule of Classes. Approval to offer a course with the S and U grading system precludes the use of grades A, B, C, D, or F. The grade of S shall indicate the student did satisfactory work and these hours will count toward graduation. The U grade shall indicate the student's work was unsatisfactory and these hours will not count toward graduation. Grades of S and U will not count in computing the grade point average.

2.2.11 The School of Pharmacy may use the letter E (Excellent), in addition to S (Satisfactory), U (Unsatisfactory) and I (Incomplete) for field work (clinical rotations) for grades recommended by preceptors.

2.2.12 The dean of the College or a school may request permission of the University Senate to use a grading system other than herein provided for a specified trial period.

2.2.13 The grade of + shall indicate that credit was awarded on the basis of an examination or other appropriate experience or training, rather than as a result of the student completing the regular work of the course. (Link (<https://policy.ku.edu/governance/USRR/#art2sect2>))

### **Grievances:**

## **Organization for Conflict Resolution (USRR Article V) Section 1. University Ombuds Office**

5.1.1 **Appointment.** The University Ombuds and Faculty Ombuds shall be appointed by the Chancellor from among a panel of three candidates presented by the University Senate Executive Committee.

5.1.2 **Ombud's Office.** Faculty will be represented in the staffing of the Ombuds Office through a part time appointment of a faculty member either to the position of University Ombuds or as Faculty Ombuds

5.1.3 **Term of Office.** A faculty member serving in the Ombuds Office shall serve a three-year term. The Faculty Ombuds shall be eligible for reappointment.

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 shall, at the time of initial appointment, have completed at least six years of service at the University of Kansas.

## **Section 2. Unit Level Grievance Procedures**

### **5.2.1 Establishment and Maintenance of Unit Level Grievance Procedures.**

5.2.1.1 **Larger Organizational Units.** The following organizational units shall be required to establish and maintain grievance procedures for utilization by directly subordinate units:

- a. The Office of the Chancellor
- b. The Office of the Provost and Executive Vice Chancellor
- c. The Office of the Vice Chancellor and Dean of the Edwards Campus
- d. The offices of the Vice Provost for Student Affairs, Research, and Information Services
- e. The several schools and the College of Liberal Arts and Sciences

5.2.1.2 **Subordinate Units.** Subordinate units may choose to establish, create, adopt or maintain their own grievance procedures or they

may elect to have grievance procedures implemented by the larger organizational entity within which the unit is contained.

5.2.1.3 **Review and Approval.** Any organizational unit that has developed a grievance procedure shall submit it to the General Counsel of the University. Unless the General Counsel determines that the procedure as submitted is in conflict with existing law, rules of the Board of Regents, or rules or regulations of the University, it shall become effective thirty calendar days after such submission or upon written approval of the General Counsel, whichever occurs first.

5.2.1.4 **Election of Larger Unit Procedure.** Any unit which has elected to place itself under the grievance procedure of the respective larger entity shall report this election in writing to the Judicial Board Chair, with information copies to the General Counsel of the University, the Equal Opportunity Office, and the University Ombudsman.

5.2.2 **Essential Elements of Grievance Procedures.** Because of the great variations in size and functions of units, standardization of grievance procedures is considered inappropriate. However, each such procedure shall comply with the Procedural Guarantees of Article XIV, section 2, of the University Senate Code, and shall provide for:

- a. a time limit, not to exceed thirty calendar days from the written submission of a complaint to its hearing, with provisions for extensions for good cause;
- b. the opportunity for each side to submit supporting materials and introduce supporting witnesses;
- c. the opportunity for each side to be informed of material supporting the action or position of the other side;
- d. the exclusion of any party involved in the complaint from the rendering of any decision;
- e. the creation of a record of the proceeding, including audio recording of the hearing and a written decision of the hearing body.

5.2.3 **Dissemination of Information.** Information concerning the procedure adopted by a unit shall be easily available to all persons employed in or using the services of the unit. Copies of the procedures with effective dates shall also be placed on file in the Policy Library by the chair, dean, vice chancellor, or their designee.

5.2.4 **Change and Amendments.** Any change of or amendment to a grievance procedure shall be subject to review and approval as provided in 5.2.1.3, above, and updated copies disseminated as provided in 5.2.3, above.

## **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 chairperson's duties.

5.3.2 **Effective Date of Membership.** The terms of service on the Judicial Board shall commence on the 16th day of August, except that in the filling of a vacancy the appointment shall become effective on the day on which the appointee's acceptance is made known to the Judicial Board Chair.

5.3.3 **Hearing Panels.** All members of the Judicial Board shall be available for service on hearing panels, except that any member who has participated in grievance procedures on the same case or who in any



other manner has been involved in the case shall not be asked to serve. Members of a hearing panel, five in number, shall be designated by the Judicial Board Chair as follows:

- a. The Hearing Panel shall be chaired by a law member.
- b. At least one member shall belong to the same appointment group (Article XI, Section 4 (a) (ii) to (vi) of the Senate Code) as the claimant or complainant, and one to the same group to which the respondent belongs.
- c. If possible, at least one member should be of the same race as the complainant.
- 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 him or her of that fact without delay. In the case of the prior involvement of a selected Board member, a replacement shall be similarly chosen.

**5.3.4 Appeals Panel.** Appeals panels shall consist of at least one law member who did not serve on the hearing panel, if any, in the particular case. This law member shall chair the appeals panel. The Judicial Board Chair and the chair of the appeals panel shall designate two additional members of the Judicial Board who did not participate in the procedures in the same case at any other level. In matters of sexual harassment, panel members must have University-approved training in handling and adjudicating matters of sexual harassment.

**5.3.5 Ad Hoc Law Members.** If no regular law member is available to serve on a hearing or appeals panel, the Judicial Board Chair may designate an ad hoc law member to serve on that panel. An ad hoc law member shall meet the requirements for law members contained in Article XI, Section 4(a) (i) of the University Senate Code.

## Section 4. The Court of Parking Appeals.

**5.4.1 Chief Justice.** The Chief Justice of the Court of Parking Appeals shall be elected by the membership of the Court which shall be called to meet in April or May of each year. At the same meeting, after the Chief Justice has been elected and has assumed the chair, an associate Chief Justice shall be elected by the membership. The Associate Chief Justice shall assume the Chief Justice's duties if the Chief Justice should resign, is absent for a prolonged period of time, or is disabled or disqualified.

**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 Court members** shall be selected to participate in Court proceedings in accordance with selection procedures established by the Court. The Chief Justice shall designate one member of each panel to chair that panel.

**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. (Link (<https://policy.ku.edu/governance/USRR/#ArticleV>))

## Procedures for Conflict Resolution (USRR Article VI) Section 1. General Provisions

**6.1.1 Purpose.** The purpose of these procedures is to resolve conflict situations within the University community. The governance system does not command sanctions and has no enforcement powers. Its aim, therefore, is to find the facts of a contested situation and to make reasonable and appropriate recommendations to those having the legal power and the responsibility to act. Recommended action should be in the University community's best interest and protective of the rights of the individuals involved

**6.1.2 Protection of Privacy Interests.** Except when all parties agree that the hearing shall be public, all proceedings provided for in the Article shall be closed to all but the parties involved. Public reports by any of the boards, committees or bodies involved may refer to the types of cases heard but no mention may be made of the names of the individuals nor any reference made which would permit their identification. The names of individuals, the nature of a complaint, and the resolution of the case may be disclosed, however, for purposes of action taken under USRR 6.5.4 against an individual for abuse of the grievance process, or pursuant to USRR 6.8.4.2 for the purpose of identifying multiple or successive grievances involving substantially the same underlying occurrence or events.

**6.1.3 Prohibition of Retaliation.** No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of grievance procedures. Provided, however, that sanctions for a pattern of frivolous and abusive grievances may be imposed under USRR 6.5.4.

**6.1.4 Absolute Judicial Immunity.** Absolute judicial immunity shall exist for all members of unit level hearing bodies, mediators selected pursuant to USRR 6.2.3.3, the University Ombudsman, the Judicial Board and any of its panels, the Faculty Rights Board, the University Senate Executive Committee, and the Faculty Executive Committee with respect to their services as members of those units in any case, controversy, original proceeding, appeal, or any other matter in which they have served in a judicial, quasi-judicial, or other conflict-resolving role, including mediation, involving any matter over which the unit has jurisdiction.

**6.1.5 Computation of Time.** Unless otherwise expressly provided, in applying the time limitations set forth in this Article, the computation of elapsed time shall be in accordance with calendar days, including Saturdays, Sundays, and days on which, in accordance with University Calendar, classes do not meet. Because parties, members of decision making bodies, and other individuals relevant to a particular dispute may not be available during the Summer months, the Judicial Board and other tribunals shall accept complaints from May 15 to August 15, but need not take action on them during that period. This provision does not prevent the Judicial Board or other tribunals from scheduling a hearing or taking other action during the summer months if the Board or other tribunal determines that such action is appropriate and consistent with the rights of the parties.

**6.1.6 Contrary Law.** The provisions of these procedures shall be superseded by any contrary provision of state or federal law.

## Section 2. Informal Means of Dispute Resolution

**6.2.1 Generally.** The collegial atmosphere of the University community is best served through informal compromise resolution of disputes. Thus, before pursuing formal grievance procedures, a grievant should ordinarily attempt to resolve the matter informally through direct or indirect consultation with the other party or through discussions with supervisory personnel.

**6.2.2 Ombuds Office.** The University and Faculty Ombuds shall be available (a) to receive and attempt to resolve individual grievances of members of the University community; and (b) to recommend procedural changes within the University in response to experience acquired in investigating individual cases.

**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. He or she shall not have authority to take disciplinary action, reverse decisions, or circumvent existing University rules and procedures. He or she 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.

**6.2.2.2 Reports.** The University and Faculty Ombuds shall at least annually make reports to the University community at large.

### 6.2.3 Mediation.

**6.2.3.1 Generally.** Informal mediation shall be available to resolve disputes within the University community; however, mediation shall not occur in cases alleging sexual harassment. Unless either party to a dispute waives mediation, mediation shall occur prior to a hearing on the dispute.

**6.2.3.2 List of Mediators.** A list of individuals willing to serve as mediators and with training and/or experience in dispute resolution shall be maintained by the Ombuds Office and the Judicial Board Chair, in consultation with others throughout the university community.

**6.2.3.3 Selection of a Mediator.** A mediator shall be selected by the parties from the list of mediators maintained by the Ombuds Office and the Judicial Board Chair, or the parties may agree on another individual to serve as mediator. If the parties cannot agree on a mediator, they may request that the Ombuds Office and/or the Judicial Board Chair select a mediator.

**6.2.3.4 Mediation Procedures.** The procedures to follow in mediation shall be determined by the mediator in consultation with the parties.

**6.2.3.5 Suspension of Time Limits.** The running of any time limits in the procedures for dispute resolution, Article VI of the University Senate Rules and Regulations, shall be suspended during the mediation process; that is, the time from the initiation of the mediation process until it is terminated by the mediator or either party shall not count against any time limit contained in those procedures.

## Section 3. Complaint and Response

**6.3.1 Complaint.** Dispute resolution procedures shall be initiated through the submission of a written complaint to the hearing body with jurisdiction of the matter pursuant to section 6.4 of the University Senate Rules and Regulations.

**6.3.1.1 Contents.** The complaint shall contain a statement of the facts underlying the complaint and specify the provision(s) of Code of

Faculty Rights, Responsibilities and Conduct, University Senate Code, The University Senate Rules and Regulations, the Code of Student Rights and Responsibilities, or other applicable rule, regulation, or law allegedly violated. The complaint shall also indicate the witnesses or other evidence relied on by the complaining party, and copies of any documents relevant to the complaint shall be attached to the complaint.

**6.3.1.2 Copies to Respondents.** The complaining party shall provide a copy of the complaint, with accompanying documents, to the respondent(s); i.e., the party or parties charged in the complaint. The chair of the hearing body shall, upon receipt of a complaint, verify that a copy has been provided in accordance with this provision.

**6.3.1.3 Time Limit on Complaints.** Unless otherwise provided by law with respect to a specific category of complaint, no complaint shall be entertained in the hearing phase if more than six months have elapsed between the action or event complained of and the filing of the complaint. The period from May 15 to August 15 shall be counted for purposes of determining whether a complaint has been filed within the six-month limit. In exceptional circumstances, a majority of the relevant hearing body, upon written request of the complainant, may grant an extension to this time limitation. *However, the six-month time limit shall not apply to complaints brought by the Chancellor to the Faculty Senate Faculty Rights Board, nor to complaints of sexual harassment.*

**6.3.2 Response.** Normally a respondent shall submit a written response to the hearing body within two weeks of receiving the complaint. However responses to complaints filed before the *Faculty Rights Board* shall be filed in accordance with the time frames set forth in Faculty Senate Rules and Regulations 7.3.1, responses to complaints filed under the Code of Student Rights and Responsibilities shall be in accordance with the time frames established by the Vice Provost for Student Affairs, and responses to complaints handled in accordance with the Discrimination Complaint Resolution Process shall be filed in accordance with time frames set forth in University policy.

**6.3.2.1 Contents.** The response shall contain the respondent's statement of the facts underlying the dispute, as well as any other defenses to the allegations in the complaint. The response shall also indicate the witnesses or other evidence relied on by the respondent, and copies of any additional documents relevant to the response shall be attached.

**6.3.2.2 Copy to Complaining Party.** The respondent shall provide a copy of the response to the complaining party. Upon receipt of the response, the chair of the hearing body shall verify that a copy of the response has been provided in accordance with this provision.

**6.3.2.3 Waiver of Defenses.** Failure to respond or to raise a particular defense in the response shall not prevent the raising of the defense at a subsequent hearing or appeal unless the complaining party is prejudiced thereby.

## Section 4. Jurisdiction

Disputes involving the following subject areas shall be heard by the following bodies:

**6.4.1 Disputes involving faculty members and questions of academic freedom, tenure rights, dismissal, appointment, promotion, reappointment, and non-reappointment:**

**6.4.1.1 Hearing.** Faculty Rights Board. (University Senate Code Article XIII. Section 3. Functions)

6.4.1.2 **Appeal.** None within the university. (Faculty Senate Rules and Regulations Article VII. Section 3.)

**6.4.2 Disputes involving questions of faculty rights and responsibilities:**

6.4.2.1 **Hearing for Major Sanctions (censure, suspension, dismissal, and leave without pay).** Faculty Senate Faculty Rights Board. (Faculty Code of Rights, Responsibilities, and Conduct, Article III. #4)

6.4.2.2 **Hearing for Minor Sanctions (warning and restitution).** Hearing Panel of the Judicial Board. (Faculty Code of Rights, Responsibilities, and Conduct, Article III. #4)

6.4.2.3 **Appeal.** An appeals panel of the Judicial Board may consider an appeal from a Judicial Board hearing pursuant to Section 6.7 of the University Senate Rules and Regulations, but no appeal is available within the university for hearings on major sanctions conducted by the Faculty Senate Faculty Rights Board. (Faculty Senate Rules and Regulations Article VII. Section 3)

6.4.2.4 **Merit Salary.** Disputes involving merit salary increases for faculty and unclassified staff shall be resolved through the Office of the Provost, and neither the Faculty Senate Faculty Rights Board nor the Judicial Board shall have jurisdiction to consider merit salary disputes either at a hearing level or on appeal.

6.4.3 Disputes involving alleged academic misconduct by faculty or students and alleged violations of student rights by faculty or staff:

6.4.3.1 **Hearing.** Appropriate unit level grievance procedure or Judicial Board hearing panel. Hearings shall be held at the smallest unit with jurisdiction that has adopted procedures pursuant to section 5.2.1 of the University Senate Rules and Regulations, or in the event that a grievance is filed against an administrator of that unit, the next larger unit. However, a Judicial Board hearing panel shall hear the dispute if:

a. the parties agree to hold the hearing before a judicial board hearing panel; or

b. either party petitions the Judicial Board Chair for a Judicial Board hearing, specifically alleging reasons why a fair hearing cannot be obtained at the unit level, and the Judicial Board Chair grants the petition. A copy of any such petition shall be made available to the opposing party, who shall have the opportunity to respond.

6.4.3.2 **Appeal.** An appeals panel of the Judicial Board may consider an appeal from either a unit level or Judicial Board hearing pursuant to section 6.7 of the University Senate Rules and Regulations. Larger units do not have jurisdiction to hear appeals from subordinate units.

6.4.3.3 **KU Mediated/Online Courses.** Students/Faculty may opt to participate in the hearing or appeal in person (at their own expense) or by conference call if the course is taken from a distance greater than 150 miles from Lawrence.

6.4.3.4 **Professional Standards.** When a state licensing or regulatory body has delegated to an academic unit the authority to enforce legally imposed professional standards, the Judicial Board shall not have jurisdiction to hold a hearing or consider an appeal from the application of those standards.

6.4.4 Disputes involving allegedly improper application of grading procedure:

6.4.4.1 **Hearing.** Appropriate unit level grievance procedure. Hearings shall be held at the smallest unit with jurisdiction that has adopted

procedures pursuant to section 5.2.1 of the University Senate Rules and Regulations, or in the event that a grievance is filed against an administrator of the that unit, the next larger unit.

6.4.4.2 **Appeal.** An appeals panel of the Judicial Board may consider the appeal pursuant to section 6.7 of the University Senate Rules and Regulations.

6.4.4.3 **KU Mediated/Online Courses.** Students/Faculty may opt to participate in the hearing or appeal in person (at their own expense) or by conference call if the course is taken from a distance greater than 150 miles from Lawrence.

6.4.5 Disputes involving allegations of discrimination on the basis of race (including racial harassment), religion, color, sex (including pregnancy, sexual harassment, and sexual violence), disability, national origin, ancestry, status as a veteran, age, sexual orientation, marital status, parental status, gender identity, and gender equity.:

6.4.5.1 **Investigation of complaint.** Office of Institutional Opportunity and Access. (See the University of Kansas Discrimination Complaint Resolution Process.) All individuals involved in the adjudication of sexual harassment complaints shall receive special training regarding such complaints.

6.4.5.2 **Appeal.** In accordance with the provisions of the Discrimination Complaint Resolution Process (<http://policy.ku.edu/IOA/discrimination-complaint-resolution/#Appeals>), parties may appeal to the administrative officer or body appropriate to the individual's status within the University.

6.4.6 Summons or citation for violation of parking and traffic rules:

6.4.6.1 **Hearing.** Court of Parking Appeals. (Section 6.9 of the University Senate Rules and Regulations.)

6.4.6.2 **Appeal.** None within the University. (K.S.A. 74-3215)

6.4.7 Revocation of parking permit.

6.4.7.1 **Hearing.** Court of Parking Appeals. (Article XI. Section.3 (b) of the University Senate Code).

6.4.7.2 **Appeal.** An appeals panel of the Judicial Board may consider the appeal (Section 6.9.6 of the University Senate Rules and Regulations).

6.4.8 Disputes involving Library Fines:

6.4.8.1 **Hearing.** Library Appeals Board. (Article XI. Section 7 of the University Senate Code.)

6.4.8.2 **Appeal.** None within the University.

6.4.9 Disputes involving alleged violations by a student of the Code of Student Rights and Responsibilities (nonacademic misconduct).

6.4.9.1 **Hearing.** Vice Provost for Student Affairs. (Procedures of the Office of the Vice Provost for Student Affairs.)

6.4.9.2 **Appeal.** The decision may be reviewed by an appropriate administrative officer and/or an appeals panel of the Judicial Board may consider the appeal pursuant to section 6.7 of the University Senate Rules and Regulations.

6.4.10 Disputes involving alleged violations by a student of the Student Senate Election Code.

6.4.10.1 **Hearing.** Student Election Commission (Student Senate Election Code, Sec. 412).

6.4.10.2 **Appeal.** An appeals panel of the University Judicial Board may consider the appeal pursuant to section 6.7 of the University Senate Rules and regulations. (Student Senate Election Code, Sec. 500).

6.4.11 **Disputes involving rights and responsibilities under the Family Educational Rights and Privacy Act ("Buckley Amendment."):**

6.4.11.1 **Hearing.** Vice Provost for Student Affairs (Procedures of the Office of Vice Provost for Student Affairs under Article 22, Section 4, of the Code of Student Rights and Responsibilities.)

6.4.11.2 **Appeal.** None within the University. (If a student believes the University is not in compliance with the Privacy Act, the student may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.)

6.4.12 Disputes involving alleged violations of Department of Student Housing policies and matters arising under Student Housing contracts shall be handled under the same procedures as violations of the Code of Student Rights and Responsibilities under 6.4.9.

6.4.13 Disputes involving classification as a non-resident student for fee purposes:

6.4.13.1 **Hearing.** Committee on Residence Status (Kansas Administrative Regulations, 88-2-3).

6.4.13.2 **Appeal.** None within the University (Kansas Administrative Regulations, 88-2-4).

6.4.14 Disputes involving assessment or refunds of tuition and fees:

6.4.14.1 **Hearing.** Appeals Committee appointed by the Provost.

6.4.14.2 **Appeal.** None within the university.

6.4.15 **Disputes involving employment-related issues of Unclassified Professional Staff members:**

6.4.15.1 **Review.** A formal review of the grievance will be conducted in accordance with the Grievance Procedures for Personnel Policies and Procedures, Unclassified Professional Staff, Office of the Provost and Executive Vice Chancellor (<http://policy.ku.edu/provost/grievance-procedure-unclassified-professional-class>).

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 (<http://policy.ku.edu/provost/grievance-procedure-unclassified-professional-class>)].

6.4.16 Disputes involving employment-related issues of Graduate Teaching Assistants :

6.4.16.1 Disputes shall be resolved through the grievance and appeal procedure set forth in the Memorandum of Agreement between The University of Kansas and the Kansas Board of Regents and The Kansas

Association of Public Employees (Representing Graduate Teaching Assistants at the University of Kansas, Lawrence), so long as the agreement is in force.

NOTE: Policies related to University Support Staff performance can be found in the **University Support Staff Handbook** .

## Section 5. Prehearing Procedures and Administration of the Grievance System

In any matter pending before the Judicial Board in the hearing or appeals phase, the Judicial Board Chair may take the following actions:

### 6.5.1 Additional Information

6.5.1.1 **Completion of Complaint, Appeal, or Response.** The Judicial Board Chair may seek from either party additional information necessary to ensure that a complaint, appeal, or response is complete. Any information so obtained shall be made available to the opposing party.

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 he or she determines may be necessary to provide for a fair and accurate resolution of the dispute.

### 6.5.2 Jurisdictional Rulings

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 his or her 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.

6.5.2.2 **Other Hearing Bodies.** If a jurisdictional question arises in a dispute pending before another hearing body under Section 6.4 of the University Senate Rules and Regulations, that body may request a jurisdictional ruling from the Chair of the Judicial Board. Any such ruling shall be considered binding on other hearing bodies within the university community, but may be reviewed by an appeals panel of the Judicial Board after a hearing on the dispute, provided that such an appeals panel would otherwise have jurisdiction under section 6.4 of the University Senate Rules and Regulations.

6.5.2.3 **Choice of Forum.** The Chair of the Judicial Board, the Office of the General Counsel of the University, the University Ombuds office, the Equal Opportunity Office, and the Office of Legal Services for Students shall be available to render advice on informal and formal means of dispute resolution and to assist in the identification of the hearing body (or bodies) with jurisdiction over the matter. The complainant's choice of a hearing body is ordinarily final provided the hearing body has jurisdiction pursuant to section 6.4 of the University Senate Rules and Regulations. The selection of one hearing body shall preclude subsequent recourse to other procedures within the university unless the hearing body selected lacks jurisdiction.

### 6.5.3 Involuntary Dismissal and Summary Judgment

6.5.3.1 **Dismissal Without a Hearing.** The Judicial Board Chair or any Judicial Board panel adjudicating a grievance or appeal may dismiss

involuntarily or by summary judgment, without a hearing and upon the pleadings alone, any grievance or appeal on the grounds that:

- a. the grievance or appeal, or another grievance or appeal involving substantially the same underlying occurrence or events has already been, or is being, adjudicated by proper University procedures;
- b. the grievance or appeal has not been filed in a timely fashion;
- c. the Judicial Board lacks jurisdiction over the subject matter or any of the parties;
- d. the grievance does not state a cause of action, that is, it fails to allege a violation of a University rule, or the appeal fails to state a valid ground for appeal;
- e. the party filing the grievance or appeal lacks standing because he or she 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
- f. the party filing the grievance has been denied the right to file grievances pursuant to USRR 6.5.4.

**6.5.3.2 Dismissals for Which a Hearing is Required.** The Judicial Board Chair or any Judicial Board panel adjudicating a grievance may dismiss involuntarily or by summary judgment, after a hearing based solely on the grounds for dismissal, any grievance on the grounds that:

- a. the grievance fails to allege an infringement of commonly accepted standards of behavior within the University community;
- b. the grievance is frivolous, or was filed for malicious or harassing purposes.

**6.5.3.3 Dismissal for Nonparticipation.** If a party who has filed a grievance complaint (the complainant) repeatedly and purposefully refuses or fails to participate in any proceeding related to the complaint, any party against whom the complaint has been filed (the respondent) may petition the Judicial Board Chair for an order of dismissal, and, upon finding that the complainant has refused or failed to participate in any such proceedings, the chairperson shall enter an order in the proceedings dismissing the complaint involuntarily and with prejudice in that matter or case against the complainant. In making a decision on the petition for involuntary dismissal with prejudice, the Judicial Board Chair shall consider and review the record of the proceedings and may take whatever other action the chairperson deems appropriate to determine the facts concerning the complainant's refusal or failure to participate.

#### 6.5.3.4 Appeal of Dismissal

a. When a case is dismissed before an initial hearing on the merits of the complaint by the Judicial Board Chair or by a hearing panel under this section, the aggrieved party may appeal the dismissal to an appeals panel of the Judicial Board, provided an appeals panel would otherwise have jurisdiction over the case if a hearing on the merits of the dispute had been held. The appeal must be submitted in writing within 30 days after a grievance is dismissed. The appeals panel shall consider only the grounds for dismissal. An appeal from a dismissal by the Judicial Board Chair is not itself subject to dismissal by the Judicial Board Chair, with the exception of grievances dismissed under section 6.5.3.1(f) of the University Senate Rules and Regulations.

b. The dismissal of an appeal after a hearing on the merits is not appealable.

#### 6.5.4 Abuse of Grievance Process.

**6.5.4.1 Cease and Desist Request.** Whenever someone establishes a pattern of repeatedly filing frivolous grievances that harass colleagues and/or abuse the grievance system, the Chair of the Judicial Board should ask that person to desist.

**6.5.4.2 Recommendation to Provost.** In the event that the person fails to desist, the chair may recommend that the Provost deny the right to file grievances for a specified period of time not to exceed 5 years.

**6.5.4.3 Action of the Provost.** After reviewing the case, if the Provost disagrees with the Chair of the Judicial Board, the Provost shall so inform the chair and the complainant's grievances shall be duly processed. But in the event that the Provost concurs that the party has established a pattern of repeatedly filing frivolous grievances that harass colleagues and/or abuse the grievance system, the Provost may deny the right to file grievances for a specified period of time not to exceed five years.

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

## Section 6. Hearing Phase

**6.6.1 Application.** This section applies to any case in which the Judicial Board holds an initial hearing.

**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 he or she finds good cause to remove the panel member, shall promptly designate a replacement.

**6.6.3 Transfer of Record.** Upon designation of the hearing panel, the Judicial Board Chair shall transfer the complaint, the response, any documentary evidence submitted by the parties or obtained under section 6.5.1 of the University Senate Rules and Regulations, and any relevant correspondence to the law member who will chair the hearing panel.

#### 6.6.4 Hearing Procedures

**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, he or she 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.

**6.6.4.4 Recording of Hearings.** All Judicial Board hearings shall be recorded by means of audio tape. All such recordings shall constitute part of the record of the hearing and shall be under the custody and control of the chair of the hearing panel until transmitted along with the record to the Judicial Board Chair. Access to the audio tapes shall be restricted to the parties, their authorized representatives, the members of the hearing panel, the members of any panel considering an appeal from the hearing, and any parties or decision makers involved in a proceeding for abuse of the grievance process under section 6.5.4 of the University Senate Rules and Regulations in which the complaint addressed at the hearing is at issue. Transcripts may be made of the contents of an audio tape at the sole expense of the requesting party or by other agreement of the parties.

#### 6.6.5 Hearing Panel Decision

**6.6.5.1 Timing.** The hearing panel shall complete its hearing and prepare a recommendation within thirty days from the date on which the matter has been assigned to the panel. However, the chair of the hearing panel may extend this time limit for good cause.

**6.6.5.2 Written Decision and Record.** The hearing panel shall prepare a written decision that includes the panel's recommendation and a nontechnical statement of the factual and legal basis for the decision. The chair of the hearing panel shall submit the written decision to the Judicial Board Chair, who shall provide copies to the parties and to such administrative or supervisory personnel as are appropriate in light of the hearing panel's recommendation. The chair of the hearing panel shall also return the original record of the case, together with any additional documents and the tape recording of the hearing, to the Judicial Board Chair.

**6.6.6 Additional Procedures.** The Judicial Board may establish additional procedures to insure fairness and effectiveness of the hearing phase. Such procedures (and subsequent changes thereto) shall be submitted to the University Senate Executive Committee, the Provost, and the Chancellor for approval. The procedures shall insure prompt and fair handling of complaints but shall avoid the formalism of legal process. Copies of the procedures shall be supplied to all University offices to which they may be of interest.

## Section 7. Appeals Phase

**6.7.1 Scope of Application.** This section applies to any case in which an Appeals Panel of the Judicial Board reviews the decision of a unit level proceeding, Judicial Board hearing panel, or specialized tribunal.

#### 6.7.2 Initiation of Appeal and Response

**6.7.2.1 Filing and Content of Appeal.** Within thirty days following the rendering of a decision by any tribunal subject to review by an appeals panel of the Judicial Board under section 6.4 of the University Senate Rules and Regulations, a dissatisfied party (the appellant) may file a written appeal with the Chair of the Judicial Board. The appeal shall

indicate the specific errors attributed to the hearing body and the grounds for appeal under section 6.7.3 of the University Senate Rules and Regulations. At the time of filing, the appellant shall provide the other party or parties with a copy of the appeal. The Judicial Board Chair shall verify that the other party or parties have received a copy of the appeal.

**6.7.2.2 Response.** The other party or parties in a case that has been appealed (the appellee(s)) under this provision may file a written response to the appeal within fourteen days of receiving the appeal. The appellee shall provide a copy of the response to the appellant and to any other parties to the appeal. The Judicial Board Chair shall verify that the appellant has received a copy of the response. Failure to raise a particular defense in a response shall not prevent the raising of the defense in the appellate hearing unless the appellant is prejudiced thereby.

**6.7.3 Grounds for Appeal.** An appeal to the Judicial Board shall be determined on the basis of the record of the initial hearing conducted by the unit, the Judicial Board, or other hearing body with jurisdiction under section 6.4 (<https://policy.ku.edu/governance/USRR/#art6sect4>) of the University Senate Rules and Regulations. Unless otherwise provided by section 6.4 (<https://policy.ku.edu/governance/USRR/#art6sect4>) of the University Senate Rules and Regulations or other applicable provisions of the University Senate Code (<http://policy.ku.edu/governance/university-senate-code>), University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff (<http://policy.ku.edu/provost/faculty-and-unclassified-staff-handbook>), or state or federal law, an appeals panel may reverse or set aside the decision of the hearing body on the following grounds.

**6.7.3.1 Failure to Follow Procedures.** The decision of a hearing body may be set aside if the hearing body failed to follow required procedures. However, if the failure to follow procedures was harmless, that is, did not prejudice the appellant, the hearing body decision should be affirmed notwithstanding the procedural error. The burden shall be on the appellant to identify the prejudicial effects of any alleged procedural error.

**6.7.3.2 Inconsistency with Applicable Provisions.** The decision of a hearing body shall be set aside if applicable provisions of the University Senate Code, University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, Board of Regents policies or procedures, or state or federal law require a contrary result.

**6.7.3.3 Factual Determinations Not Supported by the Record.** The decision of a hearing body may be set aside if it is not supported by substantial evidence in the record compiled at the hearing. For purposes of this provision, a decision is supported by substantial evidence if a reasonable person could find that the decision was justified on the basis of the evidence submitted at the hearing, with due regard for any contrary evidence in the record. The appeals panel should bear in mind the superior opportunity of the hearing panel to judge the credibility of witnesses.

**6.7.3.4 Arbitrary and Capricious Decisions.** In exceptional cases, the decision of a hearing body may be set aside if it is arbitrary, capricious, or an abuse of discretion. A decision is arbitrary and capricious or an abuse of discretion if it is based on improper considerations, entirely fails to consider an important aspect of the problem, or lacks a plausible explanation of the connection between the facts found and the recommendations made.

**6.7.3.5 Review of Dismissal.** In any case in which the dismissal of a grievance without a hearing on the merits under section 6.5.3 of the University Senate Rules and Regulations is appealed, the appeal shall be

limited to the grounds for dismissal. If the case was dismissed without a hearing on the grounds for dismissal pursuant to section 6.5.3.1 of the University Senate Rules and Regulations, the appeals panel may consider the grounds for dismissal de novo; that is, it may reverse the dismissal and reinstate the grievance if it determines that the dismissal was in error.

#### 6.7.4 Responsibilities of Judicial Board Chair

**6.7.4.1 Dismissal of Appeal.** Upon receipt of an appeal from a hearing panel decision, the Judicial Board Chair shall determine whether there is a basis for dismissal of the appeal under section 6.5.3.1 of the University Senate Rules and Regulations.

**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 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 finds good cause to remove the panel member, shall promptly designate a replacement.

**6.7.4.4 Transfer of Record:** Upon selection of the appeals panel, the Judicial Board Chair shall transfer the record of the case to the law member who will chair the appeal panel.

#### 6.7.5 Hearing on Appeal

**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 may schedule the hearing at any time he or she determines 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.

**6.7.5.3 Recording of Hearing.** An audio recording shall be made of all hearings of Judicial Board Appeals Panels. All such recordings constitute part of the record of the appeal and shall be maintained by the chair of the appeals panel until transmitted along with the remainder of the record to the Judicial Board Chair. Access to the audio recordings shall be limited to the parties, their authorized representatives, the members of the appeals panel, and any parties or decision makers involved in a proceeding for abuse of the grievance process under section 6.5.4 of the University Senate Rules and Regulations in which the complaint addressed in the appeal is at issue. Transcripts may be made of the contents of an audio recording at the sole expense of the requesting party or by other agreement of the parties.

#### 6.7.6 Decision on Appeal

**6.7.6.1 Timing.** The appeals panel shall complete its hearing and prepare a recommendation within thirty days from the date on which the matter was assigned to the panel. However, the chair of the panel may extend this time limit for good cause.

**6.7.6.2 Written Decision and Record.** The appeals panel shall prepare a written decision that includes the panel's recommendation and a nontechnical statement of the basis for the decision. The chair of the appeals panel shall submit the written decision to the Judicial Board Chair, who shall provide copies to the parties and to such administrative and supervisory personnel as are appropriate in light of the appeals panel's recommendations. The chair of the appeals panel shall also return the record of the appeal together with the tape recording of the hearing to the Judicial Board Chair.

**6.7.6.3 New Hearing.** If the appeals panel sets aside the hearing panel decision on one or more grounds, it may order that a new hearing be held. In exceptional cases, if the appeals panel determines that the proper resolution of the case is clear from the record on appeal, it may decide the merits of the case and make appropriate recommendations in its decision.

**6.7.7 Additional Procedures.** The Judicial Board may establish procedures to insure fairness and effectiveness of the appeals phase. Such procedures (and subsequent changes thereto) shall be submitted to the University Senate Executive Committee, the Provost, and the Chancellor for approval. The procedures shall insure prompt and fair handling of appeals but shall avoid the formalism of legal process. Copies of the procedures shall be supplied to all University offices to which they may be of interest.

## Section 8. Other Powers and Responsibilities of Judicial Board Chair

### 6.8.1 General Authority

**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, 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.

**6.8.1.2 Information and Assistance.** The Judicial Board Chair shall be available to provide information on the dispute resolution process and (1) the procedures for resolving grievances; (2) the applicable provisions of the University Senate Code, University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, Student Code of Rights and Responsibilities, or other applicable law; and (3) their procedural rights in any matter covered by the procedures for conflict resolution.

### 6.8.2 Follow up and Reports

**6.8.2.1 Results of Particular Proceedings.** The Judicial Board Chair shall report the outcome of any mediation, hearing or appeals proceeding to the University Senate Executive Committee and to any University administrative office affected.

**6.8.2.2 Inquiries to Responsible Administrators.** It shall be appropriate for the Judicial Board Chair to inquire of any party, office or other body to whom a recommendation has been addressed by the Judicial Board as to the status of the implementation of such recommendation.

**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.

### 6.8.3 Annotation of University Senate Code and Rules and Regulations

**6.8.3.1 Compilation.** The Judicial Board Chair shall compile an annotated version of the University Senate Code, the University Senate Rules and Regulations, and other provisions applicable in disputes arising under these procedures. The annotated version of applicable provisions shall include brief statements of all Judicial Board decisions interpreting a provision. These statements shall identify the provision in question, the interpretive issue, the resolution of the issue by the hearing or appeal panel in question, and the date of the decision, but should not include information about the parties or details of the matter in dispute.

**6.8.3.2 Availability.** A copy of the annotated version of the University Senate Code and the University Senate Rules and Regulations shall be maintained in the office of the Judicial Board and provided to the Office of the University General Counsel, as well as any unit or specialized tribunal that requests a copy. The annotation(s) respecting any provision shall be available upon request to any interested person. When the application of a provision that has been subject to a prior interpretation is at issue in any matter pending before the Judicial Board, the Judicial Board Chair shall provide copies of the pertinent annotation(s) to the parties and the members of the panel who will be deciding the case. Members of a unit level hearing panel or specialized tribunal may inquire of the Judicial Board Chair whether prior interpretations of relevant provisions exist, and the Judicial Board Chair shall provide copies of the annotation(s) reflecting any such interpretation.

**6.8.3.3 Effect.** Prior interpretations are not binding on subsequent decision makers, but decision makers should bear in mind that inconsistent interpretation of applicable provisions undermines the fairness and predictability of the dispute resolution process. In the event that inconsistent interpretations arise, the Judicial Board Chair shall inform the University Senate Executive Committee of the inconsistency and recommend changes in the applicable provision to clarify its meaning.

### 6.8.4 Monitoring of Grievance Activity and Recordkeeping

**6.8.4.1 General.** The Office of the Judicial Board shall compile and maintain records of grievance activity and formal conflict resolution throughout the University Community.

**6.8.4.2 Sharing of Information Concerning Multiple or Successive Grievances.** If it comes to the attention of the Judicial Board Chair, Judicial Board Hearing Panel, Unit level Hearing Panel, or Specialized Tribunal that a party to a grievance may have made multiple or successive filings before different hearing bodies in relation to substantially the same underlying occurrence or events, the Judicial Board Chair, Unit Level Hearing Panel, or Specialized Tribunal may inquire of such other hearing bodies whether a grievance or complaint involving the underlying occurrence or events is currently pending before or has been decided by that body, and the status of any such grievance or complaint. The disclosure of such information to the Judicial Board Chair, Judicial Board Hearing Panel, Unit Level Hearing Panel, or Specialized Tribunal shall not be considered a violation of USRR 6.1.2.

**6.8.4.3 Maintenance of Records.** The Office of the Judicial Board shall retain the records submitted to it for a period of at least six years. The Office of the University General Counsel and the parties, if possible, shall be informed before the destruction of the record of any hearing or appeal.

**6.8.5 Recording of Proceedings.** Audio recordings shall be made of all hearings and appeals. Such audio recordings shall be made under the custody and control of the law member who chairs the hearing or appeals panel and shall be forwarded immediately to the custody and control of the University Archives. Access to the audio recordings or any transcripts produced there from shall be restricted to the parties, their authorized representatives and the members of the appropriate hearing or appeals panel. A request shall extend the destruction/erasure date for another six month period and may be renewed. Transcripts may be made of the contents of the audio tape at the sole expense of the requesting party or by other agreement of the parties.

**6.8.6 Inconsistent External Time Limitations.** If, in connection with any allegation of misconduct in scientific/scholarly research or sexual harassment, federal regulatory bodies impose time limitations or requirements inconsistent with the requirements of this Section 6 (USRR 6.6) the federally imposed time limitations or requirements shall supersede the provisions of this section 6 (USRR 6.6).

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

**6.9.1 Adoption of Procedures.** The Court of Parking Appeals shall establish procedures for the fair and timely consideration of cases involving alleged violations of the University parking regulations. Such procedures (and subsequent changes thereto) shall be submitted to the chairperson of the Judicial Board and shall become effective thirty days following such submission unless previously returned by the chairperson of the Judicial Board for corrections or modifications. Procedures of the Court of Parking Appeals shall insure prompt and fair handling of appeals but shall avoid any unnecessary formalism. The Chief Justice shall be responsible for promptly placing the procedures in the KU Policy Library.

**6.9.2 Initiation of Proceedings.** Any charged party who is unwilling to pay the penalty fees of a citation issued for an alleged violation of University parking regulations may contest the citation to 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 reasons for contesting the allegations and



specifying the nature of the evidence he or she is prepared to produce to support his or her contest. The statement must include the charged party's current address and telephone number.

6.9.2.2 The Parking & Transit Department shall forward the citation and the charged party's statement to the Court of Parking Appeals within 10 business days. Upon receipt thereof, the Court shall process the contest of the citation in accordance with procedures established by the Court of Parking Appeals.

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

a. Individuals requesting a personal appearance before the Court are not guaranteed a personal appearance. Should the Court determine that the written evidence received is sufficient and a personal appearance will not enhance the decision-making process, the case may be handled without a personal appearance before the officers of the Court. Charged parties requesting a personal appearance, when appropriate, shall be assigned a court date by the officers of the Court within 15 business days of the case being in the Court of Parking Appeals' possession. Charged parties will receive notification of their court date from the Parking & Transit Department.

b. If the Court is not in session, the contest of a citation that requires a personal appearance shall be assigned a court date within twenty (20) days of the beginning of the next court session.

6.9.3 **Consolidation of Proceedings.** Cases concerning two or more alleged violations of University parking regulations in the name of a single charged party may be consolidated by the Court of Parking Appeals.

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 representative(s), 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.

6.9.4.1 The Court shall be held at the time and place designated in the notice sent to the charged party. If it is found necessary to change such time or place, the Court shall inform the parties within a reasonable time in advance of the rescheduled hearing.

6.9.4.2 **Procurement of Witnesses.** Each party to a proceeding shall have the responsibility of procuring the attendance of any witnesses.

6.9.4.3 **Evidentiary Matters.** Members of the Court of Parking Appeals shall have the authority to make final rulings on questions regarding the admissibility of evidence.

a. The Court may, by majority vote taken before the beginning of the proceedings, limit the amount of evidence to be received on any given point. In general, no witnesses will be permitted on the issue of a party's character.

b. All evidence shall be presented by the parties or their representatives. No party or representative may address the Court except in the capacity of a witness called by a party, unless the Court grants such person permission to address the Court.

### 6.9.5 Review of Decisions by Court En Banc

6.9.5.1 Requests for review of decisions of the Court of Parking Appeals, other than parking permit revocations, shall be submitted to the Parking & Transit Department within ten (10) business days of the decision being rendered and shall be acted upon within another forty-five (45) business days of the beginning of the next court session

6.9.5.2 The Court of Parking Appeals shall include in its procedures provisions for the fair and timely consideration of requests for review of decisions rendered. Such review shall be limited to the record of the Court and no new evidence shall be considered.

6.9.5.3 If the officers of the Court grant review, it shall be scheduled to be heard by the Court En Banc within that semester or within ten (10) business days of the beginning of the next court session. The officers of the Court shall grant review if the case meets at least one of the following criteria: 1) the Court misapplied a Court En Banc decision in making its decision, 2) procedural error, 3) compelling policy considerations, 4) decision clearly erroneous in light of evidence, or 5) inadequate representation of counsel.

### 6.9.6 Parking Permit Revocations

Court of Parking Appeals decisions with respect to parking permit revocations may be appealed to the University Judicial Board.

### 6.9.7 Recording of Proceedings

Records of the Court shall be taken by audio recording and such records shall remain of file in the office of the Court of Parking Appeals. Access to such records shall be restricted to the parties, their authorized representatives, the members of the Court of Parking Appeals, and the University Judicial Board. All records of hearings shall be kept for one full year. (Link (<https://policy.ku.edu/governance/USRR/#ArticleVI>))

## Incompletes (USRR 2.2.3 and USRR 2.3.3)

2.2.3 The letters W and I may be given. The letter I shall indicate incomplete work, such as may be completed without re-enrollment in the course. The letter W shall indicate withdrawal for which no credit or grade point is assigned.

2.2.3.1 The letter I should not be used when a definite grade can be assigned for the work done. It shall not be given for the work of a student in any course except to indicate that some part of the work has, for reasons beyond the student's control, not been done, while the rest has been satisfactorily completed. At the time an I is reported on the electronic roster, the character and amount of work needed, as well as the date required for completion and lapse grade if further work is not completed by this date, should be indicated.

2.2.3.2 A student who has an I posted for a course must make up the work by the date determined by the instructor, in consultation with the student, which may not exceed one calendar year from the original grade due date for the semester in which the course is taken, or the last day of the term of graduation, whichever comes first. An I not removed according to this rule shall automatically convert to a grade of F or U, or the lapse grade assigned by the course instructor, and shall be indicated on the student's record.

2.2.3.3 Changes beyond a year or extensions to the time limit may be granted by the dean's representative upon submission of a petition from the student containing the endorsement of the course instructor who assigned the I grade, or the department chairperson if the instructor is

unavailable. After the I grade is converted to a grade of F or U, the grade may only be changed in accordance with USRR Article II, Section 3.

2.2.3.4 No graduate student will be allowed to take oral comprehensive exams if an I grade is currently listed on the student's transcript. (Link (<https://policy.ku.edu/governance/USRR/#art2sect2para3>))

#### **AND**

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.

Each course is to be considered separately but the same committee may consider more than one course at the discretion of the dean of the school responsible for the course. (Link (<https://policy.ku.edu/governance/USRR/#art2sect3para3>))

### **Intellectual Property Policy for the Lawrence Campus**

When revenues are to be shared, the creator(s) shall obtain his/her share only after the University has recouped any direct costs borne by the University for equipment and materials and costs paid to third parties. The portion of the revenues to be shared among multiple creators shall be shared equally unless otherwise agreed in writing by the creators.

#### **A. General Copyright Policy**

The ownership of the various rights associated with copyright is dependent upon the specific type of intellectual property. The University shall assert limited ownership of some of the various rights as set forth below. Since the University has a fiduciary responsibility for the appropriate use of state funds, unless otherwise provided for under this policy, all rights associated with works produced as "*work made for hire*" or other works that make "substantial use" of institutional resources belong to the University. For purposes of this policy, "*work made for hire*" should be as defined by the American Association of University Professors (AAUP) Statement on Copyright.<sup>1</sup> "Substantial use" means that the creator receives more than normal support for the project or receives time and/or resources specifically dedicated to the project.

For the Kansas Geological Survey and the Kansas Biological Survey, which have separate statutory authority for preparation of reports, maps, or other documents, ownership of intellectual property developed in the course of work for the unit shall be determined pursuant to the

authorizing statute. Ownership of other work shall be determined pursuant to this policy.

#### **1. Mediated Courseware**

For purposes of the University Intellectual Property Policy, the phrase "mediated courseware" means: course materials that (1) enable instructors to rely exclusively or substantially on non-classroom contact hours for instruction, 2) make extensive use of technology, including but not limited to video conferencing, streaming media, and similar technologies and (3) potentially could permit students from other institutions to access courses offered by the University of Kansas upon payment of a specified fee. The phrase "mediated courseware" does not include course material prepared by an instructor that makes use of the Internet for delivery or presentation, unless all of the above criteria are met.

a. The University shall have limited ownership or control rights for mediated courseware as specified below:

1. **Self-initiated mediated courseware.** When employees develop mediated courseware without specific direction by the University, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that mediated courseware is used for instruction at the University and such mediated courseware shall not be used or modified without the consent of the creator(s). The mediated courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the University unless that transaction has received the approval of the Provost and Executive Vice Chancellor. Should approval be granted to offer the course outside of the University, the creator shall reimburse the University for substantial use of institutional resources from revenues derived from the transaction offering the course.

2. **Institution-directed mediated courseware.** When the University specifically directs the creation of mediated courseware by assigning one or more employees to develop the mediated courseware and supplies them with materials and time to develop the mediated courseware, the resulting mediated courseware belongs to the University and the University shall have the right to revise it and decide who will utilize the mediated courseware in instruction. The University may specifically agree to share revenues and control rights with the employee.

b. Mediated courseware when judged by the creator(s) to have commercial value shall be reported to a designee of the Provost and Executive Vice Chancellor. The report shall contain a description of the mediated courseware. Mediated courseware judged by the creator(s) not to have commercial value shall be considered reported when used in a University of Kansas course.

*Procedure:* When the University directs employees to develop mediated courseware, a contract should be agreed to between the University of Kansas and the faculty member(s) before the project begins. The contract should contain clear statements regarding the following:

1. Definition of the project and participants
2. Time commitment
3. Compensation, such as release time, summer salary, etc.
4. Ownership of derivative works

5. Revenue sharing
6. Conditions of revision
7. Credits to creators
8. Procedures for creating an agreement on instructional uses by other institutions or licensing should those conditions warrant.

## 2. Scholarly and Artistic Works

Notwithstanding any use of institutional resources or “*work made for hire*,” the ownership of textbooks, scholarly monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, supporting materials, artistic works, and like works shall reside with the creator(s) and any revenue derived from their work shall belong to the creator(s). Except for textbooks, the University shall have royalty-free use of the work within the University, unless otherwise agreed in writing.

### 3. Manuscripts for Academic Journals

- a. Notwithstanding any use of University resources or “*work made for hire*” the ownership of manuscripts for publication in academic journals shall reside with the creator(s) and any revenue derived from their works shall belong to the creator(s).
- b. If the manuscript is to be published, the creator(s) shall request the right to provide the University with a royalty-free right to use the manuscript within the University in its teaching, research, and service programs, but not for external distribution, and, if successful, the creator(s) shall grant such right to the University.

*Procedure:* Upon acceptance of the manuscript, the University will provide a royalty-free request form to be sent to the publisher by the creator. The creator’s responsibility for this policy ends with the submission of the form.

- c. Upon the establishment of national governmental or nonprofit entities whose purpose is to maintain in an electronically accessible manner a publicly available copy of academic manuscripts, the Kansas Board of Regents will review each entity and upon determination that providing the manuscripts will not jeopardize the publication of articles or infringe on academic freedom, require the creator(s) to provide to the appropriate entity a limited license for the use of each manuscript.

## 4. Copyrightable Software

The rights to copyrightable software with an actual or projected market value in excess of \$10,000 annually, except software included in computer-mediated courseware, shall be determined pursuant to the Board’s Patent and Copyrightable Software ([http://www.kansasregents.org/about/policies-by-laws-missions/board\\_policy\\_manual\\_2/chapter\\_ii\\_governance\\_state\\_universities\\_2/chapter\\_ii\\_full\\_text/#ip](http://www.kansasregents.org/about/policies-by-laws-missions/board_policy_manual_2/chapter_ii_governance_state_universities_2/chapter_ii_full_text/#ip)) Policy (II.A.8.b).

*Procedure:* The University will provide a form for disclosing copyrightable software that a reasonable person would believe to have commercial value. The University will establish a procedure for normally rendering a decision within 45 days.

## 5. Student Academic Creations

The ownership of student works submitted in fulfillment of academic requirements shall be with the creator(s) with the following exception: upon request of the creators, the University shall determine ownership

of works created from research or development activities that are collaborative efforts involving students, faculty or staff, or spanning several semesters. The student by enrolling in the University gives the University a nonexclusive royalty-free license to mark on, modify, retain the work as may be required by the process of instruction, or otherwise handle the work as set out in the University’s Intellectual Property Policy or in the course syllabus. The University shall not have the right to use the work in any other manner without the written consent of the creator(s). Where the creation is part of any ongoing research or development project, the involved faculty or staff shall have the right to use and to modify the creation for use within that project and related research projects without additional consent of the creator(s).

*Procedure:* A statement on accessibility to the University policy on intellectual property will be inserted in documents accessible to students.

### B. Patent and Copyrightable Software Policy

Patents obtained on inventions or the ownership of copyrightable software with an actual or projected market value in excess of \$10,000 annually resulting from University of Kansas-sponsored research shall be retained by the University or may be assigned to the University of Kansas Center for Research, Inc., (KUCR) for the purpose of obtaining patents on inventions, receiving gifts, administering or disposing of such patents, and promoting research and the development of intellectual property at the University of Kansas by every proper means.

The following regulations shall be followed with respect to inventions or software:

1. Anyone who conceives an invention or who develops copyrightable software that is not included in mediated courseware resulting from a research project sponsored by the University shall report the matter to the Vice Chancellor for Research and President of the University of Kansas Center for Research, Inc., or designee, on an Invention Disclosure form ([http://www.kuic.ku.edu/sites/default/files/KUIC\\_Invention\\_Disclosure\\_Form.pdf](http://www.kuic.ku.edu/sites/default/files/KUIC_Invention_Disclosure_Form.pdf)), available from the University of Kansas Center for Research, Inc. Following receipt of the Invention Disclosure Form, the University of Kansas Center for Research, Inc., will schedule a meeting with the creators to discuss the disclosed invention.
2. If the University or the University of Kansas Center for Research, Inc., notifies the inventor that the invention does not warrant commercialization, then the inventor is free to patent it. The inventor shall be notified within 180 days of the date of submission of the invention disclosure to the University of Kansas Center for Research, Inc., that KUCR has begun to proceed with commercialization or that the inventor is free to obtain and exploit a patent or other intellectual property in the inventor’s own right. In such case, however, the University does not relinquish its right to publish any of the data obtained in the research project. If the University or the University of Kansas Center for Research, Inc. decides not to further the use of the patent or copyrightable software, it shall assign all other rights therein to the creator(s).

*Procedure:* Upon making a decision that the invention does not warrant commercialization, the University or the University of Kansas Center for Research, Inc., shall notify the inventor(s) in writing that they are assigned the rights therein upon execution of a University of Kansas Center for Research, Inc., Technology Release form.

3. When any revenue is obtained by or on behalf of the University or the University of Kansas Center for Research, Inc., from the commercialization of any technology, including royalties, license fees or other charges based on any patent or copyrightable software, one-

third of revenues shall be paid directly to the inventor or creator(s) and one third shall be paid to the department or center to which the inventor or creator(s) belongs, per the approved Technology Transfer Revenue Distribution Policy (<http://policy.ku.edu/research/technology-transfer>). Revenue sharing shall begin only after the University or the University of Kansas Center for Research, Inc. recoups costs paid in support of obtaining revenue from the invention, including costs of patents.

4. The remainder of any revenue mentioned in Paragraph 3 shall be used to sponsor further research and research-related activities on behalf of the University or the University of Kansas Center for Research, Inc.

5. In case of cooperative research sponsored in part by an outside corporation or individual, a written contract shall be made between the University or the University of Kansas Center for Research, Inc. and the cooperating agency. This contract should include a statement of policy substantially equivalent to that outlined below:

It is agreed by the parties to this contract that all results of experimental work, including inventions, carried on under the direction of the scientific staff of the University of Kansas, belong to the University of Kansas or at the discretion of the University of Kansas to the University of Kansas Center for Research, Inc., and to the public and shall be used and controlled so as to produce the greatest benefit to the public. It is understood and agreed that if patentable inventions or copyrightable software grow out of the investigation and such inventions or software have commercial value, the cooperating agency shall receive preferential consideration as a prospective licensee, with a view to compensating said cooperating agency in part for the assistance rendered in the investigation.

It is further agreed that the name of the University of Kansas or the University of Kansas Center for Research, Inc., shall not be used by the cooperating agency in any advertisement, whether with regard to the cooperative agreement or any other related matter.

6. In case of a research project where it is proposed that all costs including overhead, salary of investigator, reasonable rent on the use of equipment, etc., are paid by an outside party, the outside party and the University or the University of Kansas Center for Research, Inc., shall negotiate the appropriate assignment of all patent or copyrightable software rights prior to the provision of any funding by the outside party. The University shall reserve the right to publish all data of fundamental value to science and technology. The educational programs of students, including publication of theses, dissertations, and papers, will be given highest priority when students participate in externally funded research.

7. Changes in the above policies may be made by the University to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

#### C. Trademark Policy

The University reserves the right to control and protect the trademark and service marks of the University. See Trademark Licensing Policy (<http://policy.ku.edu/provost/trademark-licensing-policy>).

#### D. Institutional Procedures

The University shall establish procedures that require employment contracts and course catalogs or syllabi to state that the employee or student is subject to the Intellectual Property Policy of the University and to resolve questions concerning intellectual property rights and

any disputes that develop under this policy. Final decisions on disputed matters will be made by the Chancellor or designee and shall constitute final University action.

*Procedure:* The following statement will be included in the graduate and undergraduate catalogs: "All enrolled students are subject to the Board of Regents and University Intellectual Property Policies.

<sup>1</sup> The University of Kansas, Lawrence, will be guided specifically by that portion of the AAUP 1999 Statement on Copyright (*AAUP Policy Documents & Reports, Tenth Edition*, p.215, lines 15-21), that states, "Works created as a specific requirement of employment or as an assigned institutional duty that may, for example, be included in a written job description or an employment agreement, may be fairly deemed works made for hire. Even absent such prior written specification, ownership will vest in the college or university in those cases in which it provides the specific authorization or supervision for the preparation of the work. Examples are reports prepared by a dean or by the chair or members of a faculty committee, or college promotional brochures prepared by a director of admissions." (Link (<http://policy.ku.edu/provost/intellectual-property-policy>))

## Recorded Evaluation of Student Performance (USRR 2.1)

2.1.1 The evaluation of student performance shall be based upon examinations, written papers, class participation and such other requirements as the instructor in each course may determine.

2.1.2 Information about the basis for evaluating students' performance and about the requirements that students must fulfill shall be made available to students, in print or electronic format by the 10<sup>th</sup> class day of the semester or, for summer or short courses, by the 5<sup>th</sup> class day. This requirement does not apply to discussion sections or labs for which a separate grade is not given, or to courses that meet by appointment, such as thesis, dissertations, directed studies, and directed projects. Students who are not in class when such information is provided are responsible for knowing it. Students are also responsible for subsequent announcements about course content and grading policies. This information should not be considered a contract; the information may be revised as the course progresses, provided students are given timely notice of such revisions.

2.1.3 The faculty of the College or a school may prescribe conditions under which individual students may be exempted from final examinations, provided that such exemption is based on grades received prior to the time of the final examination.

2.1.4 In cases where part of a class grade is based on attendance, a student shall not be penalized for absence from regularly scheduled class activities which conflict with mandated religious observances. In cases of conflicts between regularly scheduled class activities and mandated religious observances, the student is responsible for initiating discussion with the instructor to reach a mutually acceptable solution.

2.1.5 The evaluation of student performance is the responsibility and privilege of the faculty. If this responsibility is delegated to a Teaching Assistant or an Assistant Instructor, the faculty member or members in charge of the course retain the right to assign the final course grade. (Link (<http://policy.ku.edu/governance/USRR/#art2sect1>))

## **Nondiscrimination, Equal Opportunity and Affirmative Action Policy**

As a premier learning and research institution, the University of Kansas must continuously address issues of diversity and multiculturalism. Every member of the university community is expected to engage in action that leads towards the development of a more democratic and inclusive community. Proactive efforts towards increasing diversity and the elimination of discrimination are necessary in our university.

In accordance with Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, Executive Order 11246, Title IX of the Education Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, the Vietnam Veterans Readjustment Assistance Act of 1974, the Jobs for Veterans Act of 2002, the Kansas Acts Against Discrimination and all other applicable civil rights and nondiscrimination statutes, the University of Kansas prohibits discrimination. Specifically, the University of Kansas prohibits discrimination on the basis of race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, status as a veteran, sexual orientation, marital status, parental status, gender identity, gender expression and genetic information in the University's programs and activities. The following persons have been designated to handle inquiries regarding the non-discrimination policies: for the Lawrence, Edwards, Parsons, Yoder and Topeka campuses, contact Executive Director of the Office of Institutional Opportunity and Access, IOA@ku.edu, 1246 W. Campus Road, Room 153A, Lawrence, KS, 66045, (785)864-6414, 711 TTY; for the Medical Center campuses, contact Natalie Holick, Director, Equal Opportunity Office, Mail Stop 2014, 4330 Shawnee Mission Parkway, Fairway, KS 66205, 913-588-8011, 711 TTY, nholick@kumc.edu.

The University of Kansas is committed to the full participation of previously excluded or neglected classes of people. Thus, it is also the policy of the university to prohibit discrimination on the basis of sexual orientation, marital status, parental status, gender identity, and gender expression. The university's nondiscrimination policy extends to employment practices, conditions of employment, personnel actions and all other educational programs and activities of the university and its affiliates. It also extends to any retaliatory actions by an individual and associates that may arise as a result of a discrimination complaint. Leaders in the university community continuously examine all areas of the institution, make policy decisions, and implement strategies to eliminate and prevent discrimination wherever necessary. Reports of discrimination shall be evaluated promptly and acted upon in the manner deemed necessary by the appropriate faculty, staff, and administrators and as prescribed by the appropriate grievance procedure.

### **Equal Opportunity**

The University of Kansas is also proud of its goal to help all individuals realize their potential. To this end, the university is committed to providing an equal opportunity for all qualified individuals to be considered for employment, benefits and conditions of employment, educational programs and activities, regardless of race, religion, color, ethnicity, sex, disability, national origin, ancestry, age, status as a veteran, sexual orientation, marital status, parental status, gender identity, gender expression, or genetic information. University leaders and supervisory personnel shall recruit, hire, train and promote persons in all job titles utilizing only valid requirements related to the position functions. A university community that provides equal opportunity in hiring and all conditions of employment will make significant strides towards the elimination of discrimination. Thus, the University of Kansas applauds

every effort to create a positive working and learning environment for all individuals.

### **Affirmative Action**

In addition to providing a discrimination-free community and equal opportunity for all persons, the university is committed to taking specific, result-oriented steps to increase the number of historically underrepresented persons and increase overall diversity. Cultural and intellectual diversity are critical components of premier learning communities. Thus, the university will actively recruit and encourage applications from underrepresented group members and will endeavor to provide a positive and supportive environment for members of these groups.

The university shall monitor its efforts to increase diversity through its Affirmative Action Plans. The university's Plans shall outline strategic initiatives and set goals to increase the representation of underrepresented group members.

Paramount to the success of the affirmative action program are the actions of university leaders. University officials at all levels are expected to establish a plan and implement procedures that help to meet the university's goals. The Office of Institutional Opportunity and Access staff are charged with the responsibility of responding to complaints of discrimination, monitoring university procedures regarding equal opportunity, setting goals, and monitoring and evaluating the university's progress towards its affirmative action goals. (Link (<http://policy.ku.edu/IOA/nondiscrimination>))

### **Posthumous Award of Degrees**

In order to recognize the achievement of students who have died, the University of Kansas may grant undergraduate, graduate and professional degrees posthumously. This policy applies to deceased students who were in good academic standing at the time of death and enrolled for their final semester at the University of Kansas, as determined by the dean of the school or college. Requests for posthumous degrees must be initiated by the student's academic department and approved by the dean of the school or college conferring the degree. Each case will be determined on its own merits.

The dean of the school or college posthumously conferring the degree should contact the Office of the University Registrar to confirm the correct information for the degree to be conferred, notify the Vice Provost for Academic Affairs, and coordinate with the Office of the Chancellor for notification of the family. Posthumous degrees are conferred during the semester in which the student was expected to graduate. The Chancellor informs the student's family in writing of the posthumous award of the degree. (Link (<http://policy.ku.edu/provost/posthumous-award-of-degrees>))

### **Transfer of Credit:**

#### **Evaluation and Acceptance of Advanced Standing Credits (FSRR 2.5)**

2.5.1 Courses completed at other institutions are applied toward graduation requirements, in accordance with the policies of the various schools.

2.5.2 Except as provided in Section 2.5.3, no course completed at another institution of higher education shall be recognized unless that institution has been accredited by the North Central Association or another regional accrediting agency of similar standing.

2.5.3 If an applicant for admission submits a transcript from a U.S. institution not qualified under Section 2.5.2, the acceptance of credit may be based upon the practices of a leading university in the state where that institution is located.

2.5.4 No more than sixty-four semester hours may be transferred as credit from a community or junior college.

2.5.5 In the case of a student who brings advanced standing credits from an international college or university, the dean of the College or the school concerned may, in the absence of other regulations of the College or school faculty, arrange for the validation of credits by such methods as he or she deems suitable.

2.5.6 Credits for work taken by correspondence or extension and submitted for transfer to the University of Kansas will be accepted from member universities of the National University Extension Association or from institutions whose extension teaching meets the standards of that Association, provided that such courses are accepted for credits by the institution from which the transfer is sought.

2.5.7 The transfer of extension credits shall be subject to the same restrictions as course credits obtained in residence from other universities; and they shall also be subject to the limitation on acceptance of non-resident study credits defined in Article IV of these regulations. (Link (<http://policy.ku.edu/governance/FSRR/#art2sect5>))

### **Credit by Examination (FSRR 4.4)**

4.4.1 Credit may be granted to a student for work done by private study, or in occupational or technical experience, by passing an examination or by submitting evidence that the studies pursued or the skills acquired are equivalent to but not necessarily the same as those acquired in courses offered at the University of Kansas.

4.4.2 An application for such an examination may be obtained from the University Registrar and must be approved by the Dean of the College or the school and the chairman of the department concerned. A report of the examination taken, showing the hours of credit to be granted and the grade awarded, shall be signed by the professor giving the examination, the chairperson of the department and the Dean of the College or school and forwarded to the University Registrar for evaluation and for recording on the permanent record.

4.4.3 A request for credit which is not to be based on an examination must be supported by extensive evidence of the work done and must be submitted to the department concerned for evaluation. Each unit of credit which has the approval of the department must be submitted to the Dean and the academic policies committee of the proper school or the College for final approval of the amount of credit the student is to receive. Information regarding the number of hours of credit to be granted and the grade to be awarded shall be forwarded to the University Registrar for posting to the permanent record.

4.4.4 The grade to be awarded for satisfactory performance on examinations or other work evaluated under the terms of this section will be determined by the department and the faculty member administering the examination, in consultation. At their discretion, the grades of A, B, C, or D may be used to indicate varying degrees of achievement, or the grade of + (credit by examination) may be used to indicate satisfactory performance where no further differentiation is desired. No record shall be made of an unsatisfactory attempt.

4.4.5 Examinations administered by recognized national testing organizations may be used to secure credit at the University of Kansas.

Each such examination must be submitted to the academic unit responsible for instruction in subject matter within the purview of the examination. This unit (department, school, College, or area) will determine whether the examination may be used for credit, the amount of credit to be allowed, the grading system to be employed (within the policies established in Section 4.4.4), and the minimum score necessary to obtain such credit. The transcript entry for each such award of credit shall identify the examination taken and, in addition to the grade, will record the percentile rank or other performance index used by the organization that grades the examination.

The following regulations shall govern the use of the College-Level Examination Program (CLEP) of the College Entrance Examination Board in the institutions governed by the State Board of Regents. The extent to which the program is utilized by any institution is a matter of institutional prerogative, but credit awarded by an institution in conformity with this policy shall be transferable to all other institutions in the state system.

Students who have taken CLEP examinations prior to enrollment must submit an official CLEP transcript. The permanent academic record of the student shall indicate which credit was earned by CLEP examination. Credit earned through standardized tests such as CLEP shall not be included in the computation of the instructional base of Regent's institutions. One-half the credit hours earned through campus-developed and administered tests may be included in the instructional base. (Link (<http://policy.ku.edu/governance/FSRR/#art4sect4>))

### **Limitations on Credit Allowed (FSRR 4.5)**

4.5.1 To obtain a Bachelor's degree from the University of Kansas, a student shall earn the last 30 hours of credit for a degree by resident study as defined in Section 4.1. above. A student may petition his or her dean for a waiver of this rule. (Link (<http://policy.ku.edu/governance/FSRR/#art4sect5>))

### **Transfer Coursework, Minimum Grade and GPA Calculation**

#### **Minimum Grade for Transfer Credit**

Transfer credit may not be applied toward a degree in which a grade of D+ and below (or the equivalent grade) was earned.

If the course is otherwise transferable, grades of D+, D, D-, and F (or the equivalent grades) are used to calculate the cumulative transfer GPA.

Grades from all graded coursework (A-F), without respect to transferability, will be used to calculate the transfer admissions GPA for all entry terms prior to summer 2016. For entry terms summer 2016 and following, the cumulative transfer GPA will be used to determine admissibility.

If the course is otherwise transferable, transfer credit will be awarded for courses with grades of satisfactory/unsatisfactory, pass/fail, credit/no credit and similar. Students should be aware that some degree programs at KU may require that the sending institution's policy on credit/no credit align with KU's policy requiring a grade of C or higher for credit in order for the course to meet degree requirements.

Grades of satisfactory/unsatisfactory, pass/fail, credit/no credit and similar will not count in computing the transfer admissions or cumulative transfer grade point average

## Calculation of Transfer Admissions GPA

The transfer admissions GPA is calculated by dividing the grade points earned in all coursework by the cumulative graded (A-F) credit hours.

If a student repeats a course at the same institution, KU will honor the course repeat policy in effect at the institution issuing the transcript. If a student repeats a course taken at one institution with an approved equivalent course from another institution, both grades will be used to calculate the transfer admissions GPA. Credit will be awarded only once for successful completion of a course and only the instance of the best grade for a transferable repeated course will count toward degree requirements.

Grades of satisfactory/unsatisfactory, pass/fail, credit/no credit and similar will not count in computing the admissions grade point average.

## Calculation of Cumulative Transfer GPA

The cumulative transfer GPA is calculated by dividing the grade points earned in all transferable coursework by the cumulative transferable graded (A-F) credit hours.

If a student repeats a course at the same institution, KU will honor the course repeat policy in effect at the institution issuing the transcript. If a student repeats a course taken at one institution with an approved equivalent course from another institution, both grades will be used to calculate the cumulative transfer GPA. Credit will be awarded only once for successful completion of a course and only the instance of the best grade for the repeated course will count toward degree requirements. (Link (<http://policy.ku.edu/admissions/transfer-coursework>))