

Appendix B: Summary of Procedures for Adjudicating Alleged Violations of Academic Integrity

I. Non-separable Violations

However an allegation of a non-separable violation of academic integrity is initially reported, the allegation is adjudicated by (1) the faculty member either teaching the course in which the violation is alleged to have occurred or responsible for supervising the accused student or (2) by an appropriate AIF. All such allegations must be adjudicated according to the procedures specified in Appendix C of this Policy entitled *Procedures for Adjudicating Alleged Non-Separable Violations of Academic Integrity*. These procedures are briefly summarized below. This summary is meant only to give the reader an overview of the procedures. Anyone wanting an in-depth knowledge of the procedures for adjudicating non-separable violations of academic integrity, including the rights and responsibilities of the respondent and all others involved in the process, needs to consult Appendix C.

A. Notification of the Respondent

A faculty member or AIF handling an allegation of a non-separable violation of academic integrity notifies the student respondent in writing of the substance of the allegation and requests the student to make an appointment to meet with him or her to respond to the allegation. The letter of notification also informs the student of the availability of a Student Advocate from the Honor Council who can provide information and assistance, including accompanying the student to any meeting with the faculty member or AIF. A faculty member is required to notify the student within ten working days of the time the faculty member identifies or is advised of the alleged non-separable violation; an AIF is required to notify the student within five working days of receiving a report of the alleged violation. The student then has ten working days from the time of notification to respond to the faculty member or AIF. Once the student has been notified of the allegation, he or she may not drop the course or withdraw from school until the adjudication process is completed.

B. Investigation and Adjudication

The faculty member or AIF investigates the allegation and reaches a decision by considering all available evidence, interviewing available material witnesses, meeting with the student respondent, and carefully considering the student's response to the allegation. An AIF also interviews the referring party.¹ If the student does not respond within the prescribed time limit or chooses not to meet with the faculty member or AIF, the faculty member or AIF reaches a decision based on the available evidence, including any written response from the student.

If the faculty member or AIF determines that the student has not violated the Academic Integrity Policy, the matter is closed. If the faculty member or AIF concludes that the student is responsible for a non-separable violation of academic integrity, the faculty member or AIF proposes a sanction and informs the student in writing of the finding of responsibility and the recommended sanction. The letter of notification also informs the student of the opportunity to file a written appeal of the finding of responsibility and/or sanction to the Campus Academic Integrity Review Committee (AIRC) within ten working days.

¹ The referring party is the faculty member or other member of the University community who referred the allegation to the AIF.

C. Sanctioning and Reporting

If the student respondent accepts responsibility for the violation and agrees to the recommended sanction or fails to appeal to the Academic Integrity Review Committee within the prescribed time period, the recommended sanction is imposed and the disposition of the case reported to the Office of Student Conduct or the Camden or Newark Campus Conduct Officer, using a standard form available to all faculty members and AIFs. If the student does not accept responsibility for the violation or does not agree with the recommended sanction, he or she may appeal the finding of responsibility and/or recommended sanction in writing to the Campus AIRC. In the latter case, the final decision on responsibility is made by the AIRC and, assuming that the finding of responsibility is upheld, the final decision on sanction is made by the CAO or CAID.

D. Review by the Campus Academic Integrity Review Committee (AIRC)

AIRC reviews are conducted by a four-person panel consisting of one faculty member from the AIRC, two student members from the AIRC, and a nonvoting staff member from the AIRC called the staff investigator. Prior to the meeting of an AIRC panel to hear an appeal, the staff investigator gathers information pertaining to the allegation as necessary to permit the panel to make an informed decision. The panel considers all appeals on the basis of the written information presented through the staff investigator and does not take direct testimony. Its decisions are made by simple majority vote and voting members of the panel are not permitted to abstain.

If the AIRC panel overturns the finding of responsibility, the matter is closed and the student and faculty member or AIF is so informed. If the panel upholds the finding of responsibility or if the appeal is only of the recommended sanction, the panel reviews the sanction recommended by the faculty member or AIF and transmits its recommendation with regard to sanction to the CAO or CAID. The CAO or CAID makes the final decision regarding sanction, notifies the student respondent, the faculty member or AIF, and the Office of Student Conduct or Camden or Newark Campus Conduct Officer, and directs that the sanction be imposed.

E. Handling of Repeat Violations

When the Office of Student Conduct or a Campus Conduct Officer receives (a) a report of the disposition of a case handled by a faculty member or an AIF or (b) a student appeal to the AIRC, a staff member will check the disciplinary records database to see if the respondent has been found responsible for a previous violation under the *University Code of Student Conduct*. If the respondent has previously committed a violation and the cumulative record is sufficiently serious, the case is treated as a separable offense under the procedures of the *University Code of Student Conduct*. If the cumulative record does not rise to the level of a separable violation, an additional sanction beyond that imposed or recommended by the faculty member or AIF may be imposed on the respondent by the CAO or CAID, assuming that the student did not appeal the finding of responsibility or that the AIRC upheld the finding of responsibility.

F. Standard of Proof

The standard of proof used by faculty members and AIFs is clear and convincing evidence.

II. Adjudicating Alleged Separable Violations

Regardless of how an allegation of a separable violation of academic integrity is initially reported, the allegation must be adjudicated according to the procedures specified in the *University Code of Student Conduct*. These procedures are briefly summarized below. This summary is meant only to give the reader an overview of the procedures. Anyone seeking an in-depth knowledge of the procedures for adjudicating separable violations of academic integrity, including the rights and responsibilities of the respondent and of others involved in the process, must consult the *University Code of Student Conduct*. Additional explanatory material on the procedures may be found on the Student Conduct website: <https://studentconduct.rutgers.edu>.

A. Preliminary Review

The first step in the process is the Preliminary Review, which is carried out by an AIF or other staff member assigned by the Director of the Office of Student Conduct or the Camden or Newark Campus Conduct Officer. The purpose of the preliminary review is to determine if there is sufficient evidence to charge the respondent with a separable violation. At the end of the review, the Conduct Officer (a) dismisses the complaint, (b) charges the student with a non-separable violation of academic integrity and refers the case for adjudication according to the procedures specified in Appendix C of this Policy, (c) charges the student with a separable violation of academic integrity, or (d) charges the student with both separable and non-separable violations.

If the student is charged with a separable violation of academic integrity and accepts responsibility for the violation or does not contest the charge(s), the Conduct Officer recommends a sanction to the CAO or appropriate CAID. The CAO or CAID gives the respondent and the reporting party^{2,3} at least five working days to submit written statements concerning the sanction. The CAO or CAID then makes a decision regarding sanction and notifies the respondent and other appropriate parties.

If the student does not accept responsibility for the alleged separable violation, the case is referred to a University Hearing unless the respondent requests that it be referred to a Disciplinary Conference instead. A request for a Disciplinary Conference is granted only if the reporting party agrees.

B. Hearing Procedures

University Hearing Boards normally consist of three students and two faculty members chosen from a pool of trained students and faculty. The Hearing is conducted by a Hearing Officer, who must be a member of the University community, normally a staff or faculty

² The reporting party is the faculty member or other member of the University community who filed the formal allegation against the respondent.

³ If not a faculty member, the reporting party may be notified of the recommended sanction and permitted to submit a statement concerning it, only if such notification is permitted under the provisions of the Family Educational Rights and Privacy Act (FERPA).

member. The Hearing Officer and Hearing Board members play an investigatory as well as an adjudicative role during the Hearing: they can call witnesses, question the complainant and all witnesses who testify. They can also question the respondent provided he or she waives the right to remain silent. The Hearing Officer makes all necessary rulings on evidence and is responsible for conducting an orderly and expeditious Hearing that insures fairness to all concerned.

The faculty member or other reporting party² normally has two choices as to his or her role in the Hearing: he or she may choose to serve as the complainant; i.e., present the case against the respondent, with the help of a Campus Adviser if desired, or request to have the case presented by a Community Advocate from the Honor Council. In the latter instance, the reporting party is expected to help the Community Advocate prepare the case and serve as a witness at the Hearing. If the reporting party does not wish or is not able to serve as the complainant and no suitable Community Advocate is available, a member of the dean's staff of the respondent's school or college may serve as the complainant.⁴

The respondent can, if desired, be assisted at the Hearing by a Student Advocate from the Honor Council or, if preferred, by a Campus Adviser (see section III.E). In addition, the respondent is permitted to have one additional support person present, who may be an attorney. The Student Advocate or Campus Adviser is permitted to make statements to the Hearing Board and question witnesses. The role of the additional support person is strictly advisory; he or she is not permitted to speak to the Hearing Board or question witnesses.

After the fact-finding phase of the Hearing, the voting members of the Hearing Board (which do not include the Hearing Officer) retire to closed deliberations. The decision is made by majority vote and Board members are not permitted to abstain.

C. Sanctioning

If the Hearing Board finds the respondent not responsible for a violation of academic integrity, the matter is closed and the respondent and other appropriate parties are so informed. If the Hearing Board finds the respondent responsible for a violation, the respondent, the reporting party³, the Conduct Officer who carried out the Preliminary Review, and the Director of the Office of Student Conduct or the Camden or Newark Campus Conduct Officer may make statements concerning the appropriate sanction to be imposed. In addition, the past disciplinary record, if any, of the respondent is made known to the Hearing Board for the first time. The Board then retires to determine a recommendation regarding sanction, which is transmitted to the CAO or CAID.

The CAO or CAID then gives the respondent and the reporting party³ at least five working days to submit written statements concerning the sanction recommended by the Hearing Board. The CAO or CAID then makes a decision regarding sanction and notifies the respondent and other appropriate parties.

⁴ If the reporting party is a student, he or she does not have the option of serving as complainant.

D. Disciplinary Conferences

A Disciplinary Conference is a less formal process than a University Hearing. It is conducted by a Conduct Officer assigned by the Director of the Office of Student Conduct or by the Camden or Newark Campus Conduct Officer. The reporting party² is not required to be present unless his or her participation is requested by the respondent or the Conduct Officer. The respondent may (a) request that appropriate witnesses be summoned, (b) be assisted by a Student Advocate from the Honor Council or, if preferred, by a Campus Adviser, and (c) have one additional support person present, who may be an attorney. The Student Advocate or Campus Adviser is permitted to speak to the Conduct Officer and question witnesses. The role of the support person is strictly advisory: he or she is not permitted to speak to the Conduct Officer or question witnesses.

If the Conduct Officer decides that the respondent has not committed a violation of academic integrity, the matter is closed and the respondent and other appropriate parties are so notified. If the Conduct Officer finds the respondent responsible for a violation of Academic Integrity, he or she selects an appropriate sanction. If the violation is separable, the proposed sanction is a recommendation to the CAO or CAID. The CAO or CAID gives the respondent and the reporting party³ at least five working days to submit written statements concerning the sanction. The CAO or CAID then makes a decision regarding sanction and notifies the respondent and other appropriate parties.

E. Appeal Procedures

Any determination of responsibility for a separable violation of academic integrity by a University Hearing Board or Conduct Officer at a Disciplinary Conference or any sanction assigned for such a violation by a CAO or CAID may be appealed to the Appeals Committee of the regional campus in which the respondent is enrolled. Requests for appeals must be submitted in writing to the Director of the Office of Student Conduct, who transmits the appeal to the appropriate campus Appeals Committee. Such requests must be received within ten working days from the date of the letter notifying the respondent of the finding and/or sanction.

Appeals are considered by a three-member panel consisting of the faculty member, the administrator, and either the undergraduate member (if the respondent is an undergraduate) or the graduate member (if the respondent is a graduate student) of the Appeals Committee. The appeal is decided on the basis of the record of the original proceeding and on written statements submitted by the respondent, the reporting party, the CAO or CAID, and/or various Conduct Officers involved in the case. The Appeals Committee does not conduct a hearing or take direct testimony.

If the finding of responsibility is being appealed, the Appeals Committee will (a) affirm the finding and the sanction, (b) affirm the finding but reject the sanction and send the case back to the CAO or CAID for reconsideration of the sanction, or (c) send the case back for reconsideration to the original Hearing Board or the Conduct Officer who conducted the Disciplinary Conference. If the appeal is only of the sanction, the Committee will either affirm the sanction or reject it and send the case back to the CAO or CAID for reconsideration of the sanction. Sanctions may be rejected only if found to be grossly disproportionate to the offense. Cases may be sent back to a Hearing Board or Conduct

Officer only if new and significant evidence has become available since the original Hearing or Disciplinary Conference or if errors occurred in the original Hearing or Disciplinary Conference and were so serious as to effectively deny the respondent a fair Hearing or Disciplinary Conference.

The Appeals Committee normally notifies the respondent of its decision within 15 working days of the filing of the appeal. If not satisfied with the decision of the Appeals Committee, the respondent may petition the President of the University to review the finding and/or sanction within ten working days the decision by the Appeals Committee. Whether or not to review the case is solely within the discretion of the President.

F. Implementation of the Sanction

Once all avenues of appeal have been exhausted or the respondent elects to forego further appeal, the Director of the Office of Student Conduct or the Camden or Newark Campus Conduct Officer oversees the implementation of the imposed sanction.

G. Standard of Proof

The standard of proof used by Conduct Officers and Hearing Boards is clear and convincing evidence.