

## **Appendix B: Procedures for Adjudicating Allegations of Nonseparable Violations of Academic Integrity**

### **I. Initial Reporting of an Alleged Violation**

- A.** As specified in section IVA of the Academic Integrity Policy, a faculty member who observes or is apprised of a possible nonseparable violation of academic integrity by an undergraduate student may adjudicate the matter himself or herself, following the procedures specified below, provided that the accused student has not previously been found responsible for a violation of academic integrity and is not on disciplinary or restrictive probation. Alternatively, the faculty member may refer the matter to an appropriate AIF for adjudication.
1. If the faculty member wishes to adjudicate the matter, he or she shall complete the academic integrity initial reporting form<sup>1</sup>, indicating that he or she believes the alleged violation to be nonseparable and wishes to adjudicate the matter, and submit the form to the Office of Student Conduct or designated AIF. The OSC or AIF will confirm that the faculty member may adjudicate the allegation unless the accused student has previously been found responsible for a violation of academic integrity or is on disciplinary or restrictive probation (in which case the allegation will be adjudicated as an alleged separable violation).
  2. If the faculty member does not wish to adjudicate the matter, he or she shall complete the academic integrity initial reporting form<sup>1</sup>, indicating that he or she believes the alleged violation to be nonseparable and wishes to refer the matter to an AIF for adjudication. The faculty member shall then send the form and all supporting material to the appropriate AIF (or Office of Student Conduct).
- B.** A member of the university community other than a faculty member, as defined in this policy, who wishes to report an alleged violation of academic integrity should contact the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences campus CAID for instructions on how to report the alleged violation.

### **II. Notification of the Accused Student**

- A.** A faculty member who chooses to adjudicate an alleged nonseparable violation of academic integrity by a student who has not previously been found responsible for a violation of academic integrity, and is not on disciplinary or restrictive probation, shall notify the accused student of the allegation in writing or by electronic communication within ten working days<sup>2</sup> of the time the faculty member identifies or is apprised of the alleged nonseparable violation. The notification shall ask the student to respond within ten working days of its receipt by making an appointment to meet with the faculty member and shall also inform the student about the availability of a Student Advocate from the Honor Council who can provide information, advice, and assistance, including accompanying the student to the meeting with the faculty member.
- B.** A faculty member who chooses to refer an allegation to an AIF for adjudication shall do so within ten working days of the time the faculty member identifies or is apprised of the alleged nonseparable violation. The faculty member shall at the same time notify the accused student in writing or by electronic communication that he or she is alleged to have committed a violation of

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<sup>1</sup> Paper reporting form found on line at <http://academicintegrity.rutgers.edu/document-library>. Online reporting form found on line at <http://academicintegrity.rutgers.edu/resources>

<sup>2</sup> A working day is any weekday not listed as a University holiday on the University Calendar. Days on which classes are not in session but the University is open for business are working days.

academic integrity, that the matter has been referred to the AIF, and that the student should expect to be contacted shortly by the AIF. Following the referral the AIF assumes responsibility for all further communication with the student concerning the allegation.

- C. An AIF who receives a report of an alleged nonseparable violation of academic integrity and confirms that the student has not previously been found responsible for a violation of academic integrity and is not on disciplinary or restrictive probation shall notify the accused student of the substance of the allegation in writing or by electronic communication within five working days of receipt of the report. The notification shall ask the student to respond within ten working days of its receipt by making an appointment to meet with the AIF and shall also inform the student about the availability of a Student Advocate from the Honor Council who can provide information, advice, and assistance, including accompanying the student to the meeting with the AIF.
- D. If the accused student has previously been found responsible for an academic integrity violation or is on disciplinary or restrictive probation, the AIF shall forward the allegation to the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences CAID for adjudication as an alleged separable violation<sup>3</sup> under the procedures specified in Appendix C of this policy.
- E. Once a student has been notified of an alleged violation of academic integrity, he or she may not drop the course or withdraw from school until the disciplinary process is completed. The student may, however, file a petition with the Office of Student Conduct or designated AIF and the dean of his or her school of matriculation, requesting permission to withdraw retroactively from the course if and only if he or she is found not responsible for the alleged violation.

### **III. Investigation and Finding**

- A. A faculty member or AIF adjudicating an allegation of a first-time nonseparable violation of academic integrity shall meet with the accused student unless the student elects not to meet with the faculty member or AIF. At the meeting, the faculty member or AIF shall specify the alleged violation, discuss the typical range of sanctions for such violations, and then ask the student to respond to the allegation.
- B. In addition to meeting with the accused student and carefully considering his or her response to the allegation, the faculty member or AIF shall investigate the matter and reach a decision by considering all available physical evidence and interviewing available material witnesses. 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 shall reach a decision regarding responsibility and recommend a sanction, based on the available evidence, including any written response from the student. At the end of this process, the faculty member or AIF shall take one of the following actions:

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<sup>3</sup> Following the referral the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences CAID's office shall assume responsibility for all further communication with the student concerning the allegation.

1. If the faculty member or AIF finds that the student has not violated the Academic Integrity Policy, the faculty member or AIF shall so notify the student in writing or by electronic communication within ten working days after meeting with the student<sup>4</sup>. The matter shall then be closed and the faculty member or AIF shall complete the academic integrity final reporting form<sup>5</sup> and submit it to the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences CAID.
  2. If the student accepts responsibility for the alleged violation of academic integrity and the student and faculty member or AIF are able to reach tentative agreement on an appropriate sanction, the faculty member or AIF shall prepare a disciplinary agreement<sup>6</sup> stating that the student accepts responsibility for the violation, accepts the proposed sanction, and waives his or her right to appeal the sanction. The faculty member or AIF signs and dates the form and asks the student to do likewise. The student either signs the form or requests a period of two working days to decide whether or not to do so. If the student does not accept responsibility and the sanction by the end of the two-day period, the faculty member or AIF shall proceed as in paragraph 4 below.
  3. If the student accepts responsibility for the violation but the student and faculty member or AIF cannot agree on a sanction, the faculty member or AIF shall, within ten working days following the meeting with the student, notify the student in writing or by electronic communication of the violation for which the student has accepted responsibility and of the assigned sanction. The notification form shall also inform the student of the opportunity to file a written appeal of the sanction to the Campus Appeals Committee (see section IV) within ten working days from the date of the notice to the student.
  4. If the student does not accept responsibility for the alleged violation and the faculty member or AIF finds, after carefully considering all the evidence, that the student has committed a nonseparable violation of academic integrity, the faculty member or AIF shall notify the student in writing or by electronic communication of the finding of responsibility and of the recommended sanction. The notification shall also inform the student of the opportunity to file a written appeal of the finding of responsibility and/or sanction to the Campus Appeals Committee (see section IV) within ten working days from the date of the notice to the student. This notification shall be provided to the student by the faculty member or AIF in writing or by electronic communication within ten working days following the meeting with the student<sup>7</sup>.
- C. When an allegation of a nonseparable violation of academic integrity is referred to an AIF for adjudication by a member of the University community who is not a faculty member as defined in Appendix A, the procedures to be followed by the AIF are the same as those followed when the referring party is a faculty member with one exception: if the alleged violation of academic

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<sup>4</sup> An AIF shall also inform the referring party of the outcome of the matter.

<sup>5</sup> Found on line at <http://academicintegrity.rutgers.edu/document-library>.

<sup>6</sup> Sample found on line at <http://academicintegrity.rutgers.edu/document-library>.

<sup>7</sup> If the accused student does not accept responsibility and chooses not to meet with the faculty member or AIF, the notification shall be provided to the student within 15 working days of the date on which the student was notified of the allegation.

integrity occurred in a Rutgers course, the AIF shall interview the instructor of record of the course at the outset of the investigation and shall notify the instructor of the outcome of the adjudication.

- D. The standard of proof used by faculty members and AIFs is clear and convincing evidence, which means that the faculty member or AIF must be persuaded that there is a high probability that the allegations against the student are true.

#### **IV. Sanctioning and Reporting**

- A. For nonseparable violations of academic integrity, faculty members and AIFs may impose only educational sanction(s) such as one or more of the following: grade penalties for assignments or the course, make-up assignments that may be of a more difficult nature, assignments pertaining to academic integrity, and required attendance at a noncredit workshop or seminar on academic integrity. Faculty members and AIFs may also request that the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences Chancellor's Designee add disciplinary warning or disciplinary probation to the educational sanction(s) selected by the faculty member or AIF. The Office of Student Conduct or Chancellor's Designee will notify the student in writing if a disciplinary sanction is imposed, along with information regarding how to file an appeal.
- B. If the accused student accepts responsibility for the alleged violation and agrees to the recommended sanction, the faculty member or AIF shall impose the selected educational sanction(s) and report the disposition of the case to the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences CAID, together with any request for the addition of disciplinary warning or disciplinary probation, using the Academic Integrity Final Reporting Form.<sup>5</sup>
- C. If the accused student does not accept responsibility for the alleged violation and also agree to the recommended sanction(s), the faculty member or AIF shall complete the Academic Integrity Final Reporting Form<sup>5</sup>, indicating that the student has not accepted responsibility and agreed to the recommended sanction, and send the form to the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences CAID.
- D. If the accused student appeals the finding of responsibility and/or the sanction to the Campus Appeals Committee within the ten-day time limit, the faculty member or AIF is so notified and asked to submit copies of all material relevant to the allegation, including any notes taken by the faculty member or AIF. The faculty member or AIF shall be notified of the result of the appeal and shall then impose any educational sanction(s) approved by the Appeals Committee.<sup>4</sup>

#### **V. Review by the Campus Appeals Committee**

- A. Student appeals of findings of responsibility and/or sanctions for nonseparable violations of academic integrity should initially be sent to the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences Chancellor's Designee, who collects all information related to the case and forwards this information to the appropriate Campus Appeals Committee.

- B.** Appeals of findings of responsibility and/or sanctions for nonseparable violations of academic integrity are conducted by a four-person panel of Appeals Committee members: one faculty member, two student members, and a nonvoting staff member called the Staff Investigator. The Panel reviews all appeals on the basis of the written information presented through the Staff Investigator and does not take direct testimony.
- C.** Prior to the meeting of an Appeals Panel to consider an appeal, the Staff Investigator shall gather information pertaining to the allegation as necessary to permit the Panel to make an informed decision. This investigation ordinarily includes speaking with the faculty member or AIF who adjudicated the case and with the accused student, as well as a review of all relevant information and evidence. When the Staff Investigator has concluded the fact-finding process, he or she shall prepare a written report, which shall be shared with the faculty member or AIF and the accused student. The fact-finding ordinarily shall be completed and the report provided within 15 working days of the receipt of the student's appeal.
- D.** The faculty member or AIF and the accused student may submit written responses to the Staff Investigator's written report within five working days of its receipt. The Staff Investigator shall then submit his or her report, together with any written responses from the student or faculty member or AIF, to the voting members of the panel.
- E.** The Appeals Panel shall meet to consider an appeal within ten working days of receipt of the written report of the Staff Investigator. If the Panel needs more information in order to reach a decision, the Staff Investigator will continue fact-finding and a decision deferred for up to ten working days. The decision on the appeal shall be made by simple majority vote and voting members of the Panel may not abstain.
- F.** The decision of the Appeals Panel with regard to both the finding of responsibility and sanction is final. The Panel shall change the finding of responsibility only if it finds that the decision of the faculty member or AIF is inconsistent with the evidence or if new significant and material evidence is presented to the panel. The Panel shall change the sanction assigned by the faculty member or AIF only if the assigned sanction falls well outside the range of sanctions ordinarily imposed for similar violations.
- G.** If the Appeals Panel overturns the finding of responsibility, it shall so notify the faculty member or AIF<sup>8</sup>, the accused student, and the OSC or appropriate campus CAID within ten working days. The case will then be concluded.
- H.** If the Appeals Panel upholds the finding of responsibility or if the appeal is only of the assigned sanction, the Panel shall make a decision concerning sanction and notify the accused student, the faculty member or AIF<sup>8</sup>, and the OSC or appropriate campus CAID of its decision with respect to the finding of responsibility and/or sanction within ten working days. The panel will then ask that the sanction be imposed.

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<sup>8</sup> The AIF shall then notify the referring party of the outcome of the matter.

**VI. Time Limits**

- A. The time limits or deadlines specified on actions by faculty members, AIFs, Campus Appeals Committees, and accused students in cases of alleged nonseparable violations of academic integrity are designed to ensure that the adjudication process proceeds in a timely and efficient manner for the benefit of all concerned. Any of the deadlines may be extended by mutual consent of the parties involved.
  
- B. The consequences of failure by a student to meet the relevant deadlines are made clear in the preceding sections of this Appendix. When a faculty member, an AIF, or a Campus Appeals Committee fails to meet a deadline, the accused student may file a complaint with the campus CAO or appropriate CAID. The CAO or CAID shall consider the complaint and act, if necessary, to bring the adjudication process to completion as rapidly as possible.