

Appendix C: Procedures for Adjudicating Allegations of Separable 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 separable violation of academic integrity by an undergraduate student shall report the allegation to the Office of Student Conduct, to the Camden, Newark, or Biomedical and Health Sciences CAID, or to a designated AIF for adjudication. To report the alleged violation and initiate a complaint against the accused student, the faculty member should complete the Academic Integrity Initial Reporting Form¹ and send it, together with all supporting material, to the Office of Student Conduct or appropriate CAID or AIF.
- B. A member of the university community other than a faculty member, as defined in this policy, who wishes to file a complaint of a violation of academic integrity against a student should contact the Office of Student Conduct or Camden, Newark, or Biomedical and Health Sciences CAID for instructions on how to do so.

II. Preliminary Review

- A. The next step in the process of adjudicating an allegation of a separable violation of academic integrity is the Preliminary Review, which is carried out by an AIF or Student Conduct Officer assigned by the Director of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences CAID for the purpose of determining if there is sufficient evidence to charge the accused student with a separable violation of academic integrity. During the Preliminary Review, the AIF or Student Conduct Officer shall inform the accused student of his or her rights, provide information about the disciplinary process, review all available evidence with the student, meet with the complaint initiator (if necessary), and gather information from witnesses to determine whether or not there is enough evidence to charge the student with a violation of academic integrity.
- B. At the completion of the review, a Preliminary Review report shall be generated and the AIF or Student Conduct Officer shall take one of the following actions:
 - 1. If the AIF or Student Conduct Officer determines that there is not enough evidence to support charging the student with a violation of academic integrity, he or she shall decline to issue a charge and so inform the accused student, the complaint initiator, and the Office of Student Conduct or Camden, Newark, or Biomedical and Health Sciences CAID in writing. The student shall also be informed that the complaint can be reconsidered if additional information about the incident is discovered and reported.
 - 2. If the AIF or Student Conduct Officer determines that there is enough evidence to charge the student with a violation of academic integrity but that the alleged violation is nonseparable, the AIF or Student Conduct Officer shall charge the student with a nonseparable violation of academic integrity and see that the matter is adjudicated according to the procedures specified in Appendix B of this policy.

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

3. If the AIF or Student Conduct Officer determines that there is enough evidence to charge the student with a separable violation of academic integrity, he or she shall so charge the student and inform him or her of the charges in writing.
 4. If the accused student fails to meet with the AIF or Student Conduct Officer for a Preliminary Review, the AIF or Student Conduct Officer shall determine whether there is enough evidence in the complaint to warrant charging the student with a violation of academic integrity. If there is enough evidence, the AIF or Student Conduct Officer shall so charge the student in writing and proceed as if the student claimed he or she was not responsible for the violation.
- C.** If the accused student is charged with a separable violation of academic integrity and accepts responsibility for the violation, the AIF or Student Conduct Officer shall assign an appropriate sanction.
1. If the student also accepts the assigned sanction and the sanction does not include suspension or expulsion, a disciplinary agreement is prepared and signed by the student and by the AIF or Student Conduct Officer. The disciplinary agreement shall constitute an acceptance of the finding and sanction, as well as a waiver of the student's right to a hearing or Disciplinary Conference and to an appeal. If the assigned sanction includes suspension or expulsion, the case is sent to the appropriate CAID for review to make sure that the sanction is not clearly disproportionate to the violation. The CAID then makes the final decision concerning the sanction.
 2. If the accused student does not accept the assigned sanction, the AIF or Student Conduct Officer shall notify the student of the sanction in writing. The letter of notification shall also inform the student of the opportunity to appeal the sanction to the Campus Appeals Committee within ten working days² and of the procedures for filing an appeal.
 3. If the accused student does not appeal the assigned sanction within the specified time period and the sanction includes suspension or expulsion, the case is sent to the appropriate CAID for review to make sure that the sanction is not clearly disproportionate to the violation. The CAID then makes the final decision concerning the sanction. If the assigned sanction does not include suspension or expulsion and the student does not appeal within the specified time period, the assigned sanction is final and the process is concluded.
- D.** If the accused student does not accept responsibility for the violation(s), the case shall ordinarily be decided at a University Hearing unless the student requests that it be decided at a Disciplinary Conference instead. If the student fails to meet with the AIF or Student Conduct Officer and does not respond to the letter charging him or her with a separable violation, the AIF or Student Conduct Officer can request that the case be decided at a Disciplinary Conference rather than a University Hearing. Any request for a Disciplinary Conference is granted only if the complaint initiator agrees.

² 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.

III. University Hearings

A. University Hearing Boards

1. University Hearing Boards are the formal bodies at the University charged with hearing cases of alleged separable violations of the *University Code of Student Conduct* and/or the Academic Integrity Policy. In academic integrity cases, the Hearing Board determines the relevant facts related to the case and makes an informed decision regarding whether or not the accused student violated the Academic Integrity Policy. If the Board finds a student responsible for a violation of academic integrity, the Board assigns a sanction. Board members have the authority to question witnesses, the accused student (if he or she chooses to speak) and the complaint initiator in an effort to determine the facts of the case.
2. When a hearing is called, a Hearing Board of three students and two faculty members is selected from a pool of community members recruited, selected, and trained by the Office of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences Chancellor's Designee. Should a selected board member be unable to serve at the hearing, the Director of Student Conduct or Chancellor's Designee selects a replacement from the Hearing Board pool. While it is possible to conduct a hearing with a Hearing Board of two students and one faculty member, no hearing may proceed with less than three students and two faculty members without the written consent of the accused student(s) and the complaint initiator.
3. An accused student or the complaint initiator may request that a specific member of a University Hearing Board be excluded from the hearing for cause. This request must be made in writing to the Director of Student Conduct or Chancellor's Designee at least three working days before the hearing. The final decision on that request is made by the Director of Student Conduct or Chancellor's Designee, who determines whether the information presented is sufficient grounds to excuse the board member from the hearing. If a member is excused, the Director of Student Conduct or Chancellor's Designee selects a replacement from the Hearing Board pool.

B. Hearing Officers

1. A trained University community member shall serve as the Hearing Officer. The role of the Hearing Officer is to exercise control over the hearing so as to insure a fair process for all concerned. The Hearing Officer therefore shall:
 - a. Conduct the hearing.
 - b. Exclude anyone who is disruptive.
 - c. Summon witnesses upon the request of any party at the hearing.
 - d. Make rulings on evidence provided at the hearing. Hearing Officers shall respect the rules of confidentiality and privilege, but shall admit any other evidence into the record that reasonable persons would accept as valuable.
 - e. Ensure proper procedures are being followed. This includes making sure the rights of the accused student and the complaint initiator are protected.
2. An accused student or complaint initiator may request that a specific Hearing Officer be excluded from the hearing for cause. This request must be made in writing to the Director of Student Conduct or appropriate Chancellor's Designee at least three working days before the hearing. The final decision on the request is made by the Director of Student Conduct or

Chancellor's Designee, who determines whether the information presented is sufficient grounds to excuse a Hearing Officer from the hearing. If a Hearing Officer is excused, the Director of Student Conduct or Chancellor's Designee selects a replacement from the group of trained Hearing Officers.

C. Hearing Procedures

1. Hearings shall be closed to the public, unless one party requests an open hearing and there are no objections from the other parties. Parties who may object to an open hearing include an accused student, the complaint initiator, and the Director of Student Conduct or Chancellor's Designee.
2. A recording of the hearing is ordinarily made, but deliberations are not recorded. The recording shall be preserved by the Office of Student Conduct for a period of three years and then be destroyed. If a recording is not made for some reason, the decision of the Hearing Board shall include a summary of the evidence presented that is sufficiently detailed to permit possible review by the Campus Appeals Committee and CAID.
3. For incidents involving more than one accused student, the Director of Student Conduct or Chancellor's Designee shall determine whether there will be one hearing or separate hearings for the students involved. Any accused student may petition the Director of Student Conduct or Chancellor's Designee for a separate hearing. The petition must provide convincing evidence to show that a combined hearing would be prejudicial to the student.
4. The accused student(s) and complaint initiator shall be notified at least ten working days prior to the hearing. This notification shall include the charges, the names of the Hearing Officer and Hearing Board members for the case in question, the time, date, and location of the hearing, the names of people attending the hearing as witnesses, and a list of the names and addresses of available Campus Advisers and Student Advocates. Each party shall also be instructed to supply the Director of Student Conduct or Chancellor's Designee with additional information on witnesses and any supporting documents he or she is submitting at least five working days before the hearing. Parties shall also be given information regarding access to the case file, which contains the filed complaint, the Preliminary Review report, and any additional information provided by either party before or during the Preliminary Review.
5. An accused student or complaint initiator may request postponement of the hearing for good cause to the Hearing Officer at least five working days in advance of the hearing. Except in emergency situations, no request for a postponement will be considered when received less than five working days before the scheduled hearing date.
6. A faculty member or other complaint initiator has two choices as to his or her role in the hearing: he or she may choose to present the case against the accused student, with the help of a Campus Adviser if desired, or request to have the case presented by a trained complaint presenter, ordinarily a Community Advocate from the Honor Council or a Campus Adviser. In the latter instance, the complaint initiator is expected to help the complaint presenter prepare the case and serve as a witness at the Hearing.

7. If the complaint initiator does not wish or is not able to serve as the complaint presenter and no Community Advocate or Campus Adviser is available, an AIF or member of the dean's staff of the accused student's school or college may serve as the complaint presenter.
8. An accused student may, if desired, be assisted at the Hearing by an adviser, normally a Student Advocate from the Honor Council or a Campus Adviser.³ In addition, an accused student is permitted to have one support person present. The adviser is permitted to make statements to the Hearing Board and question witnesses. The role of the support person is strictly consultative; he or she is not permitted to speak at the hearing or to disrupt the proceedings in any way.
9. The hearing shall begin with the Student Conduct Officer or AIF who conducted the Preliminary Review reading the Preliminary Review report and answering questions about it. Each accused student shall then be asked to respond to each alleged violation of the Academic Integrity Policy by stating one of the following: (a) responsible for the violation or (b) not responsible for the violation. If an accused student fails to appear for the hearing, the Hearing Officer shall enter a plea of not responsible on behalf of the student.
10. The Hearing Officer shall then ask the complaint presenter to give a narrative account of what happened, followed by witnesses in support of the complaint. The accused student or his or her adviser shall then be given the opportunity to provide a narrative statement to the Hearing Board and to provide witnesses to support the student's interpretation of the matter.
11. Both the complaint presenter and the accused student or his or her adviser shall have the right to question witnesses, once the Hearing Board members and Hearing Officer have had an opportunity to do so. Witnesses are excluded from the hearing during testimony of other witnesses with one exception: if the complaint initiator chooses to participate as a witness rather than present the complaint, he or she shall be questioned first and then may remain in the room for the rest of the hearing. All witnesses shall be asked to affirm that all information they are providing is truthful.
12. If a witness cannot attend the hearing for some reason, he or she may provide information to the Hearing Board in the form of a signed statement. Such statements must be witnessed by an Academic Integrity Facilitator, Student Conduct Officer, Dean of Students, or notary, and may only be used for the purpose of supplementing or explaining other information presented at the hearing. Written statements by witnesses not present at the hearing shall not, standing alone, be sufficient to support a finding.
13. If a hearing needs to be adjourned and continued on another day, the Hearing Officer shall determine when the hearing will be reconvened. The hearing may be reconvened without 10 days notice.
14. At the end of the hearing, the Hearing Board shall retire to closed deliberations, from which the Hearing Officer is excluded. If requested to do so by the Hearing Board, the Hearing Officer shall reconvene all parties to have questions from the Board answered on the record.

³ If no Student Advocate or Campus Adviser is available, another member of the University Community may serve as the accused student's adviser, with the approval of the Director of Student Conduct or Chancellor's Designee.

An accused student is initially presumed to be not responsible for the alleged violation(s). Responsibility must be established using the standard of clear and convincing evidence, which requires that the Hearing Board be persuaded that there is a high probability that the allegation(s) against the student are true.

15. The Hearing Board's decision shall be made by majority vote and no board member may abstain. Once the Hearing Board has reached a decision, the Hearing Officer shall meet with the Board in closed session to receive its decision and the rationale on which it is based.
16. The Hearing Board's decision shall be read to the accused student by the Hearing Officer in a reconvened hearing and a copy shall be provided to the accused student and the complaint initiator. The Hearing Board's decision shall be supported with a brief written summary of the findings of fact that led to the Board's conclusion. The written summary becomes a part of the case file.
17. Any determination of responsibility shall immediately be followed by a proceeding to determine educational and disciplinary sanctions. The accused student and the complaint initiator shall be given an opportunity to make statements regarding sanction. The accused student may also present character witnesses or statements of support. The Student Conduct Officer or AIF who conducted the Preliminary Review shall offer his or her recommendation regarding sanction and the past disciplinary record of the accused student, if any, shall be supplied to the Board.
18. The Hearing Board shall then retire to closed session to assign a sanction. The assigned sanction shall be determined by majority vote and no board member may abstain. The Hearing Officer shall present the Board's assigned sanction and the accused student(s) and the complaint initiator shall be informed in writing of the finding of responsibility and the assigned sanction. The letter of notification shall also inform the student of the opportunity to appeal the finding and/or sanction to the Campus Appeals Committee within ten working days and of the procedures for filing an appeal.
19. If the accused student does not appeal the assigned sanction within the specified time period and the sanction includes suspension or expulsion, the case is sent to the appropriate CAID for review to make sure that the sanction is not clearly disproportionate to the violation. The CAID then makes the final decision concerning the sanction. If the assigned sanction does not include suspension or expulsion and the student does not appeal within the specified time period, the sanction assigned by the Hearing Board is final and the process is concluded.

IV. Disciplinary Conferences

- A. A Disciplinary Conference is a more informal process than a University Hearing. It is conducted by a Student Conduct Officer assigned by the Director of Student Conduct or by the Camden, Newark, or Biomedical and Health Sciences CAID. The complaint initiator is expected to be present unless advised by the Student Conduct Officer that his or her participation is not requested. The accused student maintains his or her rights as established in part V of the *University Code of Student Conduct* and the complaint initiator maintains his or her rights as established in part VI of the *University Code of Student Conduct*.

- B. The accused student and complaint initiator shall receive written notice of the charges and the date, time, and location of the Disciplinary Conference at least five working days before the conference. The letter of notification shall also inform the parties of how they can access the case file before the conference.
- C. A recording of the Disciplinary Conference is ordinarily made and preserved in the custody of the Office of Student Conduct. If a recording is not made for some reason, the decision of the Student Conduct Officer must include a summary of the testimony that will be sufficient for possible review by the Campus Appeals Committee and CAID.
- D. Both the accused student and the complaint initiator (if he or she participates in the conference) may request that witnesses be called. In addition, the accused student may be assisted by an adviser, normally a Student Advocate from the Honor Council or a Campus Adviser, and may have one support person present. The student's adviser is permitted to speak to the Student Conduct Officer and to question witnesses. Support persons are not permitted to speak at the conference or to disrupt the proceedings in any way.
- E. At the beginning of the Disciplinary Conference, the Student Conduct Officer shall read an opening statement outlining the Disciplinary Conference procedures. The accused student(s) shall then be asked to respond to each alleged violation of the Academic Integrity Policy by stating one of the following: (a) responsible for the violation or (b) not responsible for the violation. If an accused student fails to appear for the Disciplinary Conference, the Student Conduct Officer shall enter a plea of not responsible on behalf of the student.
- F. During the conference, the accused student and the complaint initiator (if present) shall be given the opportunity to present relevant information to the Student Conduct Officer, who shall question both parties and any witnesses called. The accused student and the complaint initiator (if present) plus the student's adviser shall also have the opportunity to ask questions of the other party and of any witnesses called.
- G. Once the Student Conduct Officer decides that sufficient information has been presented and questions satisfactorily addressed, he or she shall retire to make a decision on responsibility using the standard of clear and convincing evidence, which requires that he or she be persuaded that there is a high probability that the allegations against the student are true. If an accused student failed to appear at the Disciplinary Conference, the Student Conduct Officer shall make a decision based on information provided by the complaint initiator and information in the case file.
 - 1. If the Student Conduct Officer finds that the accused student has not committed a violation of academic integrity, the matter is closed and the accused student, the complaint initiator, and the Director of Student Conduct or appropriate Chancellor's Designee are so informed in writing.
 - 2. If the Student Conduct Officer finds the accused student responsible for a violation of academic integrity, he or she shall assign a sanction and notify the student in writing of the finding of responsibility and the assigned sanction. The letter of notification shall also inform the student of the opportunity to appeal the sanction to the Campus Appeals Committee within ten working days and of the procedures for filing an appeal.

3. If the accused student does not appeal the assigned sanction within the specified time period and the sanction includes suspension or expulsion, the case is sent to the appropriate CAID for review to make sure that the sanction is not clearly disproportionate to the violation. The CAID then makes the final decision concerning the sanction. If the assigned sanction does not include suspension or expulsion and the student does not appeal within the specified time period, the sanction is final and the process is concluded.

V. Appeal Procedures

- A. Any determination of responsibility for a separable violation of academic integrity by a University Hearing Board or by a Student Conduct Officer at a Disciplinary Conference or any sanction assigned for such a violation by a Hearing Board, Student Conduct Officer or AIF may be appealed one time only to the Appeals Committee of the campus in which the accused student is enrolled. Appeals must be submitted in writing to the Director of Student Conduct or Camden, Newark, or Biomedical and Health Sciences Chancellor's Designee, who transmits the appeal to the appropriate Campus Appeals Committee.
- B. Appeals must be received within ten working days from the date of the notification to the accused student of the finding and/or sanction. Failure to submit an appeal by the appropriate deadline will render the finding/sanction final and conclude the process provided the sanction does not include suspension or expulsion. A sanction including suspension or expulsion must be sent for review to the appropriate CAID for review to make sure that the sanction is not clearly disproportionate to the violation. The CAID then makes the final decision concerning the sanction.
- C. Accused students may appeal on the following grounds:
 1. Unsupported Conclusion: The decision made by the Student Conduct Officer or University Hearing Board is not supported by the facts of the case.
 2. Procedural Error: The hearing or Disciplinary Conference was conducted unfairly and not in conformity with prescribed procedures. The error committed must be determined to have seriously impacted the fairness of the disciplinary process.
 3. Disproportionate Sanction: The sanction imposed on the student was not appropriate.
 4. New Information: There is new information that wasn't available at the time of the University Hearing or Disciplinary Conference that may be sufficient to alter the original decision.
- D. In preparing an appeal, the accused student and the complaint initiator shall have access to the recording of the disciplinary proceeding.
- E. Appeals of findings of responsibility and/or sanctions for separable violations of academic integrity are considered by a three-member panel consisting of one faculty member and two students from the Campus Appeals Committee. If the accused student is a graduate student, at least one of the student members of the Panel must be a graduate student.

- F.** The Appeals Panel may solicit written clarification of any issue raised on appeal from the University Hearing Board, Hearing Officer, or Student Conduct Officer involved in the case, the individual who conducted the Preliminary Review, the complaint initiator, and the accused student.
- G.** Appeals are decided on the record of the original proceeding and any written information submitted by any of the parties. The Appeals Panel shall not substitute its judgment for the decision of the original Hearing Board or Conduct Officer and shall not attempt to rehear the case.
1. Sanctions should only be recommended for reduction if found to be clearly disproportionate to the gravity of the violation, precedent for similar violations, and/or the accused student's prior disciplinary record.
 2. Cases should be recommended for remand for a new University Hearing or Disciplinary Conference only if
 - a. Specified procedural errors were so substantial that they effectively denied the accused student a fair hearing.
 - b. The finding of responsibility by the University Hearing Board or Student Conduct Officer is clearly not supported by the facts of the case.
 - c. New information presented is so substantial that it may lead a new Hearing Board or Student Conduct Officer to alter the original decision.
- H.** The Appeals Panel shall review all available information and make a recommendation regarding the appeal.
1. If the finding of responsibility is being appealed, the Appeals Panel shall do one of the following:
 - a. Affirm the finding and sanction originally determined.
 - b. Affirm the finding but recommend modification of the sanction.
 - c. Send the case back for a new University Hearing or Disciplinary Conference.
 2. If only the sanction is being appealed, the Appeals Panel shall either affirm the sanction or recommend its modification.
- I.** Appeals Panel recommendations are forwarded for review to the appropriate campus CAID. If the Appeals Panel has recommended denying the student's appeal in whole or in part, the CAID shall transmit the panel's recommendations and rationale to the student and give him or her five working days to respond. The CAID shall then review the student's written appeal, the Appeals Panel's rationale for its recommendations, and the student's response, if any, to the Appeals Panel's recommendations and rationale and make the final decision on the student's appeal based on the criteria specified in Section V.G above. The CAID shall not attempt to rehear the case.

- J. A letter presenting the CAID's decision shall be sent to the student from the CAID no more than ten working days after the Appeals Panel's decision. If the hearing or disciplinary decision is upheld, the case is concluded. If the sanction is reduced, the student is given new instructions regarding sanction and the case is concluded. If the case is sent back for a new hearing or Disciplinary Conference, the student is given instructions on the next steps in the process.

VI. Imposition of the Sanction

- A. The imposition of sanctions shall normally be deferred during any appeals process and the status of the accused student shall not change until all avenues of appeal have been exhausted, except that a hold may be put on a student's transcript and no degree will be awarded to the student pending completion of the appeals process.
- B. Once all appeals have been exhausted, it shall be the responsibility of the Director of Student Conduct or the Camden, Newark, or Biomedical and Health Sciences Chancellor's Designee to oversee the implementation of the imposed sanction.