

Detailed Procedures for Appeals

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December, 1998 (updated July 2, 2002; July 2016; February 15, 2018)

A. Official Members of the Process

1. The Board of Academic Integrity consists of faculty members and students. From its ranks come the members of a Hearing Panel for any case of alleged academic dishonesty. The Provost will appoint the following members to serve on the Board
 - a. A Chair of the Board who shall be appointed by the Provost and will oversee all procedures of this policy.
 - b. At least five full-time faculty members with at least one from each of the four colleges nominated by the department chairs (program directors in Nursing) of those colleges. At least some of those faculty members should be regularly involved in teaching graduate courses. The faculty member will normally serve at least one for three year term. Any faculty member may be reappointed. To provide continuity and consistency, members' terms will be staggered.
 - c. At least four undergraduate students from each college who have at least sophomore status and at least one graduate student from each college. Sophomores will serve a three year term, juniors and seniors will serve until the time they would normally graduate. Graduate students will serve a three year term (or will serve until they graduate). Students are nominated to serve by department chairs.
 - d. The Provost may appoint new members at any time.
2. The Hearing Panel. A Hearing Panel will be formed to hear cases involving an alleged breach of Academic Integrity. A new panel will be chosen by the Chair of the Board for each case on the basis of impartiality and availability. A panel will consist of the following six members selected from the Board of Academic Integrity:
 - a. The Chair of the Board of Academic Integrity, who will be a nonvoting member and will provide continuity among the various Hearing Panels to be convened;
 - b. One faculty member, preferably from the college of the course involved in the alleged violation;
 - c. Two other faculty members, preferably one of these faculty members will be from the student's college, if different from that of the faculty member;
 - d. Two students.

If the Chair is unavailable to serve on a particular Hearing Panel, the Provost may appoint a temporary substitute from among the members of the board. If the case involves a graduate student, the student members will be graduate students, and the faculty members will be selected from those who regularly teach graduate courses.

B. Judicial Hold

At any time after a complaint has been filed, the Chair of the Board may, at his or her sole discretion, put a Judicial Hold on the accused student's academic records in order to preserve the status quo pending the outcome of proceedings under these procedures. The student will be notified of this Judicial Hold. The Judicial Hold will prevent, among other things, registration, the release of transcripts and the awarding of a diploma. If the penalty for the violation is an F for the course, the student will not be permitted to withdraw from the course. If, after the penalty grade has been taken into account, the

student is still passing the course, the student may withdraw from the course prior to the final deadline for withdrawing from a course. The academic integrity violation will still be noted on the student's record even if the student withdraws from the course.

C. Convening the Hearing Panel

1. When the case is referred by one of the Deans to the Chair of the Board of Academic Integrity, the Chair shall convene a Hearing Panel to determine if a violation has occurred. Normally the panel will be convened within thirty days of receipt of notification from the Dean. If the violation occurred prior to the final exam in the course, the Hearing Panel shall, if possible, be convened prior to the scheduled time of the final exam. If the violation is reported during the examination period or between semesters, the Hearing panel shall, if possible, be convened within thirty days after the beginning of the next fall or spring semester.
2. Notice of Hearing. The Chair shall inform the student, the faculty member, the faculty member's chairperson, the faculty member's Dean and the student's Dean (and, if appropriate, any additional or other complainant) of the time, the place and the membership of the Hearing Panel. The Chair shall do this within a reasonable time to permit adequate preparation for the hearing. The Chair shall not be responsible for delaying a hearing if a student cannot be reached for lack of a correct address on the University's Student Record System.
3. Disqualification of Panel Members.
 - a. Members of the Hearing Panel shall disqualify themselves from hearing a case if they feel their capacity for making an objective judgment in the case is or may reasonably appear to be impaired. Members should not disqualify themselves for any other reason. A disqualified member will be replaced with another member of the same category if possible. If another member of the same category is not available, the Chair of the Board of Academic Integrity will select another member of the Board to fill the vacancy.
 - b. An accused student or a complainant may object for specific cause to any single panel member assigned to hear the case. The objection must be written and received by the Chair at least forty-eight hours before the hearing. Upon ruling that a challenge is valid, the Chair, after notifying the accused student and the complainant, shall replace the challenged member with another from the same category if possible. If another member of the same category is not available, the Chair of the Board of Academic Integrity will select another member of the Board to fill the vacancy.
 - c. An accused student or complainant may object for good cause to the replacement member within a reasonably prompt time of the member's appointment, but not later than the beginning of the hearing. The Chair shall rule upon the objection, and, if the objection is accepted, the Chair will select another member of the Board to fill the vacancy.

D. Hearing Panel Proceedings

The student shall appear before the Hearing Panel at the scheduled time and place to explain his or her conduct. The faculty member and the faculty member's chairperson need not appear at the hearing, although each may attend the hearing and address the Hearing Panel. If the chairperson attends the hearing, he/she must recuse him/herself from hearing the student's appeal of the grade penalty. Any member of the Hearing Panel may question the student or the faculty member. The Hearing Panel shall deliberate and determine the facts of the matter in accordance with the Deliberation and Penalty provisions of these procedures.

1. The student shall present relevant evidence (which may include witnesses or documentary evidence) before the Hearing Panel in support of his or her position.
2. The hearing shall be conducted in a University facility and shall be closed to the public. The Chair shall preside over the hearing but he or she shall not vote with the Hearing Panel. Formal rules of evidence shall not apply. Evidence, including hearsay evidence, shall be admitted, if it is relevant and not unduly repetitious and is the sort of evidence a reasonable person would consider to have

a bearing on the case. The Chair may, in his or her absolute discretion, admit or exclude witnesses during the testimony of other witnesses, admit or exclude members of the student's family and exclude any person who in the Chair's judgment disrupts the proceeding.

3. The faculty member (if he or she attends) and the student may each be accompanied by one person, whose role is limited to advising the faculty member or student. This person should be a member of the university community (current faculty member, administrator, staff member, or student). Any adviser so designated who is also an attorney-at-law will not be considered to be appearing as counsel. This adviser may not make statements, examine witnesses, or otherwise intervene. At his or her discretion, the Chair may solicit input from the adviser.
4. The student speaks first in a hearing and answer questions from panelists before the faculty member speaks, so the faculty member has a chance to hear all of the student's statements, see the evidence and follow along, and hear the student's answers to the panelists' questions. Then the faculty member presents evidence, responds to the student's evidence, responds to student's answers to questions from the panelists, and then answers the questions from the panelists. Once the faculty member is finished, then the student has the chance to respond to any additional evidence the faculty member has submitted, to the faculty member's comments and to the faculty member's answers to the questions posed by the panelists. After the student is finished, the Chair of the Board of Academic Integrity will invite the panelists to ask either the student or the faculty member additional questions. Once the panelists inform the Chair that they have heard all they need to hear, the student and the faculty member will be excused. The panel deliberates. The vote by secret ballot allows each panelist to make a personal decision as to the preponderance of evidence in the case (i.e. the weight of the evidence amounts to 50% plus some additional amount).

E. Panel Deliberation

1. Proceedings. The panel shall deliberate in private and makes its determinations by a secret majority vote.
2. Basis of Decision. The Hearing Panel shall make its decision based upon the evidence or other information presented at the hearing.

F. Findings

If the panel determines that the student has committed an academic integrity violation, the Chair will so inform the student, and all parties. The Chair will inform the student of the right to appeal.

In any case where the student is found not responsible, the Chair will inform all the parties, and keep a confidential file of the case. The faculty member's dean of Chair of the Board of Academic Integrity will ask the faculty member to regrade the original assignment on the assumption that no violation has occurred. The faculty member will be informed by the Chair of the right to appeal.

G. Record of Hearing

The minutes of the hearing or hearings will be part of the official confidential file to be kept by the Chair of the Board of Academic Integrity. The minutes should include the names of the student, the faculty member, the panel members, and any witnesses, advisers, or other individuals who attended the hearing, and should tell the result of the panel's decision. The minutes should not include the actual vote count. The Chair may, at his or her sole discretion, also summarize information that was brought up in the hearing but that does not appear in the record.

H. Appeals of decisions by the Board of Academic Integrity

1. The appeal must be directed to the Dean of the faculty member's college. An appeal may be initiated by either the student or the faculty member. A student or faculty member wishing to appeal a decision of the Panel must do so in writing to the faculty member's Dean within three days of the notice of the decision. Failure to do so will automatically render the decision final, with no further recourse.
2. Statement Supporting Appeal. Having given notice of appeal, the person who is appealing will have seven days from the notice date to submit a written statement supporting the appeal to the faculty member's Dean (or designee).
3. Grounds for appeal. In addition to reviewing the written record, the Dean (or designee) may consult with the original parties, with other faculty members or students, or with any other University officials in determining the outcome of the appeal. There are only two grounds for appeal:
 - a. Material procedural error in the process.
 - b. New material evidence not reasonably available at the time of the Board's review of the matter.
4. Record on Appeal. The Dean (or designee) will decide the appeal on the basis of the records of the proceedings of the Hearing Panel, the written materials submitted with the request to appeal, and the results of his or her consultation with the parties, if any.
5. Decision on Appeal. The Dean (or designee) may do any of the following in response to the student's appeal:
 - a. Affirm the decision of the Hearing Panel.
 - b. Remand the case to the Hearing Panel, but only if material procedural errors have occurred or if new evidence has surfaced that could not have been reasonably available at the time of the original hearing.
6. Final Decision. The decision of the Dean (or designee) is final. This decision will be written and shall contain the author's finding of fact and may (at the discretion of the author) include reasons for the decision. It shall be provided to the student, the student's Dean (or designee), the faculty member, the faculty member's Chair, the Faculty Member's Dean (or designee), and the Chair of the Board of Academic Integrity, and placed in the student's file.

I. Failure to Appear

If the student fails to appear for the hearing, the Hearing Panel will make its judgment on the basis of the evidence presented at the hearing, and the student will forfeit any right to a further hearing.