

# Rutgers University

## Procedures for Adjudicating Alleged Nonseparable Violations of Academic Integrity

### Effective September 1, 2011

#### I. Definitions

The definitions of the following terms, all of which appear in these procedures, are taken from Appendix A of the Rutgers Academic Integrity Policy.

**Academic Integrity Facilitators (AIFs)** are academic staff or faculty members appointed by the deans of their respective schools or colleges to (1) investigate and adjudicate allegations of first-time nonseparable violations of academic integrity referred to them by faculty members or other members of the University community and (2) help educate and advise members of the academic community about academic integrity.

**Campus Academic Integrity Designees (CAIDs)** are academic administrators to whom the Chief Academic Officer on a campus delegates some or all of the responsibilities for administering the Academic Integrity Policy on that campus.

**Campus Appeals Committees** are standing committees of students, faculty members, and staff members on each of the three Rutgers campuses. Panels of Appeals Committee members consider student appeals of determinations of responsibility and/or sanctions for both nonseparable and separable violations of academic integrity. Members also consider student requests for the removal of the X from an XF (disciplinary F) grade.

**Chief Academic Officers (CAOs)** are the Executive Vice President for Academic Affairs in New Brunswick/Piscataway and the Chancellor in Newark and in Camden. The CAO has the ultimate responsibility for implementing and overseeing the Academic Integrity Policy on his or her campus.

**Faculty Members** are, for purposes of the Academic Integrity Policy, not only tenured, tenure-track, and non-tenure-track faculty members, but also part-time lecturers, coadjutants, TAs, staff members, and administrators who are serving as the instructor of record in a course; i.e., the instructor responsible for assigning final course grades.

**Graduate Students** are, for purposes of the Academic Integrity Policy, post-baccalaureate students pursuing an advanced degree of any type or enrolled in a graduate course or courses. The term also includes students in the advanced stages of a professional program that leads to a masters or doctoral degree without conferral of a baccalaureate degree.

The **Honor Council** is an organization of undergraduate and graduate students on each of the three Rutgers campuses dedicated to promoting academic integrity. Members of the Honor Council play a major role in educating students and other members of the University community about academic integrity and play a number of roles in the administration of the Academic Integrity Policy.

The **Office of Student Conduct (OSC)** is the primary university office responsible for administering the Academic Integrity Policy. The OSC handles cases of alleged separable violations of academic integrity, plays a key role in educating students, faculty, and staff about academic integrity, and provides a number of university-wide services to facilitate the investigation and adjudication of alleged violations of academic integrity.

A **Nonseparable Violation of Academic Integrity** is a violation for which the possible sanctions do not include suspension or expulsion.

A **Referring Party** is a faculty member or other member of the University community who refers an allegation of a nonseparable violation of academic integrity to an Academic Integrity Facilitator.

A **Respondent** is a student accused of committing a violation of academic integrity.

**Senior Student Conduct Officers** are the administrators or staff members on each of the three Rutgers campuses who (1) have primary responsibility for handling cases of alleged separable violations of academic integrity under the *University Code of Student Conduct* on their respective campuses and (2) play a key role in educating students, faculty, and staff about academic integrity. The Director of the Office of Student Conduct is the New Brunswick Senior Student Conduct Officer.

A **Separable Violation of Academic Integrity** is a violation for which the sanctions may, but need not, include suspension or expulsion.

A **Staff Investigator** is a nonvoting staff member who serves on an appeals panel considering an appeal of a finding of responsibility and/or sanction for a nonseparable violation of academic integrity. Prior to the meeting of a 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.

A **Student Advocate** is a member of the Honor Council who provides information, advice, and assistance to students accused of violating the Academic Integrity Policy.

## II. Options for Investigation and Adjudication

A faculty member who observes or is apprised of a possible nonseparable violation of academic integrity by an undergraduate student has several options under the Rutgers Academic Integrity Policy:

- a. The faculty member may refer the matter for investigation and adjudication to an AIF of the school or college offering the course (for an alleged violation occurring in a Rutgers course), or to an AIF of the school or college in which the student is enrolled (for an alleged violation occurring outside a Rutgers course<sup>1</sup>).
- b. The faculty member may investigate and adjudicate the matter as described in section III below provided that the student has not previously been found responsible for a violation of academic integrity and is not on disciplinary probation. Before proceeding to investigate and adjudicate the allegation, therefore, the faculty member must check with the Director of the Office of Student Conduct or authorized Student Conduct Officer or AIF to make sure that the student does not have a previous academic integrity violation and is not on disciplinary probation. The faculty member is also strongly advised to consult informally with an AIF or Student Conduct Officer to verify that the alleged violation is indeed nonseparable and to obtain information about typical sanctions for such a violation.
- c. If the student has previously been found responsible for a violation of academic integrity or is on disciplinary probation, the faculty member may not handle the matter but must refer it to the Office of Student Conduct or authorized Student Conduct Officer or AIF for handling as an alleged separable violation under the procedures specified in the *University Code of Student Conduct*.

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<sup>1</sup> Examples include alleged violations of academic integrity committed in a research project, scholarly paper, or examination not tied to a particular Rutgers course.

Faculty members may not handle allegations of separable violations of academic integrity but must report all such allegations to the Office of Student Conduct or authorized Student Conduct Officer or AIF for handling as alleged separable violations under the procedures specified in the *University Code of Student Conduct*. Since all violations of academic integrity by a graduate student are potentially separable under the Academic Integrity Policy, faculty members shall not handle allegations of academic integrity violations by graduate students, but shall refer all such allegations to an AIF in the school in which the student is enrolled.

A faculty member who does not choose to investigate and adjudicate an allegation of a nonseparable violation of academic integrity shall refer the matter to an appropriate AIF within ten working days of the time the faculty member identifies or is advised of the alleged nonseparable violation. The faculty member shall report the allegation using a standard form available online and shall supply the AIF with all relevant evidence and information regarding the matter. The faculty member may recommend a sanction should the student be found responsible for the violation and that recommendation shall be given substantial weight.

### **III. Procedures for Investigation and Adjudication**

#### **A. Notification of the Respondent**

A faculty member who chooses to investigate and adjudicate an alleged first-time nonseparable violation of academic integrity shall notify the student respondent of the allegation in writing or by electronic communication within ten working days 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 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.

A faculty member who refers an allegation to an AIF for investigation and adjudication shall at the same time notify the student respondent in writing or by electronic communication that he or she is alleged to have committed a violation of academic integrity, that the matter has been referred to the AIF, and that the student should expect to be contacted by the AIF within five working days. Following the referral the AIF shall assume responsibility for all further communication with the student concerning the allegation.

Upon receipt of a report of an alleged nonseparable violation of academic integrity, an AIF shall check to see if the student has previously been found responsible for a violation of academic integrity or is on disciplinary probation. If the student has been found responsible for an academic integrity violation or is on disciplinary probation, the AIF shall forward the allegation to the Office of Student Conduct or authorized Student Conduct Officer for handling as an alleged separable violation<sup>2</sup> under the procedures of the *University Code of Student Conduct*. Otherwise, within five working days of receiving the report of the alleged violation, the AIF shall notify the student respondent of the substance of the allegation in writing or by electronic communication. The notification shall ask the student to respond within ten days of its receipt by making an appointment

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<sup>2</sup> Following the referral the Office of Student Conduct or Senior Student Conduct Officer shall assume responsibility for all further communication with the student concerning the allegation.

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.

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 adjudication process is completed. The student may, however, file a petition with the Office of Student Conduct or Senior Student Conduct Officer 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.

## B. Investigation and Finding

A faculty member or AIF handling 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. In addition to meeting with the 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:

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 five working days after meeting with the student<sup>3</sup>. The matter shall then be closed.
2. If at the meeting between the faculty member or AIF and the student, 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 complete a standard form available online, specifying the violation and the tentatively agreed upon sanction, with lines for both student and faculty member or AIF to sign. The faculty member or AIF shall sign the form and invite the student to sign. The student will either sign the form or request a period of two working days to decide whether or not to sign it. If the student does not sign and return the form 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 five 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 recommended sanction, using a standard form available online. The notification form shall also inform the student of the

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<sup>3</sup> An AIF shall also inform the referring party of the outcome of the matter.

opportunity to file a written appeal of the sanction to the Campus Appeals Committee (see section IV) within ten working days of 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, using a standard form available online. 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 of 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>4</sup>.

When an allegation of a nonseparable violation of academic integrity is referred to an AIF for investigation and adjudication by a member of the University community who is not a faculty member as defined in section I, the procedures to be followed by the AIF shall be the same as those followed when the referring party is a faculty member with one exception: if the violation of academic integrity is alleged to have 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.

### C. Sanctioning and Reporting

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 Senior Student Conduct Officer add disciplinary warning or disciplinary probation to the educational sanction(s) selected by the faculty member or AIF.

If the student accepts responsibility for the alleged violation and agrees to the recommended sanction or fails to appeal to the Campus Appeals Committee within ten working days of the date of notice to him or her, the faculty member or AIF shall impose the selected educational sanction(s) and shall report the disposition of the case to the Office of Student Conduct or Senior Student Conduct Officer, using a form available online, together with any request for the addition of disciplinary warning or disciplinary probation<sup>3</sup>.

If the 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 shall be so notified by the Appeals Committee and asked to supply 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 by the Appeals Committee and shall then impose any educational sanction(s) approved by the Appeals Committee<sup>3</sup>.

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<sup>4</sup> If the respondent 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

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

Student appeals of findings of responsibility and/or sanctions for nonseparable violations of academic integrity shall initially be sent to the Office of Student Conduct or the Newark or Camden Senior Student Conduct Officer, who shall forward them to the appropriate Campus Appeals Committee.

Appeals of findings of responsibility and/or sanctions for nonseparable violations of academic integrity shall be 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 shall review all appeals on the basis of the written information presented through the Staff Investigator and shall not take direct testimony.

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 shall ordinarily include speaking with the faculty member or AIF who investigated and adjudicated the case and with the student respondent, 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 that shall be shared with the faculty member or AIF and the student respondent. The fact-finding shall be completed and the report provided within 15 working days of the receipt of the student's appeal.

The faculty member or AIF and the student respondent 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.

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 shall continue fact-finding and a decision shall be 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.

The decision of the appeals panel with regard to both the finding of responsibility and sanction shall be final. A 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 selected by the faculty member or AIF only if the selected sanction falls well outside the range of sanctions ordinarily imposed for similar violations.

If the appeals panel overturns the finding of responsibility, it shall so notify the faculty member or AIF<sup>5</sup>, the student respondent, the OSC or appropriate Senior Student Conduct Officer within five working days. The matter shall then be closed.

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<sup>5</sup> The AIF shall then notify the referring party of the outcome of the matter.

If the appeals panel upholds the finding of responsibility or if the appeal is only of the recommended sanction, the panel shall make a decision concerning sanction and notify the student respondent, the faculty member or AIF<sup>5</sup>, and the OSC or Senior Student Conduct Officer of its decision with respect to the finding of responsibility and/or sanction within five working days. The panel shall then ask that the sanction be imposed.

#### **V. Time Limits during Investigation and Adjudication**

The time limits or deadlines specified on actions by faculty members, AIFs, Campus Appeals Committees, and student respondents 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. The consequences of failure by a student respondent to meet the relevant deadlines are made clear elsewhere in this document. When a faculty member, an AIF, or a Campus Appeals Committee fails to meet a deadline, the student respondent 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, including possibly dismissing the allegation.