

PROCEDURES FOR ADDRESSING ACTS OF ACADEMIC MISCONDUCT UNDER THE HONOR CODE: POLICY ON ACADEMIC INTEGRITY

Chatham utilizes the following procedures to adjudicate allegations that a student, students, recognized student organization, or athletic team violated the Honor Code Policy on Academic Integrity

I. Individual Responsibility as a Member of the Chatham University Community

Refer to Section IV of the Policy on Academic Integrity.

II. Reporting Acts of Academic Misconduct

a. How to Report

Allegations that a Chatham student, students, recognized student organization or athletic team engaged in academic misconduct may be brought forward by contacting the Academic Integrity Officer or their designee at academicintegrity@chatham.edu.

Faculty and staff may file an Act of Academic Misconduct Form to formally report acts of academic misconduct after notifying and communicating with the Academic Integrity Officer or their designee and/or their Chair or Program Director.

The Academic Integrity Officer also has access to other Chatham reports and internal communications (*e.g.*, Incident Reports, Campus Security Authority (CSA) reports, reports from the Office of Campus Police) which, if they refer to conduct or action that constitute academic misconduct under the Honor Code, will be considered a report or reporting for purposes of the Academic Integrity Policy. In addition, the Academic Integrity Officer and/or Dean of Students may be notified of incidents from off-campus agencies (*i.e.* police reports, reports from local universities) and can use these reports to pursue action if the conduct described constitutes academic misconduct.

III. Identifying the Act of Academic Misconduct

1. The instructor identifies a technical or substantiated act of academic misconduct.
2. The instructor notifies and communicates with the Academic Integrity Officer or their designee and/or their Chair or Program Director and indicates that a technical or substantiated act of academic misconduct has been identified.
3. The Academic Integrity Officer consults with the instructor about the Policy and Procedures on Academic Integrity to begin the process to address the act of academic misconduct with a student and indicates whether or not this is the student's first offense.

If it is not the student's first offense of a technical or substantiated act of academic misconduct, the Academic Integrity Officer in consultation with the Dean of the appropriate school will determine how to proceed based on the procedures outlined in this policy. In addition, programs, particularly those that are professionally accredited, may have approved policies in place that students are also bound by and should reference in addition to those outlined here.

Previous acts of academic misconduct committed by a student in the same course, but not discovered and/or reported until the most recent act is identified, may be entered into the Academic Misconduct Form. However, these retroactive notifications will not impact the classification of the offense and/or the appropriate judicial response as outlined in this policy.

Technical and/or substantiated acts of academic misconduct identified after a grade has been submitted for a course or at any other point while the student is still actively enrolled should be reported and proceed through the appropriate disciplinary process. However, in accordance with University policy regarding the changing of grades, acts of academic misconduct reported and adjudicated for a course one year after a grade has been submitted will not result in a grade change, but may result in appropriate sanctions being given to the student.

In those instances where an act of academic misconduct occurs at the end of an academic semester/term before the appropriate disciplinary process can take place, a grade of Incomplete will be given to a student for the course until the case is reviewed, sanctions, if appropriate, are given and completed, and any potential appeals are made which could further determine the student's final grade.

A student subject to an academic action which requires the student to withdraw from the University before the appropriate disciplinary process has occurred will be notified that academic integrity proceedings must take place. The student will receive reasonable accommodations in order to participate in the process. If a student chooses not to respond to these notifications, the appropriate disciplinary process will proceed without the student present. The student will be notified of the outcome of the proceedings and is required to complete any sanctions related to the act of academic misconduct in addition to those requirements associated with the student's academic action in order to return to the University.

Students who commit an act of academic misconduct in their final academic semester/term and intend to graduate will not be permitted to do so until the case has proceeded through the appropriate disciplinary process.

IV. What Happens After Academic Misconduct is Reported?

a. Preliminary Review

When an allegation of academic misconduct has been brought to the attention of and/or reported to the Academic Integrity Officer or their designee, a preliminary review consisting of appropriate fact-finding (including, but not limited to, whether a student had previous cases involving academic misconduct, conducting interviews and gathering evidence) to determine, at the

Academic Integrity Officer's discretion, which of two procedural options is appropriate. The Academic Integrity Officer presents the case and procedural approach for review by the Dean of the appropriate school in which the student is enrolled.

b. **Multiple Acts of Academic Misconduct**

If the student has committed two or more technical acts of academic misconduct, it is up to the Academic Integrity Officer in consultation with the Dean of the appropriate School in which the student is enrolled to determine whether or not to pursue the Formal Resolution process. If the additional act is not considered substantiated, the student may be placed on probation and/or additional sanctions will be given.

If the student has committed a second substantiated act of academic misconduct, the case will go through the Formal Resolution process, but in addition to the review and recommendation of any course-based and institutional sanctions, the Honor Code Committee will also make recommendations on whether the student should be placed on probation, suspension or dismissed for acts of academic misconduct.

V. Description of the Procedural Options for Resolving Allegations of Academic Misconduct

a. **Types of procedural options for resolving an allegation of Academic misconduct:**

i. **Informal Resolution:**

Scope:

Informal Resolution is typically reserved (a) for matters where a student acknowledges responsibility for committing an act of academic misconduct, (b) technical acts of academic misconduct, (c) matters involving recognized student organizations or athletic teams; and (d) academic misconduct that would not result in separation of a student from Chatham (such as suspension or dismissal).

Process:

Review and decision by the Dean of the appropriate school in which the student is enrolled with the accountability plan and/or sanctions managed by the Academic Integrity Officer or their designee:

Pursuing the informal resolution is at the discretion of the Academic Integrity Officer and the Dean of the appropriate school in which the student is enrolled; either of these individuals may elect to refer the matter immediately to a Formal Resolution. Instructors who report academic misconduct may request Formal Resolution which will be considered and reviewed by the Academic Integrity Officer and the Dean of the appropriate school in which the student is enrolled. A student, students, recognized student organization or athletic team who have been offered Informal Resolution may at any time in the process request that the matter be referred to the Formal Resolution process where an Academic Integrity Hearing will be held. As part of the Informal Resolution process, the student, students, recognized student organization or athletic team

must take responsibility for their actions. If they are unwilling to do so, then the matter would be referred to a Formal Resolution.

A student, students, recognized student organization or athletic team who have participated in the informal process have no grounds for appeal.

ii. Formal Resolution:

Scope:

Formal Resolution is typically reserved for students with multiple academic misconduct violations, repeated offenses, or allegations that may result in a University initiated separation of a student from Chatham (*i.e.*, suspension or dismissal). Matters that could initiate separation from the university will automatically be referred to the Honor Code Committee through the Formal Resolution process. At their discretion, the Academic Integrity Officer and/or Dean of the appropriate school in which the student is enrolled may refer other academic misconduct matters to the Honor Code Committee.

Academic Integrity Hearing:

Formal Resolutions are conducted before a three-member Academic Integrity Board consisting of one each of the following: student, faculty and administrator who are members of the Honor Code Committee and where the administrator is an employee of the University. Academic Integrity Boards are reserved for the most serious acts of academic misconduct that may result in a separation from the University.

University adjudication (Informal Resolution or Formal Resolution) is educational in nature and does not preclude or limit a student's access to the state and federal judicial systems when such systems may provide a cause of action for the same conduct alleged in Academic Integrity Hearings.

Academic Integrity Hearings are not courts of law and are not bound by the formal rules of evidence and certain rights accorded to parties in civil or criminal actions.

Attorneys and other associates of the student or of the university are not permitted to attend or participate in this Informal Resolution or Formal Resolution process.

When an Academic Integrity Hearing is convened, the person making the Complaint, usually the instructor, will be the Complainant during any Academic Integrity Hearing, and the person(s) alleged to have engaged in the act(s) of academic misconduct shall be the Respondent(s).

b. *Rights of the Parties*

Complainants and Respondents are afforded the following rights in Academic Integrity Hearings:

i. Respondent Rights

- To be informed in writing of the charge(s) and alleged act(s) of academic misconduct.
- To not be presumed responsible of any alleged act(s) of academic misconduct unless so found through the appropriate student conduct proceeding.
- To refrain from providing information that is self-incriminating.
- To remain silent. Silence is not construed as culpability.
- To have an Advisor (see Definition) during an Academic Integrity Hearing.
- To present witnesses at the hearing (although the administrator of the Academic Integrity Board may elect not to allow witnesses whose testimony would be duplicative or repetitive of other testimony). Witnesses are not allowed to testify to character of either the Complainant or the Respondent. Witnesses may only testify about what they directly observed or heard about the incident(s) from the Complainant or the Respondent.
- To request reasonable accommodations to participate in these proceedings through the support of The Office of Academic and Accessibility Resources.
- To have a reasonable length of time to prepare a response to any charges. Reasonable length applies to formal resolution and students will be given a minimum of 3 business days from the time of notification to prepare for the Academic Integrity Hearing.
- To be informed of the evidence upon which a charge is based and afforded an opportunity to offer a response.
- To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before an Academic Integrity Board.
- To prepare and submit a written statement in matters that may result in separation from Chatham.
- To be afforded privacy by Chatham.
- To have their responsibility determined by the Preponderance of the Evidence (*i.e.*, “more likely than not”) standard.
- To request that a member of the Academic Integrity Board be disqualified on the grounds of personal bias.
- To be free from harassment, intimidation or retaliation for being a party to an Academic Integrity Board. Retaliation is expressly prohibited in the Honor Code and allegations of Retaliation will be investigated and prosecuted when appropriate under the Honor Code.
- To appeal a decision based on certain grounds enumerated below (see Appeals).

ii. Complainant Rights

- To be informed in writing of the charge(s) and alleged act(s) of academic misconduct.
- To have an Advisor (see Definition) during an Academic Integrity Hearing.
- To present witnesses at the hearing (the administrator of the Academic Integrity Board may elect not to allow witnesses whose testimony would be duplicative or repetitive of other testimony). Witnesses are not allowed to testify to character of either the Complainant or the Respondent. Witnesses may only testify about what they directly observed or heard about the

incident(s) from the Complainant or the Respondent.

- To request reasonable accommodations to participate in these proceedings. through the support of The Office of Academic and Accessibility Resources.
- To have a reasonable length of time to prepare for a proceeding.
- To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before Academic Integrity Board.
- To be afforded privacy by Chatham.
- To request that a member of the Academic Integrity Board be disqualified on the grounds of personal bias.
- To be free from harassment, intimidation or retaliation for being a party to an Academic Integrity Board. Retaliation is expressly prohibited in the Honor Code and allegations of Retaliation will be investigated and prosecuted when appropriate under the Honor Code.
- To appeal a decision on certain grounds enumerated below (see Appeals).

VI. What Happens Prior to an Academic Integrity Hearing?

a. Notifications and Communications

The Academic Integrity Officer, shall notify in writing (email is acceptable) the Respondent, copying the Complainant (if applicable) about scheduling an Academic Integrity Hearing. The letter shall include the Act of Academic Misconduct Form, which when applicable, should include, but is not limited to a description and supporting documentation of the act of academic misconduct, the course exercise instructions and the course syllabus.

The letter shall direct the Respondent and Complainant to the “Rights of the Parties” section in these procedures on Academic Integrity, provide assistance with identifying an Advisor, if the Respondent wishes to select one, and begin coordination of the date, time, and place (a virtual hearing through videoconferencing is permitted) of the Academic Integrity Hearing.

Ordinarily, the hearing should be held within three (3) to ten (10) business days of the notification. Additional time may be requested to the Academic Integrity Officer due to academic requirements and deadlines.

b. Opportunity for Respondent to Object to Formal Resolution Academic Integrity Board Members

When a date, time and location for an Academic Integrity Hearing has been determined, the Academic Integrity Officer will appoint an Academic Integrity Board for a Respondent’s case. The Academic Integrity Officer will notify the Respondent in writing of the date, time and location of the Academic Integrity Hearing and the identity of the Academic Integrity Board members.

The Respondent shall have two (2) Business Days from such notification to object to any member of the Academic Integrity Board on the basis that the person(s) would be unable to render a fair and objective decision because of personal bias.

The fact that the Respondent knows or is acquainted with an Academic Integrity Board member is not enough, alone, to establish bias. The Respondent must present evidence of specific prior

interaction(s), communications, or relationship with an Academic Integrity Board member that show that the individual would be biased against the Respondent. Similarly, while the Academic Integrity Officer will not appoint a faculty member to the Academic Integrity Board who teaches a class in which the Respondent is currently enrolled, the fact that the Respondent took a class from a faculty member on the Academic Integrity Board in the past is not enough alone to preclude that faculty member from serving on the Respondent's Academic Integrity Board – barring evidence of personal bias of the kind described above.

If the Respondent has not objected to the slate of Academic Integrity Board members within the original two (2) business days, the Academic Integrity Officer will hand the matter over to the Academic Integrity Board to arrange and conduct hearing.

The Academic Integrity Officer shall provide the Academic Integrity Board with copies of the Act of Academic Misconduct Form, which when applicable, should include but is not limited to a description and supporting documentation of the act of academic misconduct, the course exercise instructions and the course syllabus.

c. Witnesses and Advisor

It is the Complainant's and Respondent's responsibility (i.e., not the responsibility of the Academic Integrity Officer or the Academic Integrity Board) to notify any witness, witnesses, or Advisor of the Respondent about the date, time and location of the hearing.

At least two (2) business days before an Academic Integrity Hearing, it is the responsibility of the Respondent and Complainant to notify the Academic Integrity Officer of the names of their Advisor and any witness(es) they plan to present at the hearing, and a brief description of the content of each witness's testimony.

Prior to the Academic Integrity Hearing, the members of the Academic Integrity Board shall meet, either in person or virtually, to review the case and the structure of the hearing.

d. Recording and Note-Keeping During Academic Integrity Hearings

The administrator of the Academic Integrity Board shall designate someone on the Board to take handwritten notes during the Academic Integrity hearings.

Academic Integrity Hearings will also be audio and/or video recorded. The administrator of the Academic Integrity Board shall operate the audio and/or video recording device. Please see Section 4 for more information about audio and/or video recordings.

e. Rescheduling an Academic Integrity Hearing at a Party's Request

The Complainant and the Respondent are not required to attend the hearing, but the hearing will occur as scheduled, and the right to question written information, witnesses and the complainants will be forfeited if the Complainant or Respondent does not attend. The Academic Integrity Officer can serve as a representative for the Complainant if requested.

Should a Complainant or Respondent need to reschedule an Academic Integrity Hearing because

either they, a witness, or their Advisor cannot attend the hearing, the Complainant or Respondent may request to the Academic Integrity Officer as appropriate, that the hearing be rescheduled. Such request must be made at least 24 hours before the scheduled academic integrity hearing.

Requests made less than 24 hours in advance will be reviewed by the Academic Integrity Officer to determine if extenuating circumstances warrant an exception. Only one request for rescheduling will be granted to a Complainant or Respondent.

f. *Postponing an Academic Integrity Hearing*

If the Academic Integrity Officer is not able to convene an Academic Integrity Board because of calendar or other considerations (*e.g.*, over Summer break when students, faculty, and staff may not be present and available), the Academic Integrity Officer may postpone the hearing until it is possible to convene the Academic Integrity Board. If the Academic Integrity Officer determines that the hearing cannot wait, every effort will be made to constitute an Academic Integrity Board from available Honor Code Committee members who are able to serve.

3. What Happens During an Academic Integrity Hearing

a. Order of Proceedings

Academic Integrity Hearings will be held in a secure and private (*i.e.*, closed door) room on Chatham's campus. Hearings and witness statements may also be conducted virtually using a secure platform such as Microsoft Teams. While the administrator of the Academic Integrity Board may have some discretion to modify the proceedings to suit the nature of a case, ordinarily the hearing will begin with everyone (Complainant, Respondent, witness(es), Advisor, and Academic Integrity Officer) in the hearing room.

b. *Introduction*

- i. The Academic Integrity Board administrator facilitates introductions of all persons present where each person explains their roles.
- ii. The Academic Integrity Board administrator explains the purpose of the hearing and describes the order of events of the hearing.
- iii. The Academic Integrity Board administrator reminds the Respondent, Complainant (if applicable), Advisor(s) and any witnesses that:
 - Complete candor and honesty are required in the hearing. Perjury and intentional evasiveness are themselves grounds for disciplinary action.
 - What happens in the hearing should remain confidential.
 - Respondents or Complainants who harass, intimidate or attempt to influence the testimony of any parties involved in a Student Conduct hearing, or the members of the Academic Integrity Board will be subject to disciplinary action.
 - The hearing is not a legal proceeding.
- iv. The Academic Integrity Board administrator states that the proceedings, but not the deliberations, will be audio and/or visually recorded for use if any party chooses to appeal the determination. No one will have access to the recording after the hearing except the Complainant or Respondent if

preparing an appeal, the Academic Integrity Officer or the person hearing such an appeal. Because we are creating an audio and/or visual record we will ask anyone speaking or testifying during the proceeding to identify themselves before speaking or testifying.

- v. The Academic Integrity Board administrator states that only the Complainant and the Respondent will remain in the hearing room throughout the hearing. Witnesses will remain outside the hearing room and will be called in when it is their time to testify.
- vi. At this point, the Academic Integrity Board administrator dismisses any witnesses to a waiting area outside the closed doors of the hearing room. The Complainant and Respondent and any Advisor(s) remain in the room.

c. Statement of Alleged Infraction(s)

The Academic Integrity Board administrator reads the list of alleged specific acts of academic misconduct and summarizes the information presented in the Act of Academic Misconduct Form and hearing packet.

d. Response from Respondent

The Academic Integrity Board administrator invites the Respondent to respond to the allegation(s) and to the information presented in the Act of Academic Misconduct form and hearing packet. The response may be:

- i. agreement with the allegation(s) and acknowledge responsibility,
- ii. disagreement with the allegation(s) and not acknowledge responsibility; and/or
- iii. a statement (explanation, elaboration or rebuttal).

If the Respondent agrees with and acknowledges responsibility for the allegations, the Academic Integrity Board administrator may elect not to proceed further and instead to begin discussions on sanctions. Note, the Respondent will be given an opportunity to agree with the allegations and acknowledge responsibility in advance. If doing so, the Academic Integrity Board may determine to move to discussion of sanctions at the opening of the board.

e. Opportunity for Testimony and Questions

- i. The Respondent and the Complainant have the right to testify orally, in writing, or both.
- ii. The Academic Integrity Board and then the Respondent are provided opportunity to question the Complainant.
- iii. The Academic Integrity Board and then the Complainant are provided opportunity to question the Respondent.
- iv. The Academic Integrity Board, then the Complainant, then the Respondent are provided an opportunity to question the Complainant's and the Respondent's witnesses, one at a time.
 - a. The precise order of witnesses will be determined by the Academic Integrity Officer or their designee and/or the Academic Integrity Board administrator in consultation with the

Complainant and Respondent. Insofar as possible, the order of witnesses will be determined prior to the hearing; if circumstances require it, the order may be altered as the Academic Integrity Board administrator deems necessary and appropriate during the hearing.

f. Concluding Questions and/or Statements

When the Academic Integrity Board administrator determines that all relevant evidence and/or testimony has been heard, the Chair/AHO invites concluding questions and/or statements. The Academic Integrity Board administrator determines who will provide a closing statement first (Complainant or Respondent).

g. Adjournment of the Hearing

The Academic Integrity Board administrator thanks and dismisses anyone who is not a member of the Academic Integrity Board and the audio and visual recording.

4. What Happens After an Academic Integrity Hearing?

a. Deliberations by the Academic Integrity Board

The Academic Integrity Board considers the evidence and testimony from the hearing and makes a determination of either responsibility or non-responsibility for each allegation. In making a determination of responsibility, the Academic Integrity Board uses the Preponderance of the Evidence standard (*i.e.*, “more likely than not”) and the determination of sanctions must be by majority vote. If the Academic Integrity Board finding is “responsible” for any of the academic misconduct allegations, the past academic integrity history of the Respondent(s), provided by the Academic Integrity Officer, will be considered in determining the Academic Integrity Boards recommendations regarding appropriate sanction(s).

b. Notification of Outcome

The administrator transmits to the Academic Integrity Officer and the Dean of the school in which the student is enrolled a written report of the Academic Integrity Hearing proceedings and recommendations.

c. Academic Integrity Hearing Notes and Recording

The administrator of the Academic Integrity Board shall submit the audio recording and any handwritten notes to the Academic Integrity Officer after completion of the Academic Integrity hearing.

All contents of the hearing packet, documents presented at the hearing and notes taken during hearing should be collected and kept by the Academic Integrity Officer. In the case of an appeal, either party may access a copy of the packet and/or notes taken during the hearing through the Academic Integrity Officer. No Chatham community member (faculty, staff, or student), but the Academic Integrity Officer, the person filing and the person hearing an appeal may have access to the audio and/or video recording.

The Academic Integrity Officer shall retain the audio and/or video recording and any written notes of the hearing. The recording and the written account are the property of the University and will be used only by the person hearing any appeal. Once the designated time for the appeal process has passed, the Academic Integrity Officer shall destroy the audio and/or video recording and notes.

Other materials associated with the case will abide by the Retention of Records section of this policy.

5. **Appeals to Decisions on Acts of Academic Misconduct**

Refer to Section VI on the Policy on Academic Integrity.