

Procedures for Adjudicating Alleged Violations of Academic Integrity in RBHS Schools

I. Academic Integrity Procedural Requirements for RBHS Schools

- A. A request for disciplinary action against a student may be made in writing to the Dean by any student, faculty member, or administrative officer within thirty (30) working days of an alleged infraction or the discovery of an infraction.
- B. The Dean or his/her designee may attempt to resolve the matter with the accused student. If the Dean or his/her designee concludes that the matter cannot or should not be resolved informally, he/she shall refer it to the Hearing Body of the School within ten (10) working days of the decision that the matter cannot or should not be resolved informally. At the Dean's discretion, the awarding of a degree or certificate may be delayed pending the outcome of the disciplinary procedure. Written records must be kept of any action.
- C. The Hearing Body shall forward to the accused and the complainant written notice of the complaint and of the time, date, and place of the hearing, which shall be held within fifteen (15) working days of receipt of a request from the Dean or his/her designee.
- D. The Hearing Body shall convene to hear the complaint and make written recommendations for action to the Dean.
 - (a) The Hearing Body shall be an established committee at each School and shall be constituted according to rules established by each School, but in all events shall consist of at least three members, two of whom must be students, and at least

one of whom must be a faculty member, who are not directly involved in the matter to be considered. Remaining members of the committee may be faculty, administrators, or students or any combination thereof.

- (b) Witnesses may be called by any participant. The Chair of the Hearing Body may at any time request submission of documents or an appearance by anyone involved in the matter and may conduct as many hearing sessions as necessary to complete its consideration of the complaint, within the time period designated in this procedure. The Hearing Body deciding a case must not be informed of any prior violations for which the accused student was found responsible until after a decision on responsibility has been made but before a suitable sanction is assigned.
- (c) Students may consult private legal counsel at any time for advice. Students or legal counsel may submit to the Hearing Body any documents or other evidence relevant to the matter at any time prior to the conclusion of the hearing. Legal counsel shall not be permitted to appear at the proceedings of the Hearing Body but may be present outside the hearing room to consult with the student, at the student's request. Students may be accompanied by a non-attorney advocate during the hearing to consult privately with the student and, at the student's request, to present a final statement on the student's behalf. No other participation by the advocate is permitted.
- (d) The burden of proof shall rest with the complainant. The standard of proof shall be the preponderance of the evidence standard (i.e., it is more likely than not that the student committed the offense).
- (e) The Chair of the Hearing Body shall rule on all procedural matters in accordance with this policy, with the procedural rules of the School, and with generally accepted terms of academic fairness. Whenever necessary, the Chair may seek the advice of the Office of General Counsel in procedural matters. Hearing Body procedures shall, at a minimum, ensure:

- i. that all allegations be fully heard and considered by the Hearing Body, whether or not the accused student admits committing the offense.
- ii. that witnesses designated by the complainant, the accused, the School administration or the Hearing Body be heard and that the accused be permitted to be present during testimony; the Hearing Body may request the presence of the complainant during the testimony of other witnesses, in whole or in part. In addition, administrative staff may be present during the Hearing Body proceedings to aid the Hearing Body.
- iii. that, subject to protections provided by FERPA, both the complainant and the accused be afforded similar and timely access to any information that is considered by the Hearing Body
- iv. that testimony during the hearing shall be tape-recorded or recorded and transcribed by a court stenographer, excluding all deliberations by the Hearing Body; an accused student may request in advance that the School employ a court stenographer during the hearing, at the student's own expense, and obtain a copy of the recording or a transcript at his/her own expense.
- v. that the Hearing Body complete its hearing procedures within forty (40) working days of the commencement of the hearing, and submit to the Dean, with copies to the complainant and the accused, within seven (7) working days thereafter, a written recommendation, including any findings of fact made by the Hearing Body, and a reporting of the total vote tally of the Hearing Body's decision, without reference to individual votes.
- vi. that the recommendations of the Hearing Body may consist of any or no disciplinary action, based on the factual findings, the severity of the infraction, the accused student's education records at the School, and

any procedures, policies or codes of the School or the University.

Examples of possible disciplinary actions include, but are not limited to:

- Dismissal of charges: dismissal of the complaint and removal of the complaint from University records.
- Reprimand: a written statement by the Dean to the student involved, with a copy of the letter placed in the student's file.
- Probation: a specific period of time during which conditions may be placed on the student's enrollment, and the student's academic achievement and/or conduct monitored by the School; findings by the Hearing Body of additional disciplinary infractions during this period will result in the dismissal of the student.
- Suspension: a specific period during which the student is barred from enrollment.
- Dismissal: the severing of the affiliation between the student and the School.
- Withholding of degree or certificate: temporary or permanent withholding of degree or certificate.
- Degree or certificate revocation.

- vii. that the Hearing Body recommendations are supported by no less than a majority vote of the members hearing the matter.
- (f) All notices and correspondence to an accused student shall be sent certified mail, return receipt requested, or by another method providing confirmation of delivery, and such receipts or confirmations shall be retained by the School.

(g) The student may seek the advice of faculty or students who are not involved in the matter in question and who do not hold an administrative position in the School constituting a potential conflict of interest. Following the Dean's submission of the matter to the Hearing Body, neither School nor other Rutgers University administrative officers, faculty, staff or representative may advise an accused student or his/her representative in any matter relating to the disciplinary action, except for an explanation of the procedures to be followed. Administrative officers whose positions may constitute a conflict of interest may not advise an accused student in any matter pertaining to the alleged infraction. The Dean may designate an administrative officer to participate in the hearing in order to present testimony or materials on behalf of the School.

- E. Within five (5) working days of receipt of the Hearing Body's recommendation, any party may submit written exceptions to the Dean.
- F. The Dean may review any education records of involved students, seek information, and consult with any other party, including the student, complainant, and members of the Hearing Body. Except in extraordinary circumstances (notice of which shall be provided by the Dean to the accused student and the complainant), the Dean or his/her designee shall, within thirty (30) working days of the last submission by any party of written exceptions by any party, render a final decision on disciplinary action to be taken and shall provide written copies of the decision to the student, the complainant, and Hearing Body members. The Dean's decision shall be rendered earlier if the accused student is expected to graduate before the expiration of this thirty working day period.
- G. Within five (5) working days of receipt of the Dean's decision, the accused student may submit a written appeal to the RBHS Chancellor. RBHS Chancellor may, at his or her discretion, review any education records of involved students and seek information and consult with any other party, including the student, complainant, members of the Hearing Body, and the Dean. Except in extraordinary circumstances, (notice of which shall be provided by the Dean to the accused

student and the complainant) the RBHS Chancellor shall, within thirty (30) working days, render a non-appealable written decision and shall provide written copies of the decision to the student, the complainant (other than another student), Hearing Body members and the Dean. Such a decision shall be rendered earlier if the accused student is expected to graduate before the expiration of this thirty working day period.

- H. The School shall retain all records, notices, correspondence, tapes, and transcripts pertaining to any action taken pursuant to this policy for a period of seven (7) years following the conclusion of the action.
- I. The Office of Senior Vice President and General Counsel may advise the Hearing Body and any administrative officer on the interpretation of this policy and any other legal or procedural question at any time, except that no legal counsel shall be present during the taking of testimony by the Hearing Body.
- J. There shall be no action taken to suspend or expel a student from school prior to completion of these disciplinary hearing procedures, unless, in the judgment of the Dean or his/her designee, the continued presence of the student poses a substantial and immediate danger to the welfare or safety of any person or property. The Dean may, in such cases, take action to prevent harm prior to and during the conduct of a hearing; the Hearing Body shall convene as rapidly as possible to render recommendations. A student suspended in this manner shall be given an opportunity to appear personally before the Dean or his/her designee to discuss the alleged misconduct and whether the student's continued presence poses a substantial and immediate danger to himself/herself, to others, and/or to property. Alternatively, action may be taken pursuant to the University policy **Student Involuntary Leave of Absence and Involuntary Withdrawal**.
- K. Delays in any time period requirements in disciplinary procedures may be made by written agreement by the accused and the Dean or his/her designee, and, in the case of a matter before a Hearing Body, by the Chair of the Hearing Body.

II. Specific School Rules for Disciplinary Procedures

- A. Each School shall adopt procedural rules to govern the conduct of disciplinary hearings in conformity with Section V of the University Policy Document governing these procedures and with the specific needs of the School.
 - a. Such rules shall establish the number (which shall be no less than three individuals), term and manner of appointment of Hearing Body members, alternates, and the Chair. The responsibilities of faculty, staff, and student members to make themselves available to participate when needed in the hearing process shall be established upon their appointment.
 - b. Such rules shall, in the case of joint programs between Schools of the University and outside institutions, establish procedures to govern hearings affecting students in those programs. So long as principles of academic fairness are included, the procedure of either institution may be employed at the discretion of the Dean, considering such factors as which School has administrative responsibility for the student and which School awards the degree from the program.
 - c. Such rules may contain a code of student rights and responsibilities, establishing rules of conduct and standards of personal and professional behavior.
- B. Such rules will be available to students when adopted or amended through convenient means such as the Student Handbook.

III. Jurisdiction

- A. Action initiated under either academic or disciplinary procedures does not preclude subsequent or simultaneous action under the other or under the University's research misconduct procedures.

- B. If a complaint alleging a disciplinary infraction is submitted to the Dean, the Dean may determine that the allegation warrants academic action instead of or in addition to the disciplinary procedure and may forward the matter to the appropriate body for recommendations. The Dean may also refer the student for an evaluation pursuant to University policy **Student Essential Functions**.
- C. If a complaint alleging a disciplinary infraction during a student's enrollment or other participation in University activities is submitted after the student has graduated or otherwise terminated the relationship with the University, the complaint may, at the Dean's discretion, be submitted to the Hearing Body in accordance with this policy and procedure. Revocation of a degree or certificate may be recommended by the Hearing Body to the Dean.