

Procedures for Adjudication of Academic Misconduct Cases

Supplemental to University Policy 407, Code of Student Academic Integrity

Effective August 31, 2021

Section I. Case Referrals

Swift resolution of suspected Academic Misconduct cases is highly desirable for both the institution and the accused Student. To this end, Faculty Members and Referring Parties are responsible for timely communication with the appropriate University officials involved in the Academic Misconduct process.

1. Faculty Members responsible for assigning final grades in an academic exercise or course may acquire information of suspected Academic Misconduct either directly or through information supplied by others. After collecting the information available, the Faculty Member or Referring Party determines whether the case warrants an adjudication.
2. If the Faculty Member or Referring Party determines that the information is sufficient to warrant an adjudication, they should contact the Director as soon as reasonably practicable. Failure by the Faculty Member or Referring Party to cooperate in the process or to notify the Director promptly may, at the discretion of the Director, result in the case no longer being pursued through the Academic Misconduct process.
3. The Director will inform the Faculty Member or Referring Party which resolution option is available. The Faculty Member or Referring Party should not take any further steps until hearing from the Director.
4. Once the Director has notified the Faculty Member or Referring Party about the appropriate resolution options, Faculty Members or Referring Parties are encouraged to notify the Students **immediately** that they are suspected of Academic Misconduct and the resolution process available.
5. Extraordinary circumstances may require that these guidelines be adjusted on a case-by-case basis by the Chair or the Director.
6. In cases where the Academic Misconduct adjudication process is not complete by the time course grades are due, the Faculty Member must assign the grade of "I" in the course (if the conduct is in the context of a course) pending the final resolution of the case.

Section II. Adjudication Methods

A. Informal Resolution Procedures

1. The Faculty Member should meet with the Student, present the information of Academic Misconduct, and request an explanation from the Student.
2. After considering the Student's explanation, if the Faculty Member determines that Academic Misconduct has occurred, the Faculty Member should propose an Informal Resolution by filling out and signing the Informal Resolution form, noting the sanction to be applied and should then give the form to the Student.
3. The Student has **three** Days to consider and seek advice on whether to accept responsibility and the sanctions proposed by the Faculty Member.
4. If the Student accepts the Informal Resolution, the Student must again meet with the Faculty Member and sign the Informal Resolution in the presence of the Faculty Member or designee. The Faculty Member should then implement the sanction(s).
5. The Faculty Member must forward the Student's completed Informal Resolution form to the Director within **three** Days after the Student has signed the form.
6. The Student may not appeal an Informal Resolution.

7. If the Student declines an Informal Resolution, the Director may refer the case to a Facilitated Resolution or Formal Resolution for adjudication.

B. Facilitated Resolution Procedures

If the case is not resolved by Informal Resolution or Facilitated Resolution, the Faculty Member or Referring Party is obligated to submit a Charge form as soon as practical for the case to be resolved through a Formal Resolution. Failure to do so promptly may, at the discretion of the Director, result in the alleged violation no longer being pursued through the Academic Misconduct process.

1. To initiate a Facilitated Resolution, the Director will communicate with the Faculty Member or Referring Party and the Student to coordinate a Facilitated Resolution.
2. The Director will work with the Faculty Member or Referring Party and Student to determine an appropriate proposed resolution to be reviewed by both parties.
3. Once the Director offers a proposed resolution to the parties, both parties will have **three days** to notify the Director if they accept or decline the Facilitated Resolution.
4. If both parties accept the Facilitated Resolution, the case is resolved with no further right of appeal.
5. Should either party decline the option to participate in a Facilitated Resolution or the proposed Facilitated Resolution, the case will be referred to a Formal Resolution.

C. In Absentia Resolution Procedures

If a Student fails to respond within seven (7) Days of an initial request from the Director or designee for a meeting, the case may be resolved in the Student's absence through an In Absentia Resolution.

1. If the case is resolved through an In Absentia Resolution, the Student waives their right to a Hearing. The Director or designee will, in their professional judgment, make a determination on responsibility for any charge(s) and may specify any appropriate sanction(s).
2. The Student shall be notified of the In Absentia Resolution in writing no later than five (5) Days after the determination is made. Student Accountability & Conflict Resolution may place a hold on the Student's University account until such time as the Respondent confirms receipt of the written resolution.
3. Within five (5) Days after delivery of the written resolution, the Student may petition the Director or designee in writing to rescind the In Absentia Resolution. If granted, the Director or designee will move forward with either a Facilitated Resolution or a Formal Resolution. The Director or designee may consider any factors in rescinding the In Absentia Resolution, including, but not limited to, extenuating circumstances related to the Student's failure to respond and access to information not available at the time of the In Absentia Resolution.

D. Formal Resolution Procedures

1. Notice of Hearing

If the Director determines that an Academic Misconduct charge(s) shall be pursued, they will deliver a written notice of referral to the Student and Faculty Member or Referring Party. The notice of hearing will include the following:

- a. notice of the charge(s), citing the alleged behavior prohibited by the Code;
- b. date, time, and location of the Hearing;
- c. the names of the Hearing Panel member who will hear the case;
- d. the names of any witnesses being called to provide testimony;
- e. a statement indicating the accused Student may seek assistance from a Student Accountability Counselor in the preparation of their case for the Hearing;

- f. a statement indicating the accused Student has access to the case file in Student Accountability & Conflict Resolution, and may review the evidence by scheduling an appointment.

The Student and Faculty Member or Referring Party will have no fewer than five (5) Days' notice of the Hearing. The time limit for any notice may be waived if both parties agree. The Student and Faculty Member or Referring Party must submit all evidence to the Director or designee within three (3) days after receiving notice of the hearing. Absent extraordinary circumstances, new evidence cannot be introduced during the hearing unless it has been submitted in accordance with the given deadlines.

Notice is sufficient if sent via email to the Student's University email address, mailed via first class, hand delivery, or by telephone followed up by email or letter confirming the telephone notice. All claims of failure to receive adequate notice are waived by the Student if the Student appears at the Hearing and does not formally raise the issue of adequate notice at the first opportunity.

2. Conduct of the Hearing

a. Attendance of Parties

- i. If the Student, Faculty Member or Referring Party fails to appear at the Hearing after being notified pursuant to the Code, the Hearing will continue in the absence of the Student, Faculty Member or Referring Party.
- ii. A sanction may be imposed upon a Student if, after notice and without showing sufficient justification for delay, the Student is unavailable for the Hearing.

b. Attendance of Student Accountability Counselors

A Student Accountability Counselor may attend the Hearing and may provide procedural advice to the Student, Faculty, or Referring Party. Any witnesses called to provide testimony may seek procedural advice from a Student Accountability Counselor. Participants may decline the assistance of a Student Accountability Counselor. Student Accountability Counselors will be appointed in advance of the Hearing by the Director, and the parties will be notified of their appointed Student Accountability Counselor.

c. Challenges of Hearing Panel Members

- i. The Student, Faculty Member, or Referring Party may challenge a Hearing Panel member on grounds of bias or an individual relationship that might affect impartial consideration of the case.
- ii. The Student, Faculty Member, or Referring Party must submit the challenge in writing to the Director at least two (2) Days prior to the scheduled Hearing.
- iii. The Director must decide the challenge prior to the Hearing. If the Director determines possible bias, they will excuse the Hearing Panel member and appoint a replacement. The Hearing may be rescheduled at the discretion of the Director in order to appoint an available replacement.

d. Multiple Students

Pursuant to the Family Educational Rights and Privacy Act (FERPA), a charge of Academic Misconduct against multiple Students involved in the same incident may be heard in a single Hearing only if each Student consents in writing in advance of the Hearing.

e. Special Accommodations

Upon timely request to the Director, the Student, Faculty Member, Referring Party, or any witness, the University may be able to provide special accommodations for testimony by

alternate methods (e.g., telephone or video conference). Such accommodations are at the discretion of the Director or designee.

f. Administration of the Hearing

- i. Formal rules of evidence do not apply. The Convener, in consultation with the Staff Advisor, will determine the admissibility of any information. The Student's prior Academic Misconduct record is not to be considered in the Hearing unless and until the Student is found responsible for a violation(s) of the Code.
- ii. The Convener will exercise control over the proceedings in order to maintain a fair, impartial, and efficient Hearing. The Convener may exclude or remove any individual who unreasonably delays, disrupts, or otherwise interferes with the Hearing, including the Student or their Advisor, or Faculty Member or Referring Party or their Advisor.
- iii. A Staff Advisor appointed by the Director or designee will attend the Hearing, may comment on questions of procedure and admissibility of information, and will otherwise assist in conducting the Hearing. The Staff Advisor will be present during deliberations of the Hearing Panel but may not actively participate in the deliberations or vote.
- iv. Each Hearing shall be audio recorded and/or transcribed by the University and not by any other individual, and the recording and/or written transcript becomes a part of the case file maintained by Student Accountability & Conflict Resolution. All documents or recordings included in the case file are the property of the University.

g. Closed Hearing

A Hearing before a Hearing Panel is an open meeting pursuant to North Carolina law; however, the Hearing shall be closed to the public once a proper motion to go into closed session is made and adopted by the Hearing Panel. Once the Hearing is closed, admission of any individual to the Hearing shall be at the discretion of the Convener of the Hearing Panel, in consultation with the Staff Advisor.

h. Witnesses and Testimony

- i. The Student and Faculty Member or Referring Party may request the attendance of witnesses at the Hearing.
- ii. The Student and the Faculty Member or Referring Party may request the assistance of the Director in securing the attendance of witnesses.
- iii. All witnesses are required to give truthful testimony. Furnishing untruthful testimony may subject a University student or employee to appropriate disciplinary action.
- iv. Where possible, witnesses are encouraged to attend and provide testimony in person or via digital participation. Witnesses may submit written statements in lieu of direct participation. However, written statements may have limited value to the Hearing Panel due to the inability to ask questions of the Witnesses.

3. Attendance of Advisors

The Student, Faculty, and Referring Party may each invite up to two individuals to the Hearing to serve solely as an Advisor. During the Hearing, the Advisor may confer with the Student, Faculty, or Referring Party they are advising but may not address a University official, the Hearing Panel, or other parties, and may not unreasonably delay, disrupt, or otherwise interfere with the proceedings.

An Advisor may not argue, make statements, or question witnesses; however, an Advisor may respond to questions if asked to do so. An Advisor may not be called as a witness.

The Student, Faculty, and Referring Party must complete a FERPA Consent Form prior to being accompanied by an Advisor.

4. Hearing Panel Determinations

a. **Standard of Proof**

For a Student to be found responsible for Academic Misconduct under the Code, the information must establish that the Student is responsible for Academic Misconduct by a preponderance of the evidence—that it is more likely than not that the Student engaged in Academic Misconduct as charged. This determination must be based solely on the information presented, which may include, but is not limited to, pertinent records (e.g., assignment, syllabi), exhibits (e.g., photographs, audio/video information, social media information), and written/oral statements.

b. **Deliberations on Responsibility**

- i. The determination by the Hearing Panel on responsibility shall be made in private, based solely on the information presented at the Hearing.
- ii. The determination shall be by majority vote of the Hearing Panel.
- iii. The determination on responsibility must be announced at the Hearing prior to making a determination on sanction(s).
- iv. The determination on responsibility must contain a brief rationale upon which the determination is based.

c. **Determination of Not Responsible**

If the determination of the Hearing Panel is that the Student is not responsible for Academic Misconduct, the Hearing is called back to order and the Convener announces the finding of the proceeding.

The Panel drafts a summary of the hearing and sends it to Student Accountability & Conflict Resolution. Student Accountability & Conflict Resolution maintains an internal record for eight years. No part of that file becomes part of the Student's accountability record. The case is closed, and no sanction may be imposed.

d. **Determination of Responsible**

If the determination by the Hearing Panel is that the Student is responsible for Academic Misconduct, the Hearing Panel moves into the sanction phase of the hearing.

5. Deliberations on Sanctions

- a. In the second phase of the hearing, or in the case of a determination of responsibility for Research Misconduct under the Research Misconduct Policy and a subsequent referral to the Hearing Panel for a determination on educational sanctions (see Chapter 3, Section III.2 of the Code), both the Student and Faculty Member or Referring Party may submit information and make statements concerning the appropriate sanction to be imposed. The Director will provide to the Hearing Panel the Student's Academic Misconduct history.
- b. After submission of all information and statements on the appropriate sanction, the Hearing Panel will deliberate in private and will consider compelling factors.
- c. Upon making its determination of the sanction, the Convener announces the sanction(s) determined by the Hearing Panel.
- d. After the conclusion of the Hearing, the Hearing Panel prepares a summary of the hearing stating its findings, the determination on responsibility, and the sanction(s) it deems appropriate, along with a brief rationale upon which both determinations are based.
- e. The Hearing Panel submits the summary to the Director, who sends a Notice of Outcome to the Student and Faculty Member or other party imposing sanctions that includes the Hearing Panel's findings, determinations, and sanction(s).

Section III. Appeals

1. Appeals may be submitted in accordance with Chapter 9 of the Code. Appeals should be submitted at https://cm.maxient.com/reportingform.php?UNCCCharlotte&layout_id=7

Section IV. Imposition of Sanctions

1. If the case resolution includes a sanction of a reduced grade (including "F" if undergraduate Student and "U" for graduate Student) for the assignment and/or the course, the Faculty Member is responsible for the imposition of the sanction.
2. Student Accountability & Conflict Resolution will be responsible for imposition and completion of all non-Academic Exercise related sanctions.
3. At the discretion of the Director, the imposition of a sanction(s) will normally be deferred during the resolution of an appeal. The sanction(s) may be imposed immediately following a decision if the Student's behavior was of such a serious nature that it (a) was threatening, harmful, or dangerous to others or the University community; (b) caused significant property damage; (c) impacted the stability and continuance of normal University functions; or (d) directly and substantially impeded the lawful activities of others.