Special Joint Report of
THE ACADEMIC MATTERS COUNCIL,
THE GRADUATE COUNCIL, and
THE STUDENT AFFAIRS AND UNIVERSITY LIFE COUNCIL

regarding

ACADEMIC GRIEVANCE PROCEDURES

and

POLICY AND PROCEDURES CONCERNING
ACADEMIC HONESTY

Presented at the 573rd
Regular Meeting of the Faculty Senate

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Membership of the Councils


Student Affairs and University Life Council: Bruce Byers (chair), F. Javier Cevallos, Edward Cutting, Gordon Fretwell, Alfred Karlson, Harlan Sturm
Special Joint Report of the Academic Matters Council, the Graduate Council, and the Student Affairs and University Life Council on

Academic Grievance Procedures and
Policy and Procedures Concerning Academic Honesty

In past years, the Faculty Senate adopted three sets of policies and procedures concerning academic dishonesty: one for undergraduate students (adopted in 1987), one for graduate students (adopted in 1989); and one for students enrolled in Continuing Education classes during the wintersession or summer session (adopted in 1990). The Senate also adopted, in 1985, two procedures for resolving academic grievances, one for undergraduates and one for graduate students.

The definitions of academic dishonesty found in three policies are nearly identical, and are sound. The principles of the academic honesty procedures – that students should be informed of a charge of academic dishonesty, and should be given opportunity to contest the charge before a disinterested hearing panel – are likewise sound. The academic grievance procedures establish good definitions of grievable acts, and attempt to provide mechanisms for resolving grievances.

Following their adoption, however, flaws were revealed in all of these procedures as they were implemented. In 1996, at the request of Chancellor David Scott, an administrative committee was assembled by Provost Patricia Crosson to review the academic honesty and academic grievance procedures. This group (chaired by Deputy Provost Norman Aitken, and including Ombudsperson Robert Ackermann, Graduate Dean Charlena Seymour, Dean of Students Jo-Anne Vanin, and staff member Kyle Hoffman) worked to develop revisions to resolve difficulties in the procedures, fill in gaps, and correct inconsistencies. They submitted their proposed revisions to Chancellor Scott, who in turn forwarded them to the Faculty Senate for consideration by appropriate councils.

The Academic Matters Council, the Graduate Council, and the Student Affairs and University Life Council reviewed the academic honesty and academic grievance policies and procedures forwarded to the Senate by the Chancellor. The Councils substantially endorse the procedures, with some minor modifications. The three Councils now jointly recommend the adoption of the procedures detailed in Appendix A and Appendix B of this report. Appendix C highlights the differences between the procedures now recommended and the procedures they would replace.

MOVED: That the Faculty Senate approve the Academic Grievance Procedures described in Appendix A of Senate Document No. 00-015, to replace all existing academic grievances procedures on campus.

MOVED: That the Faculty Senate approve the Policy and Procedures Concerning Academic Honesty described in Appendix B of Senate Document No. 00-015, to replace all existing procedures concerning academic honesty on campus.
APPENDIX A: ACADEMIC GRIEVANCE PROCEDURES

I. Introduction

The students, faculty and administration of the University of Massachusetts at Amherst recognize the need to provide an orderly process for the resolution of academic grievances. The following Grievance Procedure has therefore been created to meet this need. This procedure applies to all undergraduate and graduate degree programs, and all courses offered by the Amherst campus, including courses offered by the Division of Continuing Education.

This procedure is the only official procedure for resolving academic grievances. No school, college, department or office on the Amherst campus may require any student to pursue an academic grievance through any other procedure.

Grievances which have been brought to a hearing under another campus grievance procedure shall not be brought to a hearing under this procedure. Students who file a written grievance under this procedure shall be expected to abide by the final disposition of the grievance, and shall be precluded from seeking review of the matter under any other procedure within the University.

The Provost's Office shall be responsible for the distribution of this document. Copies shall be kept on file by all deans, department heads and chairs, undergraduate program directors, Pre-Major Advising Services, the Arts & Sciences Advising Center and all other centers that are responsible for undergraduate academic advising, and the University Ombudsperson. Additional copies shall be available upon request from the Provost's Office, the Faculty Senate Office and the Ombuds Office. Both the existence of the procedure and the role of the Ombuds Office shall be summarized in the Undergraduate Catalog and the Graduate School Bulletin, and the entire procedure shall be published in Undergraduate Rights and Responsibilities and the Graduate School Handbook.

II. Definitions and Formal Procedure

A. Process Manager

The Ombuds Office is the process manager for grievances brought under this procedure. As such, the Ombuds Office is responsible for ensuring that only those matters properly defined as academic grievances are pursued through this procedure, for advising all concerned parties of their rights and obligations under this procedure, for convening hearing panels, and for scheduling hearings. The Ombuds Office has discretion to extend timelines. For each formal grievance which proceeds to a hearing, the Ombuds Office shall maintain a confidential file open only to the student, the respondent, the responsible academic administrator, and the Hearing Panel.

B. Definitions

Student – The student or students bringing a complaint under this procedure. This includes matriculated and non-matriculated students registered for classes during the fall or spring semester through the undergraduate registrar's office, the graduate registrar's office, or the Division of Continuing Education; matriculated and non-matriculated students enrolled in classes offered during the intersession or a summer session; and matriculated graduate students on program fee.

Respondent – An employee of the University who has made an official determination with respect to the academic performance or academic record of the student. Graduate students who serve as teaching assistants or course instructors may also be named as respondents. If the grievance results from a policy which a graduate student was instructed to carry out by a faculty supervisor, then the graduate student and faculty supervisor should be named as co-respondents.

Academic grievance – A complaint by the student alleging that the respondent has caused the student to suffer some specific harm related to an academic matter within the authority of the Provost's Office. However, complaints that concern (1) matters of academic judgment, or (2) the substance (as opposed to the administration) of University, campus, Faculty Senate or School and College policies and regulations shall NOT be considered grievances under this procedure.

Academic Judgment – The evaluation of a student's academic performance and the assignment of a grade as a result of that evaluation shall be considered a matter of academic judgment, and therefore not subject to a grievance except where the grade has been determined in an arbitrary and capricious manner or where the procedure used in the evaluation is found to be in violation of University policy or state or federal statute.

University policy – Any policy which has been approved by the Provost, the Chancellor, the Board of Trustees, or the Board of Higher Education or any successor board.

Arbitrary and capricious grading – (1) The assignment of a course grade to a student on some basis other than performance in the course, or (2) the assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied by the same instructor to other students in that course, or (3) the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.

Written notification – When notification in writing is required, this may occur by way of a suitable record of e-mail transmissions in any situation where privacy rights are not infringed by the use of e-mail according to written University policy, and where the recipient has
previously provided the sender with his or her e-mail address. The word "confidential" should be inserted in the subject line of the message. Hard copies of all e-mail transmissions should be maintained by the sender. Written correspondence not done by e-mail will be sent to instructors at their departmental address, and to students at their current address as recorded at the University.

For the purpose of determining deadlines, the event which gives rise to the grievance shall be deemed to have occurred when the student may reasonably be assumed to have become aware of its existence.

Semester days – Calendar days which fall within either the fall or spring semester and include all weekends and holidays which fall between the beginning and end of a semester. The beginning and end of a semester are defined as the first and last days upon which regularly scheduled classes are actually held.

Responsible academic administrator – In cases where the student is a graduate student, the Dean of the Graduate School; in cases where the student is an undergraduate student, the Provost or designee.

C. Attempting Informal Resolution Prior to Instituting a Grievance

Students should attempt informal resolution prior to instituting a formal grievance. Assistance or advice in doing this is available from the Ombuds Office. Students should do this as soon as they become aware of the event which gives rise to the grievance, bearing in mind that, should attempts at informal resolution fail, the formal grievance must be initiated on or before the 45th day of the following semester (see below).

The student should discuss the event that gives rise to a grievance with the respondent as soon as possible. In the event that the respondent has left the University, the respondent's line academic supervisor (usually a department head) will immediately furnish the student with the address or telephone number of the respondent. Where that is not possible, the first line academic supervisor with the ability to effect a change of grade or take other appropriate action will assume the role of the respondent. At the request of any of the parties, the respondent's line academic supervisor may become involved in the attempt at informal conciliation, provided that the supervisor is willing to become involved.

D. Initiating a Formal Grievance

If attempts at informal resolution are not successful, or if informal resolution is not attempted, the student may initiate a formal grievance. For grievable events which are alleged to have occurred during either the fall semester or winter session, the student must initiate the formal grievance process on or before the 45th day of the next following spring semester. For grievable events which are alleged to have occurred during the spring semester or summer sessions, the student must initiate the formal grievance process on or before the 45th day of the next following fall semester. Should the 45th day fall on a weekend, holiday, or day on which the University is officially closed, the period will be extended to the next day that the University is officially open.

1. The student formally notifies the Ombuds Office of the grievance. The student writes a letter to the Ombuds Office in which the student identifies: the respondent, the action(s) which are the basis of the grievance, and the harm alleged to have been caused as a result of the respondent's action(s). The letter should describe the substance of the grievance, any steps that have been taken to try to resolve it, any evidence that might be introduced at a hearing, and the relief that the student would find acceptable. From this point on, in the absence of credible and relevant new evidence, the student's pursuit of the academic grievance must remain consistent in content and scope with this formal letter, and respondents will be expected to respond only to the issues raised in this letter.

2. The Ombuds Office notifies the respondent of the grievance. Within seven calendar days of receiving the student's formal grievance letter, the Ombuds Office sends a copy of it to the respondent, along with a notice specifying the deadlines involved.

3. The respondent answers the grievance. The respondent writes a letter of response to the Ombuds Office, describing the respondent's position to the student's allegation. From this point on, in the absence of credible and relevant new evidence, the position of the respondent must remain consistent in content and scope with this letter. If the respondent refuses to submit a letter of response, the respondent's presentation of the case at any subsequent hearing will be limited to the submission of physical evidence; the respondent will be prohibited from offering evidence by his or her own testimony or by the testimony of other witnesses.

4. A hearing on the grievance will be held within 20 semester days of the student filing the formal grievance letter. If the grievance is filed with fewer than 20 semester days remaining in the semester, the hearing may be delayed until as long as 20 semester days from the beginning of the following semester. The process may go forward during intersession or the summer if the student so requests and the respondent can be present. The student's and respondent's rights and obligations in the hearing process are described below. The Ombuds Office will schedule the hearing, and will give the student and respondent at least seven days' notice. The student and respondent will be responsible for notifying their respective advisers and witnesses, and shall provide the Ombuds Office with their names and roles.

5. Postponement of hearing pending parallel procedures: The circumstances which gave rise to the grievance may also have given rise to a related matter which is the subject of another formal procedure on campus. When this is the case, either the student or
the respondent may request of the Ombuds Office that the hearing of the grievance be postponed pending the outcome of the other procedure. The Ombuds Office, in consultation with the process manager of the other procedure, shall determine the appropriateness of postponing the hearing.

E. Hearing Panels

The Ombuds Office will convene a panel to hear an appeal. Each Hearing Panel will be composed of five disinterested persons. Three will be members of the University faculty, and two will be students (of the same graduate or undergraduate constituency as the student in the case). If the respondent is a graduate student, he or she may choose to have one of the faculty members on the Panel be replaced by a graduate student who is or has been a teaching assistant or teaching associate on the Amherst campus. The members of the panel are to be appointed by the Ombuds Office in consultation with the Secretary of the Faculty Senate, the President of the Student Government Association, and the President of the Graduate Student Senate. One of the faculty members on the Panel shall serve as chair.

All five members of the Panel must be present at a hearing. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the respondent, and will inform the responsible academic administrator of its decision within fourteen calendar days of the conclusion of the hearing. The chair of the Hearing Panel will ensure that the Panel will disregard any arguments or evidence which have not been presented in the student’s formal grievance letter (D.1, above) or the respondent’s answer (D.3, above).

The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the grievance or the response prior to the hearing.

F. Rules of Hearing

The Ombuds Office is responsible for the reasonable implementation of these rules.

1. Materials available to participants: At least five semester days prior to the hearing, the student and the instructor must submit to the Ombuds Office copies of any materials they wish the Hearing Panel to consider, so that the Ombuds Office may distribute them to the other party and the Hearing Panel for review prior to the hearing. Any new material submitted at the hearing will be accepted only at the discretion of the hearing panel. The party submitting the materials should provide enough copies for all parties and all members of the Hearing Panel, as well as a copy to be retained by the Ombuds Office. Any materials submitted in connection with the grievance process are considered confidential.

2. Persons present at the hearing: Attendance throughout the hearing is limited to: the student, the respondent, a representative of the Ombuds Office who will serve as staff person during the hearing, members of the Hearing Panel, and an advisor for each of the parties. Witnesses may be present at the hearing only when they are presenting evidence. An advisor may confer with and advise the student or instructor during the course of the hearing, but may not directly address the Hearing Panel except with the consent of the Hearing Panel and the other party. This advisor may not be an attorney or an employee of an attorney, unless the opposing party is himself or herself an attorney.

3. Failure of a person to appear: The Hearing Panel may proceed with the hearing and make its findings and decision even in the absence of any party, witness, or advisor who fails to appear. However, the Hearing Panel may not base its findings of fact or decision on the fact that a person has failed to appear.

4. Evidence: The Hearing Panel need not follow technical rules of evidence, but evidence shall be admitted only if it is the kind of evidence upon which reasonable persons would rely in the conduct of serious affairs. The Hearing Panel may consider evidence presented by affidavit, giving it such weight as it deems proper. All evidence shall be taken in the presence of all members of the panel and of all the parties, except where any party is absent by default or has waived his or her right to be present. The burden of proof shall be placed on the student, who must demonstrate, by a preponderance of the evidence, that one or more of the specified forms of arbitrary and capricious grading has occurred and that its occurrence has adversely affected her or him.

5. Presentation of the case: The representative of the Ombuds Office will make a tape recording of the hearing. Statements from the parties will be addressed to the Hearing Panel, not to each other. The chair will ensure that the hearing does not become a debate or engagement between the two parties. The time limits noted below are considered norms; the chair has the discretion to allow extensions of time. The case will be presented in the order noted below.

The student and then the respondent will each present his or her documentary evidence and witness testimony. Panel members and opposing parties may question witnesses, through the chair. If either party wishes to put questions to the other party, he or she will submit the questions to the chair, who shall decide if any of the questions submitted would be useful to the panel’s determination, and then ask the questions of the other party. Each party will then summarize his or her position.

The hearing is considered concluded following the parties’ summaries. Tape recording will end when the chair asks all persons present except Panel members to leave the room while the Panel discusses the evidence and formulates its decision. If necessary, the Panel may reconvene at a later time to complete its deliberations, and the chair may be empowered by the Panel to obtain answers to questions from one or both of the parties that occur to the Panel during its deliberations.
The chair of the Hearing Panel has the authority to modify procedures during the course of the hearing to accommodate unforeseen circumstances or needs of the parties or the Hearing Panel. If the chair is unable to exercise this authority, the representative of the Ombuds Office will appoint another faculty member to act as substitute chair if necessary.

The audiotaape of the hearing will be placed in the grievance file of the Ombuds Office. Either the student or the respondent may request a copy of the tape, to be made at the party’s expense. Any transcription of the tape shall be at the private arrangement and expense of the party who desires the transcript. Additional tape recordings of the hearing made be made by either party.

G. The Decision of the Hearing Panel

The chair will issue the written report of the Hearing Panel within fourteen calendar days of the conclusion of the hearing. The report shall be addressed to the responsible academic administrator (the Dean of the Graduate School or the Provost or designee), and copies will be sent to the Ombuds Office, the student, and the respondent. The report will state the Panel’s findings of fact on the question(s) in dispute, and the Panel’s recommendations for action, if any. Both the findings and the recommendation shall be arrived at by a majority vote of the Panel.

The decision of the Hearing Panel cannot require an instructor to change a grade unless the instructor agrees to do so. If an instructor has been found (1) to have engaged in arbitrary and capricious grading, or (2) to be in violation of University policy or state or federal statute, the hearing Panel should recommend an appropriate method for redressing the situation.

The Hearing Panel’s findings of fact are final, and are binding on all parties. The Hearing Panel’s recommendations shall be binding on all parties insofar as they have the authority to comply. It need not be binding on the University administration or on persons who are not parties to the grievance, but will be a recommendation under those circumstances.

H. Appeals

The Hearing Panel’s findings of fact are final, and may not be appealed. Appeals may be made only on the basis of a violation of due process, or on the basis of new evidence.

**Due Process Appeal:** "A violation of due process" is defined as a failure to comply with the Rules of hearing such that the failure reasonably may have affected the decision of the Hearing Panel to the harm of the party who has appealed. If either party believes that he or she was denied due process by the Hearing Panel, he or she may appeal in writing to the responsible academic administrator. This appeal must be made in writing within thirty (30) calendar days of the release of the Hearing Panel’s report. If the administrator finds on behalf of the party making the appeal, the administrator may either ask the Hearing Panel to rehear the case or ask the Ombuds Office to appoint a new panel to rehear the case. The decision of the responsible academic administrator will be based on her/his review of the official record of the hearing (official tape and exhibits) and the Hearing Panel's recommendation, which the administrator may accept, reject, or modify. The responsible academic administrator shall rule on the appeal within 14 semester days after its submission. This grievance procedure shall be deemed to have been exhausted once the ruling of the responsible academic administrator has been rendered.

**New Evidence:** In the event that new and compelling evidence becomes available after the Hearing Panel has rendered its decision, either the Student or Respondent may appeal to the responsible academic administrator for a rehearing of the grievance. The appeal shall be in writing and include a detailed description of the new evidence and an explanation as to why the new evidence should alter the initial decision of the Hearing Panel. After receipt of the written appeal, the administrator will have 30 semester days to decide whether or not to grant a new hearing. The decision of the responsible academic administrator on the appeal is final and may not be appealed. In the event that a new hearing is granted and the original Hearing Panel is no longer available, the Ombudsperson shall establish a new Hearing Panel to hear the grievance.

I. Records of Academic Grievances

The Ombuds Office (or any successor agency designated as process manager of this procedure) shall maintain the record of an academic grievance for a period of seven years following the awarding of a degree to the complainant. If no degree is awarded to the complainant, the record shall be maintained indefinitely.

No record that an academic grievance has been filed may be made part of a student’s official file in a department or school or college office, except as necessary to document a grade change (if relevant).
APPENDIX B: POLICY AND PROCEDURES CONCERNING ACADEMIC HONESTY

I. Statement of Policy

The integrity of the academic enterprise of any institution of higher education requires honesty in scholarship and research. Academic honesty is therefore required of all students at the University of Massachusetts Amherst.

Academic dishonesty is prohibited in all programs of the University. Academic dishonesty includes but is not limited to:

*Cheating* – intentional use, and/or attempted use of trickery, artifice, deception, breach of confidence, fraud and/or misrepresentation of one’s academic work.

*Fabrication* – intentional and unauthorized falsification and/or invention of any information or citation in any academic exercise.

*Plagiarism* – knowingly representing the words or ideas of another as one’s own work in any academic exercise. This includes submitting without citation, in whole or in part, prewritten term papers of another or the research of another, including but not limited to commercial vendors who sell or distribute such materials.

*Facilitating dishonesty* – knowingly helping or attempting to help another commit an act of academic dishonesty, including substituting for another in an examination, or allowing others to represent as their own one’s papers, reports, or academic works.

Sanctions may be imposed on any student who has committed an act of academic dishonesty.

Any person who has reason to believe that a student has committed academic dishonesty should bring such information to the attention of the appropriate course instructor as soon as possible. The procedures outlined below are intended to provide an efficient and orderly process by which action may be taken if it appears that academic dishonesty has occurred, and by which students may appeal such actions.

II. Procedures Concerning Acts of Academic Dishonesty

These procedures apply to all students and faculty participating in academic classes and programs, including all graduate, undergraduate, Stockbridge, and Continuing Education programs. Due to the differing nature and time constraints of the wintersession and summer session programs, some timelines and other details differ for appeals arising from courses offered during the wintersession or a summer session; these are noted below in brackets.

The procedures described below are the only official procedures for making allegations of, issuing sanctions because of, or appealing charges of academic dishonesty. No school, college, department, faculty member, or office on the Amherst campus may impose any penalty for suspected academic dishonesty, nor require a student to appeal, through any other procedure.

A. Definitions: Terms used in this document have the following associated meanings:

*Student* – The student or students suspected of academic dishonesty.

*Instructor* – The person who takes action against the student because of the suspicion of academic dishonesty. This is the faculty member and/or teaching assistant/associate responsible for the course in which the academic dishonesty allegedly occurred, and/or the faculty member supervising the independent academic work of a student.

*Written notification* – When notification in writing is required, this may occur by way of a suitable record of e-mail transmissions in any situation where privacy rights are not infringed by the use of e-mail according to written University policy, and where the recipient has previously provided the sender with his or her e-mail address. The word “confidential” should be inserted in the subject line of the message. Hard copies of all e-mail transmissions should be maintained by the sender. Written correspondence not done by e-mail will be sent to instructors at their departmental address, and to students at their current address as recorded at the University.
Semester days – Calendar days that fall within either the fall or spring semester, including all weekends and holidays which fall between the beginning and end of a semester. The beginning and end of a semester are defined as the first and last days upon which regularly scheduled classes are actually held.

Responsible academic administrator – In cases where the student is a graduate student, the Dean of the Graduate School. In cases where the student is an undergraduate student, the Provost or designee.

Academic Honesty Office – The office or individual named by the Chancellor or designee to manage the procedures described herein. At the time of the writing of this procedure, the University Ombuds Office is the Academic Honesty Office. The duties and responsibilities of the Office as defined in this procedure will be incumbent on any office or administrator succeeding the Ombuds Office in this role.

B. The Academic Honesty Office: The Academic Honesty Office is responsible for maintaining records, advising all concerned parties on their rights and responsibilities under this procedure, and convening hearing panels. This Office is also responsible for ensuring that only those matters properly subject to appeal under University policy and this appeal procedure are pursued through this procedure. As process manager, the Office has discretion to extend timelines.

The Academic Honesty Office shall maintain records of all allegations that come to its attention, and of all hearing panel proceedings. It shall annually provide to the Faculty Senate, the Provost, and the Dean of the Graduate School a summary report of information on the number of allegations made by instructors, the number of appeals made by students, and the results of these appeals.

The Academic Honesty Office will provide to the Dean of Students Office information concerning all sanctions administered to undergraduate students pursuant to this procedure. The Dean of Students Office will treat this information as it does findings of responsibility for other violations of the Code of Student Conduct. The Academic Honesty Office will provide to the Dean of the Graduate School information concerning all sanctions administered to graduate students pursuant to this procedure. The Dean of the Graduate School will treat this information as it does other disciplinary records for graduate students.

C. The Academic Honesty Board: There shall be an Academic Honesty Board comprised of eighteen faculty members, nine graduate students, and nine undergraduate students. Faculty appointments shall be made by the Faculty Senate following recommendation from the Committee on Committees, and shall include at least one faculty member from each school or college. Student appointments shall be made by the respective governing bodies, with representation from diverse academic areas. Each appointment shall be for a term of three years. The Board will have authority to consider other matters as specified below. Members of the Board will serve on hearing panels as described below.

D. Procedures to be followed by instructors suspecting academic dishonesty: An instructor who suspects that a student has committed an act of academic dishonesty may not impose a penalty on the student without notifying the student of the suspicion and of the instructor’s intended penalty and affording the student the right of appeal.

1. An instructor suspecting academic dishonesty must offer the student a reasonable opportunity to discuss the situation prior to taking any action. The instructor should notify a student of his/her suspicion of dishonesty as soon as possible after the instructor has arrived at that suspicion, and must do so within seven calendar days. [For allegations arising from courses offered during the wintersession or a summer session, the instructor must notify the student within four calendar days.]

2. The instructor may conclude that no academic dishonesty has occurred. Following such discussion, if the instructor is satisfied that no academic dishonesty has occurred, the instructor will evaluate the student for the course as though the suspicion of academic dishonesty had never been raised.

3. The instructor and the student may arrive at an agreement to resolve the matter informally. The instructor and student may agree that there was no intentional breach of the academic honesty policy on the part of the student, and agree on an informal means of resolving the issue. Although instructors are urged to transmit to the Academic Honesty Office a copy of any written statement of this agreement for informational purposes, the information will not be recorded in any central disciplinary record, and will not be considered as evidence of wrongdoing in any later proceeding.

4. If no informal agreement is arrived at, an instructor who wishes to penalize the student must first give the student the opportunity to appeal, and must notify the Academic Honesty Office of the intended penalty. This begins the formal process. If the student admits to the alleged dishonesty or does not respond to the allegation, or if the student denies the
allegation but the instructor continues to believe that the dishonesty has occurred, the instructor may decide to lower the student’s course grade or fail the student for that course. Before submitting to the registrar the lowered or failing course grade, the instructor must notify the student, in writing, of an intent to either lower the course grade or to fail the student for that course. The instructor must send a copy of this written notification to the Academic Honesty Office. If the instructor believes that the alleged dishonesty warrants a sanction more serious than a change in course standing, the instructor may also recommend to the Academic Honesty Office that the student be suspended or dismissed. The instructor’s notification to the Office must include a statement of the evidence that is the basis of the allegation.

5. The instructor will submit the course grade to the registrar if the student does not appeal. If the student does not file an appeal in timely manner (see below), the instructor will submit to the registrar the lowered or failing course grade intended in the written notification to the student. If the student does appeal, the instructor may not submit a course grade until after the appeal process has been completed.

E. The Academic Honesty Office issues a Sanction Notification.

1. The Academic Honesty Office determines the type of Sanction Notification to issue. If the only sanction intended by an instructor would affect course standing (the lowering of a grade or the reporting of a failing grade), the Academic Honesty Office will issue a Course Sanction Notification. If the instructor recommends an additional sanction, the Academic Honesty Office will issue a University Sanction Notification. Should the matter proceed to a hearing, the hearing panel convened following a Course Sanction Notification cannot recommend any sanction beyond one affecting course standing.

2. The Academic Honesty Office notifies the student of the right to appeal. The Office will send to the student the Sanction Notification, along with a notice of his or her right to appeal, the timelines for doing so, and confirmation that the student’s failure to appeal will establish a disciplinary record for academic dishonesty. The Office will send this notice to the student within seven calendar days of receiving the instructor’s notice of intent to submit a lowered or failing course grade (D.2, above).

F. The student may request an appeal hearing.

1. The student may appeal the instructor’s decision and recommended course penalty. If the student denies the allegation of academic dishonesty and/or wishes to appeal the penalty imposed by the instructor, an appeal may be made to the Academic Honesty Board. This appeal must be in writing and submitted to the Academic Honesty Office within fourteen calendar days of the Office’s notice to the student. The student’s notice of appeal must describe any evidence and line of argument that the student thinks is relevant to his or her appeal. The Academic Honesty Office will notify the instructor of the student’s appeal. The hearing of the appeal will be restricted to the evidence and lines of argument that are stated in the notice of appeal.

2. A hearing of the appeal will be held within 20 semester days of the notice of appeal. If the notice of appeal is received by the Academic Honesty Office with fewer than 20 semester days remaining in the semester, the appeal process may begin with the opening of the following semester. The process may go forward during intersession or the summer if the student so requests and the instructor can be present. Students’ and instructors’ rights and obligations in the hearing process are described below. [For appeals arising from courses offered during the wintersession or a summer session, the hearing must be held within 14 calendar days of the notice of appeal.]

3. If the student does not appeal an instructor’s intended course penalty, the instructor will implement the sanction. If a student does not file an appeal following a Course Sanction Notification, no hearing will be held, and the instructor will implement the sanction. If a student does not file an appeal following a University Sanction Notification, the student will forfeit the opportunity to contest the instructor’s intended course penalty in the hearing held on the University Sanction (see below).

4. A hearing will automatically be scheduled on the imposition of a University Sanction. Although an instructor may recommend to the Academic Honesty Office that a University sanction be imposed in addition to a course sanction, a hearing panel must review the matter and make the recommendation to the responsible academic administrator (see below). If the student wants the hearing panel also to review the instructor’s finding that academic dishonesty occurred and/or the instructor’s intended course sanction, the student must submit a written appeal to the Academic Honesty Office as noted above (F.1).
G. **Hearing Panels:** The Academic Honesty Office will convene a panel to hear an appeal. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the instructor, and will inform the responsible administrator of its decision within ten semester days of the conclusion of the hearing. The chair of the Hearing Panel will ensure that the Panel will disregard any arguments or evidence which have not been presented in the instructor’s notice to the Academic Honesty Office (D.2, above), or in the student’s notice of appeal (F.1, above). The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the allegations or the appeal prior to the hearing. The composition of the Hearing Panel will depend on whether the hearing concerns a course sanction or a University sanction. All members of the Panel must be present at a hearing.

1. **Hearings on Course Sanction:** A Hearing Panel will be composed of five disinterested members of the Academic Honesty Board. Three will be members of the faculty, and two will be students (of the same graduate or undergraduate constituency as the student in the case). If the instructor is a graduate student, one of the faculty members on the Panel may be replaced by a graduate student who is or has been a teaching assistant or teaching associate on the Amherst campus. One of the faculty members on the Panel shall serve as chair. [For appeals which proceed during the wintersession or the summer, a Hearing Panel will be composed of three members, one of whom must be a faculty member, who will serve as chair, and one of whom must be a student of the same graduate or undergraduate consistency as the student in the case.]

2. **Hearings on University Sanction:** A Hearing Panel will be composed of seven disinterested members of the Academic Honesty Board. Four will be members of the faculty, and three will be students (of the same graduate or undergraduate constituency as the student in the case). If the instructor is a graduate student, one of the faculty members on the Panel may be replaced by a graduate student who is or has been a teaching assistant or teaching associate on the Amherst campus. One of the faculty members on the Panel shall serve as chair.

H. **Rules of Hearing:** The Academic Honesty Office is responsible for the reasonable implementation of these rules.

1. **Materials available to participants:** At least five semester days prior to the hearing, the student and the instructor should submit to the Academic Honesty Office copies of any materials they wish the Hearing Panel to consider, so that the Office may distribute them to the other party and the Hearing Panel for review prior to the hearing. Any new materials submitted at the hearing will be accepted only at the discretion of the Hearing Panel. Any materials submitted in connection with the appeals process are considered confidential. [For appeals arising from courses offered during the wintersession or a summer session, such materials should be submitted five calendar days prior to the hearing.]

2. **Persons present at the hearing:** In addition to the student, the instructor, members of the Hearing Panel, and a representative of the Academic Honesty Office who will serve as staff person during the hearing, attendance throughout the hearing is limited to an advisor for each of the parties (who may confer with and advise the student or instructor during the course of the hearing, but who may not directly address the Hearing Panel except with consent of the Hearing Panel and the other party). The advisor may not be an attorney or an employee of an attorney. Additionally, a non-participating observer for each party may be present at a hearing; this person may be an attorney or an attorney’s employee. Witnesses may be present at the hearing only when they are presenting evidence.

3. **Evidence:** Evidence shall be admitted only if it is the kind of evidence upon which reasonable persons would rely in the conduct of serious affairs. The Hearing Panel may consider evidence presented by affidavit, giving it such weight as it deems proper. All evidence shall be taken in the presence of all members of the panel and of all the parties, except where any party is absent by default or has waived the right to be present. The Hearing Panel shall base its decision on a preponderance of the evidence. If the evidence submitted by the instructor is not of greater weight than the evidence presented by the student, then the Hearing Panel must clear the student of the charge of academic dishonesty.

4. **Presentation of the case:** The representative of the Academic Honesty Office will make a tape recording of the hearing. Statements from the parties will be addressed to the Hearing Panel, not to each other. The chair will ensure that the hearing does not become a debate or engagement between the two parties. The time limits noted below are considered norms; the chair has the discretion to allow extensions of time. The case will be presented in the order noted below.

The instructor and then the student will each present his or her documentary evidence and witness testimony. Panel members and opposing parties may question witnesses, through the chair. If either party wishes to put questions to the other party, he or she will submit the questions to the chair, who shall decide if any of the questions submitted would be useful to the panel’s determination, and then ask the questions of the other party. Each party will then summarize his or her position.
The hearing is considered concluded following the parties' summaries. Tape recording will end when the chair asks all persons present except Panel members to leave the room while the Panel discusses the evidence and formulates its decision. If necessary, the panel may reconvene at a later time to complete its deliberations, and the chair may be empowered by the Panel to obtain answers to questions from one or both of the parties that occur to the Panel during its deliberations.

The chair of the Hearing Panel has the authority to modify procedures during the course of the hearing to accommodate unforeseen circumstances or needs of the parties or the Hearing Panel. If the chair is unable to exercise this authority, the representative of the Academic Honesty Office will appoint another faculty member to act as substitute chair if necessary.

I. The Decision of the Hearing Panel: The chair will issue the written decision of the Hearing Panel, addressed to the responsible academic administrator (the Dean of the Graduate School or the Provost or designee), within ten semester days of the conclusion of the hearing. The decision will state the Panel's findings of fact, and, if it finds that the allegations against the student were substantiated, its recommendation of a sanction. [For appeals arising from courses offered during the wintersession or a summer session, the decision will be issued within two working days of the hearing.]

The Hearing Panel will arrive at its findings of fact by simple majority. Findings of fact are final, and are binding on all parties. If the Panel finds in favor of the student, the instructor shall compute the student's course grade as though the suspicion of academic dishonesty had never been raised, and submit the grade to the registrar forthwith. If the Hearing Panel finds that the allegations were substantiated, and that the student has committed an act of academic dishonesty, the Panel will make a recommendation concerning the appropriate sanction.

1. Course Sanction Hearing: In a case where an instructor intended to lower the student's course grade or submit a failing grade for the student, and this intention is consistent with the instructor's standards as articulated in a syllabus or other course materials, the Hearing Panel will not recommend a different sanction. If no such standards are articulated, the Hearing Panel will recommend a sanction, which may not be more severe than that proposed by the instructor; any decision of the Hearing Panel to change the instructor's sanction will require agreement by at least four voting members of the Hearing Panel.

2. University Sanction Hearing: The Hearing Panel may recommend suspension or expulsion only on the agreement of five voting members of the Hearing Panel. In making its recommendation, the Hearing Panel may request and take into account information regarding a past record of academic dishonesty. If five votes for suspension or expulsion are not obtained, a grade of "F" for the course in question will be recommended.

J. Administration of Sanctions: The instructor imposes a course sanction through the submission of the grade to the registrar. Where an additional sanction is recommended, the responsible academic administrator determines the appropriate sanction, taking into account the recommendation of the Hearing Panel, and authorizes its administration (e.g., by directing the registrar to carry out the suspension or expulsion, or directing the removal of a student from academic employment).

If the student later repeats the course and achieves a better grade than that submitted as a sanction, the grade earned in the repetition of the course will not substitute for the grade submitted as a course sanction. The grade submitted as a course sanction will continue to be counted in the student's cumulative grade point average.

Stay of Sanctions – No sanction will be imposed on the student until all appeals have been concluded, including those that may occur in a parallel procedure elsewhere on campus (provided that the student had initiated the parallel procedures prior to or concurrently with receipt of the Sanction Notification). The responsible academic administrator may direct that the student be prohibited from performing specified duties associated with academic employment, but compensation for such duties will continue until all parallel procedures and appeals have been concluded.

K. Appeals: The Hearing Panel's findings of fact are final, and may not be appealed except on the basis of a violation of due process, or on the basis of new evidence.

Due Process Appeal. "A violation of due process" is defined as a failure to comply with the Rules of Hearing such that the failure reasonably may have affected the decision of the Hearing Panel to the harm of the party who has appealed. If either party believes that he or she was denied due process by the Hearing Panel, he or she may appeal in writing to the responsible academic administrator. This appeal must be made in writing within 14 semester days of the release of the Hearing Panel's decision. If the administrator finds on behalf of the party making the appeal, the administrator may either ask the Hearing Panel to rehear the case, or ask the Academic Honesty Office to appoint a new panel to rehear the case. The decision of the responsible academic administrator will be based on her/his review of the official record of the
hearing (official tape and exhibits). The administrator will rule on the appeal within 14 semester days of its submission. This procedure shall be deemed to have been exhausted once the ruling of the responsible academic administrator has been rendered. [For appeals arising from courses offered during the wintersession or a summer session, the appeal must be made within 14 calendar days, and the ruling will be made within 14 calendar days.]

New Evidence: In the event that new and compelling evidence becomes available after the Hearing Panel has rendered its decision, either the student or the instructor may appeal to the Academic Honesty Office for a new hearing. The appeal shall be in writing and include a detailed description of the new evidence and an explanation as to why the new evidence should alter the initial decision of the Hearing Panel. The Office will respond to the request within 30 semester days of its submission. The decision of the Academic Honesty Office on this appeal is final and may not be appealed except on due process grounds. No appeal based on new evidence will be allowed when the student’s transcript has been closed according to the procedures of the Registrar’s Office or the Graduate School. [For appeals arising from courses offered during the wintersession or a summer session, the Office will respond to the request within 21 calendar days.]

L. Special Circumstances concerning Multiple Offenses: A student who is found to have committed more than one act of academic dishonesty – either through admission, failure to appeal, or finding by a hearing panel – will be subject to suspension or expulsion.

The Dean of Students shall maintain disciplinary records of all sanctions imposed on undergraduate students, and the Dean of the Graduate School shall maintain disciplinary records of all sanctions imposed on graduate students. These will include sanctions administered by an instructor without an appeal from the student (D.3), and sanctions administered based on a finding of a hearing panel.

If the student has admitted to or failed to appeal the second allegation of academic dishonesty, the student will nonetheless be subject to suspension or expulsion unless he or she can present evidence which mitigates against this. The Dean of Students or the Dean of the Graduate School shall request that the Academic Honesty Office issue a University Sanction Notice, and convene a hearing panel to make a recommendation on this matter. The student shall be allowed 20 semester days to prepare for a hearing on a sanction only. At such a hearing, the Dean will place the matter before the Hearing Panel. The Hearing Panel will make its recommendation to the responsible academic administrator according to the provisions of section (H), above.

M. Records of Allegations, Appeals, and Sanctions

In the event a student is cleared of an allegation of academic dishonesty, only the Academic Honesty Office shall maintain any record of the allegation or appeal. No departmental, school or college office shall maintain any record of the allegation or appeal. No mention of the allegation or appeal may be made in any student file maintained by a department, school or college.

If a student is found to have committed an act of academic dishonesty, the appropriate Registrar (graduate, undergraduate, or Continuing Education) shall be notified of the sanction, and shall maintain a confidential record of the sanction imposed.

A department, school or college may maintain a record of a sanction for purposes of ensuring that the sanction is carried out. This information must be kept in a confidential file to which only the department chair, the graduate or undergraduate program director (as appropriate), the chief undergraduate advisor (if appropriate), and the student’s academic advisor have access. The fact that a sanction has been imposed may not be used as the basis of any action relative to the student’s record outside of this procedure.

Academic Grievance Procedures
Changes from 1985 Procedures to 2000 Proposal:
- Notification of respondent: 1985 requirement that student notify respondent by certified mail eliminated. In 2000 Proposal, Ombuds Office provides respondent with formal notification.
- Attempts at informal resolution: 1985 procedures require very specific steps. 2000 Proposal offers general guidance; specified steps are deferred to formal procedure.
- Timelines: In 1985 procedures, formal grievance might not be filed until end of subsequent semester; four weeks might elapse between formal filing and hearing. In 2000 Proposal, formal grievance must be filed by 45th day of subsequent semester, hearing must be held within 20 days.
- 2000 Proposal places responsibility for scheduling hearing on Ombuds Office rather than Hearing Panel chair.

Statements found in 1985 Procedures not included in 2000 Proposal:
- "Questions concerning the interpretation of this procedure and its application are to be resolved by means of the procedure itself." The Ombuds Office is named as process manager in the 2000 Proposal.
- "The Panel may request any member of the University community to assist it in its work or to testify." This was deemed improper as well as unenforceable.

Academic Honesty Appeals Procedures
(Note: Comparisons below are to the 1987 Undergraduate Academic Honesty Appeals Procedure, which is more comprehensive than the 1989 Graduate Appeals Procedure.)
Changes from 1987 Procedure to 2000 Proposal:
- The 1987 Procedure is comprised largely of short declarations, without any explanation of how notification of the terms or actions required. The 2000 Proposal is much longer than the 1987 Procedure principally in order to clarify each step, and to place the events and possibilities in sequence.
- Differing timelines for appeals arising from wintersession and summer session programs are incorporated into the 2000 Proposal, rather than articulating an entirely different procedure.
- The Academic Honesty Office is responsible in the 2000 Proposal for formally notifying students and instructors of allegations and appeals, rather than relying on instructors' or students' assertions of notification.
- A distinction is made in the 2000 Proposal between allegations and hearings which can result in suspension or expulsion and those which can result in sanctions limited to the course grade. Under the 1987 Procedure, a student might attend a hearing expecting to contest a grade, and find himself/herself subject to expulsion.
- When a student has been found by the Hearing Panel to have committed an act of academic dishonesty, the 1987 Procedure allows the Hearing Panel to recommend sanctions different from those intended by the instructor. The 2000 Proposal does not allow the Hearing Panel to alter the instructor's intended grade sanction as long as the sanction is consistent with the instructor's articulated standards. The 2000 Proposal does not allow the Hearing Panel to recommend a sanction exceeding that recommended by an instructor in a course sanction hearing.
- A Hearing Panel in the 1987 Procedure may be comprised of 5 persons or nine. The 2000 Proposal stipulates five persons for a hearing concerning a grade sanction, and seven for a hearing that might result in suspension or expulsion.
Issues addressed in 2000 Proposal not found in 1987 Procedure:
- The 2000 Proposal defines terms used in the procedure.
- E-mail notification and correspondence are permitted, with certain restrictions.
- Imposition of sanctions is stayed until all appeals are concluded.

Issues Addressed in Both Procedures in 2000 Proposal Not Found in Earlier Procedures
- Stipulations that procedures are the only official procedures for resolving academic grievances and charges and appeals of academic honesty.
- A process manager is identified, with specific responsibilities and authority.
- At hearing, parties are limited to presenting testimony and evidence consistent with the content and scope of the formal charge and response.
- Provisions are made for managing the order of process when the circumstances which gave rise to the grievance or appeal have also given rise to a related matter which is the subject of another formal procedure on campus.
- All members of the Hearing Panel must be present at a hearing.
- Restrictions are placed on maintaining records of academic grievances and charges and appeals of academic dishonesty, and findings on same.