

POLICIES AND PROCEDURES GOVERNING ISSUES OF ACADEMIC

INTEGRITY GENERAL PROVISIONS AND DEFINITIONS

The Newberrian Creed (see Page 5) is a code of honor that applies to all students of Newberry College and expects ethical behavior in all academic and social life. The Office of Academic Affairs is the academic arm of the College that investigates alleged academic violations of the Creed and sets policy regarding incidents involving academic integrity.

A “**Student**” is defined as any person who is admitted, enrolled or registered for study at Newberry College for any academic period. A person shall also be considered a student when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, orientation, placement testing, and residence hall check-in.

An “**Instructor of Record**” is defined as the person officially responsible for the evaluation of academic performance in a course or educational program of the College.

“**Dean**” is defined as the Dean of the College charged with overseeing the academic program.

The “**Office of Academic Affairs**” is responsible for considering all complaints of academic misconduct or allegations of anyone violating the Creed.

An “**Academic Integrity Committee**” is defined as the group of faculty and students who hear cases of alleged academic violations of the Newberrian Creed, and is composed of faculty members and students as designated by the Dean of the College. Faculty members are appointed annually by the Dean, and student members are appointed by the Dean of the College. This committee consists of three faculty members, two undergraduate students. (*Newberry College Faculty Policies Manual*)

“**Faculty Council**” is an elected body of faculty that will consider appeals cases decided by the Academic Integrity Committee when any party to the case formally appeals on grounds set forth in the College’s Academic Disciplinary Procedures.

An “**Academic Program**” is defined as any undergraduate course, independent study or research for academic credit, internship, externship, clinical program, practicum, field placement, or other form of study or work offered in furtherance of the academic mission of the College. Academic work includes an work performed or assigned to the be performed in connection with any academic program.

The Creed is intended to prohibit all forms of academic dishonesty and should therefore be interpreted broadly toward that end. The following examples illustrate conduct that violated this Creed, but this list is not intended to be an exhaustive compilation of conduct prohibited by the Creed:

- Cheating, i.e., giving or receiving unauthorized assistance, or attempting to give or receive such assistance, in connection with the performance of any academic work.
- Unauthorized use of materials or information of any type or the unauthorized use of any electronic or mechanical device in connection with the completion of any academic work.
- Access to the contents of any test or examination or the purchase, sale, theft of any test or examination prior to its administration.
- Plagiarism, i.e., use of another person’s work of ideas without proper acknowledgement of

source. intentional omission of material fact, so as to mislead any person in connection with any academic work (including, without limitation, the scheduling, completion, performance, or submission of any such work).

- Offering or giving any favor or thing of value for the purpose of influencing improperly a grade or other evaluation of a student in an academic program.
- Conduct intended to interfere with an instructor's ability to evaluate accurately a student's competency or performance in an academic program.

Whenever a student is uncertain as to whether conduct would violate the creed, it is the responsibility of the student to seek clarification from the appropriate faculty member or instructor of record prior to engaging in such conduct.

STUDENT'S RIGHTS IN THE ACADEMIC INTEGRITY PROCESS:

1.1 The following provisions apply to participants in all hearing processes conducted by the College or conducted by the College's delegated authority.

1.1.1 Each individual charged with Creed violations has the following rights that are protected throughout the hearing process.

1.1.1.1 The right to be notified in writing of the charges against him/her with sufficient time to prepare for a hearing. In the event that additional charges are brought forward, a further written notice, must be forwarded to the student.

1.1.1.2. The right to be notified of the date, time, and place of formal hearings at least five (5) College business days prior to the hearing.

1.1.1.3. The right to know the nature and source of the evidence used in a hearing process. This includes the right upon the student's request to review all documents and exhibits to be introduced at a hearing as well as a list of witnesses asked to testify at the hearing.

1.1.1.4. The right to present evidence on his or her own behalf. A person's knowledge or intent may be inferred from the circumstances of an alleged violation.

1.1.1.5. The right to refuse to answer any questions or to make a statement. However, the hearing authority may draw inferences from this refusal.

1.1.1.6. The right to question witnesses. The Committee may rule on the relevance of these questions.

1.1.1.7. The right to be accompanied by an advisor throughout the hearing process. The advisor, with the written permission of the charged student, may:

- advise the charged regarding preparation for the hearing;
- accompany the charged to all proceedings

NOTE: Advisors are not permitted to participate directly in the hearing process or to speak for the charged student. Advisors must be members of the Newberry College community. At no point, are outside the community advisors, including attorney's, allowed to participate in the process.

2.1 Procedures for Resolution of Allegations of Violations of the Newberrian Creed:

2.1.1. Academic Resolution.

- When an instructor of record suspects a student has violated the Newberrian Creed, the

instructor must notify the student in writing of his/her suspicion within 10 days of discovery.

- The instructor shall set up a meeting with the student to resolve the issue as quickly as possible.
- The instructor will make inquiry of the Office of Academic Affairs concerning any other possible violations of academic integrity.
- The student should meet with the instructor of record to discuss the possible academic integrity violation.
 - The instructor should have a faculty witness of the conversation
 - The student may have a witness of the conversation if they desire.
- If the student accepts responsibility, the instructor of record will impose one of the following academic penalties.
 - Enter a letter grade of “F” for the assignment (first offense only); complete the Academic Integrity Violation Form and return it to the Office of Academic Affairs.
 - Enter a letter grade of “F” for the course (for second offenses or particularly egregious offenses); complete the Academic Integrity Violation Form and return it to the Office of Academic Affairs; recommend to the Dean that a Non-Academic Sanction be levied.
- If the student does not accept responsibility, or fails to show up for the meeting with the instructor of record, then based on the preponderance of evidence, the instructor of record will determine the academic penalty and follow the steps above.
 - The student retains the right to appeal the sanction imposed by the instructor, through the Office of Academic Affairs.

2.1.2. Non-Academic Resolution. A non-academic resolution is the disciplinary punishment imposed by the college, which may be in addition to any grade penalty.

- All allegations must be referred to the Office of Academic affairs.
- The instructor of record may make a **recommendation** to the Office of Academic Affairs regarding **non-academic sanctions** (see Section 5).
- The student will have the opportunity to meet with the Dean (or designee) to determine the nature of the recommended non- academic penalty, if any.
- At the conclusion of the meeting between the charged student and the Dean (or designee), the Dean (or designee) will choose one of the following options:
 - to dismiss the charges if they are unsupported by evidence, OR
 - to recommend one of the options below to resolve the charges.
 - If a charge is warranted, the Office of Academic Affairs will send written notification to the charged student indicating what sections of the Newberrian Creed were allegedly violated.

If the charged student fails to meet with the Dean, a hold may be placed on the student’s registration preventing him/her from registering for future classes until the matter is resolved. Any student who has an outstanding allegation of Creed violation cannot graduate until the matter has been resolved.

OPTIONS AND RESOLUTION PROCEDURES FOR ALLEGATIONS OF VIOLATIONS OF THE NEWBERRIAN CREED

Students who have violated the Newberrian Creed are subject to both academic and non-academic penalties.

3.1 Outcomes of the initial meeting with the student. When the Dean (or designee), meets initially with a student regarding an allegation of a violation of the Creed, there are four possible outcomes of that meeting:

- Student does not contest the allegation(s) or sanctions.
- Student does not contest the allegation(s), but contests the sanctions. If a student only contests the sanctions of a Creed violation, please see section 3.2 for procedures for resolution.
- Student contests allegations. If a student contests the allegation(s), please see section 3.2 for procedures for resolution.
- Allegation is dismissed by the Dean.

3.2 Academic Integrity Committee Hearing -

A case can be referred to the Academic Integrity Committee for one of two reasons:

- There is a material question of fact that cannot be resolved by the Dean of the College or his/her designee.
- The charged student may appeal (see section 7). The charged student must be informed that sanctions can increase.

Within five (5) business days of the hearing, barring special circumstances requiring an extension of this time limit, the Academic Integrity Committee or designee will send the charged student a letter, via campus mailbox, which indicates the findings of “Responsible” or “Not Responsible” for the charges and any sanctions imposed.

NOTE: Should a charged student fail to appear for an Academic Integrity Committee Hearing, that student will be considered to have waived his/her right to represent themselves in the hearing and a decision will be made in their absence.

Composition of Academic Integrity Committee

4.1 The Dean of the College annually appoints three (3) faculty and two (2) students to comprise the Academic Integrity Committee. One of the three (3) serving faculty members shall serve as chair of the Committee and shall vote only in cases of a tie.

A quorum of the members of the Academic Integrity Committee is required for a judicial proceeding to take place and for the actions of that body to be authoritative and binding. A quorum of this body consists of a minimum of two (2) faculty and one (1) student.

FINDINGS

5.1 The outcome of an Academic Integrity Committee hearing will be one of the following:

- **Responsible:** The Academic Integrity Committee or Dean determined beyond a preponderance of the evidence (“...more likely than not :) that a violation of the Creed occurred.
- **Not Responsible:** Insufficient evidence exists to warrant a responsible finding.

SANCTIONS

6.1 The scholastic evaluation of all academic work remains within the purview of the instructor of record. However, an instructor of record who issues an academic penalty when an informal administrative hearing or Academic Integrity Committee hearing issues a finding of “not responsible: should be aware that such penalty may be subject to the College grievance policy. All academic penalties are separate from, but may be taken into account in determining non-academic sanctions.

6.2 The Academic Integrity Committee serves as the final authority for the imposition of sanctions for violations of the Creed. The following sanctions may be imposed upon a student found to have violated

the Creed:

- Expulsion from the College. Expulsion is permanent dismissal from the College and can only be imposed by the Academic Integrity Committee. The student must leave the college within 24 hours of notification of the final decision. An expelled student is not allowed on College property without prior approval of the Academic Dean (or Dean of Students). An expulsion is noted on the student's official transcript and a copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed.
- Suspension. The student's registration shall be terminated for a period of time specified by the Academic Integrity Committee. A suspended student may not attend classes, live in College housing facilities, eat in the cafeteria, be on College property, or attend College-related activities. A suspension is noted on the student's official transcript and a copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed. At the end of the suspension period, a student may reapply for admission to the Office of Admissions. The Academic Appeals Committee will act on the application and has the right to impose provisions on the student's admission. Readmission is not guaranteed. If readmission occurs, the student will be informed by the Executive Vice President for Academic Affairs
- Probation. A period of review and observation as specified by the Academic Dean, during which a student is under an official warning that subsequent violations of the Creed are likely to result in a more severe sanction including suspension or expulsion from the College. During this time, the student shall not represent the College as an official delegate, representative, athlete, or performer, and she/he may not hold any elected office or committee chairmanship in College groups of any kind. A copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed. The letter of warning becomes a permanent record in the student's Academic File.
- A Letter of Warning (first offense only). A letter of warning indicates that any additional violations may result in immediate suspension from the College. A copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed. The letter of warning becomes a permanent record in the student's Academic File.
- A combination of the above sanctions.
- Any sanction deemed appropriate by the Committee, including educational sanctions.

APPEALS

7.1 All sanctions determined by the Academic Integrity Committee shall remain in place during the appeals process. All exceptions to this policy shall be at the discretion of the Dean or his/her designee.

Grounds for Appeal. The charged student may appeal the decision Academic Integrity Committee to the Faculty Council on any or all of the following grounds:

- That deviations from procedural rules had *significantly prejudiced* the findings of the College Committee;
- That there is new evidence, which was not available at the time of the hearing and which would *significantly impact* the finding of the original hearing.
- That the sanctions are inappropriate or too harsh.

Notice of Appeal. A student appealing the finding of the Academic Integrity Committee must notify

the Office of Academic Affairs in writing no later than five (5) business days after the receipt of the letter indicating the findings of the Academic Integrity Committee. The student should set forth the specific ground(s) of the appeal. The Office of Academic Affairs will notify all relevant parties, including the Chair of the Faculty Council, regarding the appeal within five (5) business days and will compose a response memorandum.

Consideration of Appeal. Faculty Council shall meet to consider the matter of appeal within fifteen (15) business days of receiving the appeal. Faculty Council shall issue a written decision that either:

- The decision of the Academic Integrity Committee has been affirmed in its entirety; or
- The case is remanded to the Academic Integrity Committee with a clear statement of specific reasons for further proceedings and with directives to attend to procedural errors or new evidence.

The Chair of the Faculty Council, or his/her designee, shall send copies of the written decision to the appealing student and the Office of Academic Affairs within five (5) business days (barring exigent circumstances) of the Council meeting. The Office of Academic Affairs will forward copies to the appropriate parties within five (5) business days (barring exigent circumstances).

PROCEDURES FOR ACADEMIC INTEGRITY COMMITTEE HEARINGS

8.1 When a case is referred to the Academic Integrity Committee for a hearing, the Office of Academic Affairs shall set a date and a location for the hearing and notify the charged student, the Committee, and relevant witnesses and participants.

8.2 Rules Governing Committee Hearings

8.2.1 Hearings shall be considered closed and confidential and are subject to FERPA regulations. All statements, information, or comments given during hearings shall be held in strictest confidence by Committee members, College staff, witnesses, advisors, and observers before, during, and after deliberation in keeping with relevant law and policy. The Office of Academic Affairs will record the hearing. The recording remains the sole property of Newberry College.

8.2.2 If any material facts are in dispute, relevant testimony of witnesses and other evidence shall be heard. The Dean, or designee and the Academic Integrity Committee may call and question witnesses. Character witnesses and/or testimony of character not directly relevant to the incident are not permitted.

8.2.3 A student charged with a violation of the Creed is responsible for presenting his/her own case.

- Students may have an advisor, approved by the Dean, who is a member of the Newberry College community.
- Students may not have advisors who are not members of the Newberry College community.
- Advisors cannot speak to the Committee or participate beyond advising the student in a quiet and dignified manner.
- Advisors or students who are disruptive, in the opinion of the Committee Chair, will be asked to leave and the hearing will proceed without their being present.

8.2.4 The Chair of the Committee, with the assistance of the Dean, or designee, will exercise control over the hearing to avoid needless consumption of time through repetition of information and/or to prevent the harassment or intimidation of participants. Any member of the Committee may require the Committee to go into private session to discuss and decide a

matter by majority vote. The Chair can recess the hearing at any time. The Chair of the Committee shall ensure that all procedures are appropriately followed.

8.2.5 The charged student, and the Committee members shall have the right, within reasonable time limits set by the Chair, to present questions for witnesses who testify orally.

8.2.6 All hearings shall be conducted in an informal manner, and technical rules of evidence will not be applied. Witnesses (except for the charged student) shall be present during a hearing only during the time they are testifying.

8.2.7 The charged student

- shall have access to examine any evidence and has a right to review documentary evidence at least three (3) days before the hearing, barring exigent circumstances. The student must view the evidence in the Office of Academic Affairs.
- shall provide the Office of Academic Affairs with copies of relative evidence, statements, and a list of witnesses no less than three (3) days prior to the date of the hearing. A statement summarizing the relevant testimony of all witnesses must accompany the witness list.
- The Office of Academic Affairs reserves the right to limit the witness list. The Office of Academic Affairs reserves the right to prohibit the presentation of any witness testimony not submitted within these guidelines.

8.2.8 If the charged student fails to attend the committee hearing, the Committee will proceed with the hearing without the student's participation.

8.2.9 A tape recording of the hearing shall be kept by the Office of Academic Affairs until any appeal has been concluded, or ninety (90) days from the date of the hearing, whichever is longer. No typed record shall be required. The tape recording is the sole property of Newberry College.

8.2.10 The charged student may request a duplicate copy of the recording at his/her own expense within a period of ninety (90) days from the date of the hearing.

8.2.11 After all information has been presented, the Committee shall meet in private to deliberate the case and reach its decision regarding responsibility. Decisions of the Committee must be by majority vote. If the student is found "Responsible" of violating the Creed, the Committee will hear any information concerning any past infractions by the student, which will be provided by the Dean. The Committee will then deliberate in private to determine appropriate sanctions.

8.2.12 The Dean shall be responsible for forwarding the decision of the Academic Integrity Committee to the charged student in writing. The letter from the Academic Integrity Committee shall consist of:

1. Findings of the College Committee;
2. Sanction(s);
3. Statement regarding the right to appeal and the appeal procedures.

RETENTION OF RECORDS

9.1 Records pertaining to violations of the Creed will be retained by the Office of Academic Affairs and the Registrar. Should the Office of Student Affairs conduct an investigation into non-academic behavioral misconduct, decisions of the Academic Integrity Committee or the Dean concerning violations of the Creed will be shared.

9.2 Records of violations of the Creed will be kept in the same manner as academic records retained by

the Registrar.

9.3 Disciplinary records are kept confidential to the extent permitted by law.

9.3.1. Records of disciplinary actions resulting in a finding of “not responsible” will be removed from the student’s file in the Office of Academic Affairs and the Registrar’s office.

9.3.2. Records of disciplinary actions resulting in a finding of “responsible” and sanctions other than suspension or expulsion are maintained by the Office of Academic Affairs and the Registrar’s office for five years following the date the finding is made at which time they are destroyed.

9.3.3. Records of disciplinary actions resulting in a finding of “responsible” and a sanction of suspension or expulsion are maintained by the Office of Academic Affairs and the Registrar’s office in perpetuity. A notation of suspension or expulsion is reflected on the student’s official College academic record (transcript) maintained by the Office of the Registrar.

9.3.4. A request to expunge a record may be made to the Dean of the College, with a right to appeal to the President, during the last semester of a student’s attendance before graduation.

9.3.5. Records of disciplinary actions resulting in a sanction of suspension or expulsion cannot be expunged.

9.3.6. Academic credits earned elsewhere during a period of suspension will **not** be accepted in transfer. Incomplete grades may not be removed during periods of suspension.