

Developing the Kelley School of Business Indianapolis Academic Fairness Committee Manual

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The Kelley School of Business Indianapolis Academic Fairness Committee has created a manual to organize our documentation for the committee, and has included sample materials used for misconduct and grade appeals.

Development: The subcommittee developed the materials to give organized guidance to committee members (both existing and new member), and the school in regard to Academic Fairness. The materials address a school goal to be consistent and professional in the handling of Academic Misconduct and hearings within the school.

We had a four member subcommittee that met throughout the semester, refining our manual and ideas. The subcommittee included 3 faculty (Michelle Clemons, Elizabeth Malatestinic, Melissa Nemeth) and the school Academic Officer (Jane McDonald). Our school Dean (Ken Carow) was also involved and reviewed the final draft of the manual.

Implementation: The Academic Fairness Committee Manual will be shared with our Indianapolis committee members as we start each academic year. We will use the manual as our guide and handbook for academic misconduct, and grade appeal hearings, and any questions that arise.

Value: The manual brings together our committee charge, best practices from both industry experience, and academic hearing procedures and policies.

Student Response: Our appeal hearings include two student representatives that serve on the committee as well as the student(s) involved in the academic misconduct or grade appeal. Students serving on the committee appreciate having the information available in writing, and the training they receive before serving on an appeal committee.

Limitations: This is our first attempt at putting these materials together in one manual.

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Academic Fairness Committee Manual

Kelley School of Business

Indiana University-Purdue University Indianapolis

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Overview: KSBI Academic Fairness Committee

Our students are required to adhere to the Kelley School of Business Honor Code, an excerpt of which states:

To foster an academic environment that holds personal integrity and honesty in the highest regard, the undergraduate students at the Kelley School of Business have established an honor code to which students are willing to hold not only themselves but also their peers. This code endorses shared values that incorporate honesty, responsibility, and ethical behavior. *Students who have been admitted to the Kelley School of Business are expected to continue their commitment to ethical behavior in all of their endeavors.*

Specific honor codes are found in the appendix.

As a committee we are charged with the responsibility of addressing appeals filed in response to charges of academic misconduct, as well as grade appeals. Formal hearings for grade appeals or academic misconduct cases will be conducted by five members (three full-time faculty and two students) of the Academic Fairness Committee. The Academic Officer shall schedule hearings and gather relevant materials from all parties, but shall not vote on appeals.

- Additional faculty not on the Academic Fairness Committee may serve in hearings, if needed, but at least one faculty member of the Academic Fairness Committee member must serve on a case.
- Members are expected to be up to date on FERPA, academic policies for each program, and university procedures for appeal.
- Members are expected to act impartially and demonstrate respect for confidentiality.
- If needed, members must be available on short notice to hear cases, consistent with the appeals procedures for the university.
- Members may serve as a resource to other Kelley School of Business Indianapolis committees to provide clarity on academic fairness issues.

The Academic Fairness Committee will be convened within seven business days after an appeal is filed. The committee will generally convene on Fridays at 10 a.m. as needed. A different time may be arranged at the discretion of the Academic Fairness Committee.

Member Expectations

You have been selected to serve as a member of the Academic Fairness Committee or to serve on an individual grade appeal. We appreciate your time and know you recognize the seriousness and responsibility associated with this position. The following are some basic guidelines that will help you succeed in this endeavor.

Professionalism

1. Members should participate in training activities provided by the Kelley School of Business Indianapolis and/or Indiana University-Purdue University Indianapolis to improve their skills in the hearing process.
2. If you are assigned a hearing, it is imperative that you attend. If you are going to miss a hearing, contact the Chair of the Academic Fairness Committee. You must disqualify yourself if you have a personal relationship with the parties or knowledge of any circumstance of the case which could compromise your objectivity.
3. Read the materials provided by the Academic Officer in advance including this manual and any documents provided by both the faculty and student in support of the case.
4. Dress professionally and appropriately.
5. You are expected to be a role model. All members must abide by all University regulations.
6. Seek guidance from the Academic Officer or others who have participated in training, as needed.

Hearing Behavior

1. Arrive to the hearing early to discuss any questions you may have with your colleagues.
2. Show respect to all students and faculty members whom you address. The goal is to educate and to resolve complaints, not to punish anyone involved in the Academic Misconduct process.
3. Please read and understand the Code of Student Rights, Responsibilities, and Conduct found at <https://studentcode.iu.edu/index.html>.
4. Regardless of your personal feelings on a policy, your decisions should be in accordance with what is written in the Code of Student Rights, Responsibilities, and Conduct.
5. Maintain decorum. The script for hearings (found in the appendix to this document) will be provided by the Academic Officer. Adherence to the script ensures fair and impartial treatment. Keep side conversations to a minimum.

Critical Thinking and Questioning

1. Gather as much information as possible. Do not allow the student or faculty member to sidetrack you with unrelated issues.
2. Ask direct questions; it is inappropriate to "lead" or "trap" participants.
3. Question only about the incident at hand. Events of the past or questions about the process are irrelevant to the current allegation.
4. Allow each person to tell their story but recognize you will have to ask questions in order to get the whole truth.
5. Ask open-ended questions. Seek to get them to talk more and for you to talk less.
6. Truth is relative. Your decision should be based on a preponderance of information.
7. Be assertive, clear, and concise with your questioning. You are gathering information that may be uncomfortable or embarrassing for people to divulge.

Consensus and Sanctioning

1. Decisions of the Academic Fairness Committee are assumed to be of the committee as a whole. All members of the committee are expected to support final decisions including those with dissenting opinions.
2. Work to build consensus among the committee members so each individual is satisfied with the outcome. Be flexible and learn to compromise. All decisions of the Academic Fairness Committee should be based on a preponderance of the information and will be decided by majority vote.

Confidentiality

1. Respect the confidentiality of the hearing process. Under no circumstance should you divulge any information to anyone about a hearing or the people involved. This includes sharing information with roommates, colleagues, spouses, parents, siblings, friends, and other individuals. To do so is a violation of federal law.
2. In the event any members of the media should contact you regarding a hearing, please refer those individuals to the Academic Officer in the Kelley School of Business Indianapolis and inform the individual you are not permitted to comment on the case.
3. All notes taken by committee members during the hearing will be collected and destroyed by the Academic Officer. If audio recordings are used in lieu of minutes, the recordings will be kept in confidence by the Academic Officer until the final decision on the hearing has been communicated to all parties.
4. Confidentiality is expected even after Committee members leave their position and the University.

Goals of a Hearing

1. To provide a fair hearing for all parties; hopefully a positive and educational interaction.
2. To address behavior, not personality or character.
3. To educate the student on school policy and the rationale for the policy.
4. To remedy any unfair or capricious treatment.
5. To hold students accountable for their decisions and behaviors.

Academic Misconduct Policy

Part II, letter G of Student Responsibilities in the IU Code of Student Rights, Responsibilities, and Conduct outlines the expectations on academic honesty and integrity. Quoting the January 1, 2017 version:

Academic misconduct is defined as any activity that tends to undermine the academic integrity of the institution. The university may discipline a student for academic misconduct. Academic misconduct may involve human, hard-copy, or electronic resources.

Policies of academic misconduct apply to all course-, department-, school-, and university related activities, including field trips, conferences, performances, and sports activities off-campus, exams outside of a specific course structure (such as take-home exams, entrance exams, or auditions, theses and master's exams, and doctoral qualifying exams and dissertations), and research work outside of a specific course structure (such as lab experiments, data collection, service learning, and collaborative research projects). The faculty member may take into account the seriousness of the violation in assessing a penalty for acts of academic misconduct. The faculty member must report all cases of academic misconduct to the Academic Officer. Academic misconduct includes, but is not limited to, the following:

Cheating

Cheating is considered to be an attempt to use or provide unauthorized assistance, materials, information, or study aids in any form and in any academic exercise or environment.

- a. A student must not use external assistance on any "in-class" or "take-home" examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, calculators, computers, and wireless communication devices.
- b. A student must not use another person as a substitute in the taking of an examination or quiz, nor allow other persons to conduct research or to prepare work, without advance authorization from the instructor to whom the work is being submitted.
- c. A student must not use materials from a commercial term paper company, files of papers prepared by other persons, or submit documents found on the Internet.
- d. A student must not collaborate with other persons on a particular project and submit a copy of a written report that is represented explicitly or implicitly as the student's individual work.
- e. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on fieldwork.
- f. A student must not steal examinations or other course materials, including but not limited to, physical copies and photographic or electronic images.
- g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor or program to whom the work is being submitted.
- h. A student must not, without authorization, alter a grade or score in any way, nor alter answers on a returned exam or assignment for credit.

Fabrication

A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citation to the sources of information.

Plagiarism

Plagiarism is defined as presenting someone else's work, including the work of other students, as one's own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged, unless the information is common knowledge. What is considered "common knowledge" may differ from course to course.

- a. A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures of another person without acknowledgment.
- b. A student must give credit to the originality of others and acknowledge indebtedness whenever:
 1. directly quoting another person's actual words, whether oral or written;
 2. using another person's ideas, opinions, or theories;
 3. paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
 4. borrowing facts, statistics, or illustrative material; or
 5. offering materials assembled or collected by others in the form of projects or collections without acknowledgment.

Interference

A student must not steal, change, destroy, or impede another student's work, nor should the student unjustly attempt, through a bribe or promise of favors or threats, to affect any student's grade or the evaluation of academic performance. Impeding another student's work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.

Violation of Course Rules

A student must not violate course rules established by a department, the course syllabus, verbal or written instructions, or the course materials that are rationally related to the content of the course or to the enhancement of the learning process in the course.

Facilitating Academic Dishonesty

A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct, nor allow another student to use his or her work or resources to commit an act of misconduct.

Process for Academic Misconduct

Due Process

Due process may be defined as the protection of an individual while determining their responsibility for misconduct and arriving at conclusions. Fundamentally, courts have required public institutions to provide only very minimal protections:

- Adequate notice of charges.
- A fair hearing.
- Disciplinary action is supported by evidence.

(*Goss v. Lopez*, 419 U.S. 565, 579, 1975; *Dixon v. Alabama* 294 F. 2d 150, 159 [5th Cir. 1961])

In fact, courts have said that a "full-dress judicial hearing ...might be detrimental to the college's educational atmosphere and impractical to carry out" (*Dixon v. Alabama*). The courts recognize and appreciate the importance of academic freedom in higher education, including the role of educational discipline. Administrative educational processes need not be and will not be comparable to rules of criminal law.

Most institutions will go beyond *Dixon* and also ensure that involved parties:

- Receive notice that a complaint has been filed and is being investigated.
- Receive notice of the time, date, and location of the hearing along with adequate time to prepare for that hearing.
- Are advised of the names of the individuals who will provide information at the hearing.
- Are heard by an objective hearing panel or duly appointed hearing officer.
- Hear all information that will be presented and have an opportunity to ask questions of witnesses.
- Have access to all information the University has gathered that will be used in the hearing.
- Have the right to choose an advisor who may be another student, faculty/staff member, or parent. In cases where a student will face criminal charges for the same behavior, the student is also permitted to have their attorney serve as advisor.
- Have the right to some form of appeal.

Standard of Proof

Unlike the criminal court, the standard of proof in our disciplinary process is known as a preponderance of the information. This may also be referred to as "more likely than not" or "50% and a feather". Administrative hearing panels do not have the same power to gather information and compel people to participate, nor can they impose anything more than expulsion from an institution of higher education where the incident occurred. A burden of "beyond a reasonable doubt" (as in criminal law) is inappropriate in these proceedings. Imagine a scale that is weighing the information in a case that must only slightly tip in the direction of responsibility - not 100% certain or even 75% sure; just more than 50 percent sure.

Preponderance means that the Committee believes that the information presented is more likely true than false. The committee should measure not the quantity of information in using this standard, but the quality of that information.

Hearing Checklist

The following outlines what should happen in the pre-hearing and actual hearing:

Pre-Hearing

The pre-hearing discussion should only include members of the Academic Fairness Committee.

1. Read the incident report.
2. Review the sequence of events.
3. Identify any ambiguous areas or possible discrepancies in the report to determine what areas you will need to clarify.
4. Resolve any process issues (admissibility of witnesses, written information, etc.) under the direction of the Academic Officer from the Kelley School of Business Indianapolis.

Hearing

1. Introduce Academic Fairness Committee members and the Academic Officer. Ensure neither party challenges the presence of any voting member of the committee.
2. Outline the hearing process.
3. Ask the student to comment on their complaint and any written information.
4. Ask follow-up questions as a committee.
5. Ask the student if they have any final information they would like to present to the committee prior to closed deliberations.
6. Ask the faculty member to comment on the student's complaint and any written information.
7. Ask follow-up questions as a committee.
8. Ask the faculty member if they have any final information they would like to present to the committee prior to closed deliberations.
9. If applicable, call any witnesses. Allow for brief comments from the witness and ask questions as a committee.

Post-Hearing Discussion

The post-hearing discussion should only include members of the Academic Fairness Committee.

1. Decide whether the information is clear and resolve conflicting information.
2. Determine if more information is needed.
3. Outline the facts that the committee found and make a decision.

In academic dishonesty complaints:

Is the student in violation of the academic dishonesty policy? If so, is the resolution the faculty member proposed appropriate? If not, provide appropriate options/advice to the faculty member.

In grade appeal complaints:

Has the student demonstrated that the grade issued is inappropriate? If so, remand the materials back to the faculty member to provide recalculation of grade without bias to the student or the prior grade appeal complaint.

4. Outline rationale for reaching the decision.

Effective Questioning

Listen Loud

During a hearing you should always be asking yourself two things:

1. Are you listening, and

2. Are you asking the right questions?

Good listening skills only come with practice and concentration. You cannot make a decision based on the facts if you did not hear the facts presented.

- Don't get distracted; pay attention to the person speaking.
- Make note of questions you have while listening to the person speaking. This will ensure you do not forget your question while also helping you focus on the speaker instead of your next question.
- Don't interrupt (unless absolutely necessary).
- Stay focused! Don't waste time asking questions that are irrelevant to the issue at hand. This might include past behavior or other details that have no bearing on the allegation.

Four Key Words

The most effective form of questioning in a hearing is the use of open-ended questions. Four key words to remember when formulating an open-ended question:

1. What? - These questions ask for facts. "What were you doing when ..."?
2. How? - These questions bring out feelings and emotions. "How do you think your actions affected others?"
3. Could? - Be Careful! These can be closed questions. Try "Could you explain why you chose to do this rather than another solution?"
4. Why? - Be careful with "why". The tone of a why question can become accusatory and dismissive. Used appropriately, however, "why" questions can help to determine a student's state of mind. Ex. "Why did you choose to use this "shortcut" in completing your paper?"

Questioning Suggestions

The following are suggestions on how to question during the hearing:

1. Ask simple questions that allow the student to talk and allow for greatest clarity.
 - Understand the sequence of events
 - Clarify conflicting information
 - Understand each party's perception
2. Make an easy, casual and smooth transition from topics and timelines to reduce confusion.
3. Be brief! The longer you speak, the more likely you are to provide the answer to the individual. Leave it open-ended.
4. Do more listening than talking. Encourage the person to open up. Listen carefully, including between the lines. Insert brief "prompters" as needed.
5. Give adequate time to hear the answer for each question before moving on. Maintain appropriate visual contact.
6. Tone is very important. Be inquisitive, not interrogative. Avoid judgmental or evaluative comments such as "that's too bad" or "I'm glad you said that." Remember that during every case, an opinion is being formed of the Academic Fairness Committee process and consequently of the Kelley School of Business Indianapolis as a whole.
7. Work as a team during questioning. Without being too mechanical about it, try to cover topics in a systematic order. Have a purpose in asking each question. Stick to the topic at hand and avoid irrelevant topics the parties might bring up.

8. Be certain that you have resolved any conflicting information before entering deliberation. Do not wait until you are in deliberation and start guessing at reasons for conflicting information.
9. Ask questions that reveal what each party feels would be an appropriate resolution.
10. Committee members should not pass notes, watch the clock, or whisper back and forth during a hearing. Take notes only as necessary.

Sample Questions

Remember to be inquisitive in this part of the process.

1. Please tell us more about what happened when....?
2. Describe the claims in the report (or from the testimony) you specifically disagree with.
3. How do you account for the discrepancies between your statement and the information provided by the witnesses?
4. What did you do after...?
5. What did you mean when you said...?
6. Let me restate what you said so I understand correctly. You said...
7. Could you explain why you feel you were being treated unfairly?

Grade Appeal Process

Students are sometimes unsatisfied or disappointed with the grades they receive in particular courses or the quality of instruction they received. All human enterprise is flawed, and at times, instructors may make errors in assigning grades. The appeal process is designed to correct those rare occasions when a student's disappointment is driven by unfairness.

A student who believes that their grade was awarded unfairly is encouraged to first attempt to resolve the issue informally with their professor. If the student and professor cannot resolve the complaint to the student's satisfaction, the student must contact the Academic Officer of their intent to file a formal appeal. The student must also provide the Academic Officer with any materials intended to support their position within one week of the notice of appeal. The faculty member will be informed by the Academic Officer of the student's intent to appeal and be given one week to provide written documentation for the committee.

The committee must determine if the grade was awarded fairly and, if not, what the more appropriate grade would be. It is important to note this procedure is not to be used to review the judgment of an instructor in assessing the quality of a student's work. Some instructors have very high expectations and some have lower expectations. Some will accept late work and others will not. Some instructors will take partial points off for not meeting assignment expectations, while others will assign failing grades for the same mistake. This grade appeal process is not designed to place you and your judgment in determining what a reasonable expectation would have been.

To accomplish this difficult task of achieving more fair grades without substituting your judgment for that of the instructor, a committee might employ one of the following criteria:

1. An obvious error in the calculation of the grade.

Instructors typically use a grading scale and points system for assigning grades. A student may demonstrate that the point total assigned is incorrect and does not follow the grading scale or grading standards as outlined in the syllabus or class outline.

2. The assignment of a grade to a particular student by more demanding standards than were applied to other students in the course.

Students in the same course should be similarly evaluated. If an instructor requires one student to cite 15 sources and another student in the course to cite 30 sources, this unequal treatment can unfairly impact a student's grade. Similarly, if one student was not docked points for failing to include a visual aid in a presentation and another student was docked for failing to include the visual aid, the second student may appeal on this standard.

3. The assignment of a grade to a particular student on some basis other than performance in the course.

Personal relationships and biases that are not related to course performance should not impact a student's final grade. However, this can be very difficult to prove. If a student can demonstrate that course requirements were met, but their grade was lowered due to these outside incidents, the grade should be raised. For example, a student who utilizes social media to criticize their instructor's political positions cannot be evaluated differently on an assignment for their views. Additionally, the president of a departmental student organization cannot be graded lower for failing to complete their duties by their instructor who is also the advisor of the group.

4. The assignment of a grade by a substantial departure from the instructor's previously announced standards.

A syllabus is viewed as a contract between the students and their instructor. The syllabus provides requirements or expectations of the course and if the student can demonstrate that a deviation from that syllabus had a negative impact on their grade, the student may have a legitimate appeal that may result in a grade change. For example, if an instructor does not have an attendance policy and a student does not regularly attend class but earns a B in all graded work, the instructor cannot lower the grade due to lack of attendance in the course.

Grade Appeal Hearing Procedures

The hearing procedures for grade appeals parallel the procedures for academic misconduct.

A Few Considerations in Grade Appeals

1. The quality of an instructor's teaching, interpersonal skills, or course syllabus should not be evaluated by the committee. While tempting, these issues are not relevant to the fairness of an individual student's grade.
2. The fact that a student has performed well in every other course does not mean that he/she performed well in this course.
3. The instructor ultimately determines course content and what information is correct. Even if committee members have some expertise in the course content and believe the student to be correct, to decide on this basis would be to substitute your judgment for the instructor's judgment.
4. Poor relations between the student and the instructor do not prove that the student was graded unfairly. The student must adequately demonstrate that this poor relationship caused personal bias that adversely affected them.
5. Instructors must be able to clearly articulate the reasons for the grade assigned. Feelings that a "student is unfit for a profession in" a particular field is not justification for unfairly grading a student in this particular course.

Weighing Information

The deliberation process requires you to collectively sort and weigh all of the information that you have heard. Some of the information and the statements that you have heard may conflict. You must use your common sense and observations to make credibility determinations when these conflicts occur.

Resolving Conflicts

You are the exclusive judges of the information. As representatives of the Kelley School of Business Indianapolis, you should assume that students will offer you information truthfully. If there are conflicts in the information that you have heard, you must reconcile those conflicts, if you can, based on this assumption.

You should not disregard the information provided by any person without a reason and without careful consideration.

If you find conflicting information that you cannot reconcile, you must decide what information you believe and what information you disbelieve. In making these decisions, you should use your own knowledge, experience, and common sense gained from day-to-day living. (Note: The three paragraphs above are adapted from the Indiana Pattern Jury Instructions for civil trials. While our process is dissimilar from criminal and civil courts of law, note that even in legal processes, lay people such as you are encouraged to make judgments about what they do and do not believe).

Credibility

In 1995, United States District Court Judge Lancaster explained that the testimony of one credible witness was sufficient to sustain the expulsion of a student found responsible for sexual misconduct from a public institution.

Plaintiff's argument appears to be that because the tribunal based its decision on the student's uncorroborated version of the events, the evidence was insufficient to warrant expulsion. We disagree.

Tribunals of every level, whether trial courts, administrative agencies or school disciplinary Academic Fairness Committees, by their very nature, must resolve disputes of fact. In doing so, they weigh the evidence, assess the credibility of witnesses, and make factual findings based on the testimony they find most credible. *Merely because a tribunal decides to rely on one witness's word rather than another's does not mean that the procedure was unfair. It simply means that the tribunal made credibility determinations, its primary purpose.* (Woodard v. University of Pittsburgh, No. 95-1299, at 6 (W.D. Pa. 1995) (emphasis added).

Ultimately, committee members will be asked to decide the information that they believe to be factual and persuasive. You should specifically state how you drew your conclusions and arrived at the facts. This is most fair to all parties and will provide the greatest opportunity for understanding, education, and trust in the process.

Factors that may influence credibility determinations:

1. Direct Information: Based on personal observations or experience. Either you believe that the person saw what they are reporting or you don't. This is generally considered the most persuasive form of information.
2. Circumstantial Information: This kind of information does not include direct observation, but contains enough information to conclude that a person committed the act. For example: A professor finds a crib sheet on the floor with three clearly incorrect answers. The professor compares the crib sheet to the quizzes of the 10 students assigned to the seats where the crib sheet was found. Monique is the only student who has these three identical incorrect responses on her quiz.
3. Documentary Information: Any supportive writings, documents, statements, articles, etc. which help to support or deny the issue. For example, the work of other students evaluated on the same exam or computer records of retrieved documents from online resources.
4. Second Hand or Hearsay Information: If John told Stacey that he was the one who stole the exam from Professor Loomis, and Stacey told Greg what John told her, and now Greg appears before the Academic Fairness Committee to report what he heard, certainly there are some possibilities that the tone, context, and facts might have changed. While this kind of second-hand information is not appropriate for a finding of fact, it can assist the committee in exploring new lines of questioning. Also, other information may support this information to strengthen its credibility.
5. Character Information: IUPUI is confident that any of its students or faculty members could find colleagues, neighbors, clergy, or others who might provide information to the good character of the respondent. Responsibility is not determined based on the past academic record or character of the student. Additionally, character information can only be countered with information that would assassinate the character of the individual in question; certainly inappropriate for our process. Therefore, character information should not be overly persuasive.
6. Motive: Has any information been presented indicating the faculty member had a motive to deflate the grade? Has any information been presented indicating the student had an overwhelming motive to cheat?

7. Malice: Has any information been presented indicating the person making the claim harbors ill-will which may have impacted their statements?
8. Relationship: The information from an unbiased person should be given more weight; for example, the observations of an uninvolved bystander would be given more weight than a significant other.

Finding of Facts

The purpose of deliberations is not only to reach a decision about whether to change a grade or to affirm the determination of a faculty member that the student violated the academic dishonesty policy. The committee should also be deciding exactly what happened in the incident and explain how it is that the committee arrived at the decision. The committee conversations during deliberations should lead members to the conclusions that they are reaching collectively based on the information that they heard.

The committee is finding facts based on the standard of "preponderance of the information" and not "beyond a reasonable doubt". As people, we will oftentimes start assertions with "I know for a fact..." to emphatically demonstrate our absolute certainty. In the administrative discipline process, these are not necessarily the kinds of facts found. However, basing conclusions on the preponderance of the information does not make them improper.

1. Your decision should be based on the information provided and not any member's opinions or personal biases.
 - a. For example, the statement "I know people who served in the military and all of those people are _____."
 - b. Your own experiences are valid, but alone, cannot determine the preponderance.
2. Decisions should be framed as conclusions rather than what any member(s) think happened.
3. Committee decisions should explain exactly what occurred and should be specific enough so that all parties understand exactly what information was used to reach its conclusions.

The examples and commentary below may help to illustrate this task:

- a. Poor Example: Specifically, the committee finds you in violation of Part II, G, 3, a. Despite your objections, the committee felt that the approach of the faculty member was reasonable.
Do we really know what happened here? Plus, why did we add the information about the professor's "approach?" This is a poor example of Finding of Fact.
- b. Good Example: The committee finds that you were responsible for a violation of the Academic Dishonesty statement on plagiarism, specifically, reproducing the ideas of another without permission. Professor Markle has effectively demonstrated the similarities between your term paper and Ms. Slabaugh's term paper from the previous term to be more than coincidental. Ms. Slabaugh testified that you had asked for her paper, had access to the paper when she left the room, and that she determined it was missing when she returned. Further, the committee supports Professor Markle's decision to assign you a failing grade in the course as the paper constituted 50% of the total course grade.
This is much more specific. The committee illustrated the facts used as the basis for its decision. The student and the faculty member will clearly understand how the decision was reached, even if it is not supported.

4. The student will be informed of the committee's decision via an email from the Academic Officer within five business days.

Appendix and Forms

Faculty Process for Reporting Academic Misconduct

1. Faculty have **five** days after discovering academic misconduct has (possibly) been committed to contact the student to discuss the situation. See IUPUI Academic Misconduct Procedures for details. <http://studentaffairs.iupui.edu/doc/student-rights/iupui-academic-misconduct-procedures.pdf>

2. Faculty should access and print out the latest form for academic misconduct which can be found at:

<https://academicaffairs.iupui.edu/AcademicResources/Resources-for-Faculty/AcademicMisconduct>

- a. Faculty should fill out page one and discuss charges with student
- b. If proceeding with charges, faculty should have the student select which resolution is appropriate on page 2 and sign the form
- c. Faculty should then:
 1. Sign form
 2. Add Jane McDonald – BS3024 as Academic Officer at the bottom of page 2
 3. Copy entire form – 5 pages and give to student. The latter three pages detail instructions for an appeal.
 4. Give pages 1 and 2 to the Academic Officer for official notification.

Academic Officer Checklist for Misconduct and Grade Appeals

Misconduct Cases

- Faculty member gathers evidence in support of allegation of misconduct
- Faculty member makes preliminary decision and fills out the IUPUI misconduct form
- Faculty member communicates with student regarding the allegation
- Student allowed opportunity to explain/defend
- Faculty member decides whether to move forward with charges of academic misconduct
 - If no, communicates this decision with student and process ends
 - If yes, the process continues as follows
- Faculty member determines appropriate penalty
- Student either accepts responsibility or denies and signs form
- Faculty member signs form and gives copy of completed form to student
- Student has the right to appeal within 5 business days
- Faculty member sends completed form to the Academic Officer specifying the incident, penalty, and student's response (NOTE: the Academic Officer will assist faculty members with misconduct meetings with students if they wish)
- The Academic Officer communicates with student on KSBI letterhead
- Copies sent to Executive Associate Dean, director and chair of program, Office of Student Conduct Director, and faculty member involved
- For multiple offenses, school will recommend suspension or expulsion to Dean of Students
- Academic Officer creates a file for the case and has it entered into the misconduct database maintained by the Academic Officer

Grade Appeals Process

- Student contacts faculty member to try to resolve. If unsuccessful:
- Student contacts Academic Officer (instruct student to contact course coordinator, if appropriate)
- If unresolved, student notifies Academic Officer to indicate intent to pursue formal appeal
- Academic Officer gives student the Student Grade Appeal Instructions (located in Appendix) for submitting a grade appeal
- Student formally requests in writing his/her desire to appeal
- Academic Officer and Academic Fairness Committee Chair decide if student's request meets the grade appeal criteria
 - If no, student is contacted that he/she does not meet the grade appeal criteria and process ends
 - If yes, process continues
- Director notifies faculty member of pending appeal
- Academic Fairness Committee Chair solicits committee members to assemble Grade Appeal Hearing Committee comprised of 3 full-time faculty members and 2 students
- Criteria = ability to judge issue in an independent and unbiased manner
- Student and faculty member must provide director with any materials intended to support position within 1 week of notice of appeal

- Academic Officer prepares copies for members of Grade Appeal Hearing Committee and sets hearing date/time
- Academic Officer asks Grade Appeal Hearing Committee to identify hearing chairperson and gives a brief overview of the nature of the appeal and charges the committee to focus on the issue at hand
- Student and faculty member appear before the committee to present case
- Both parties may bring witnesses if relevant to the case
- Student and faculty member dismissed as the hearing committee debates case
- Hearing committee has the right to defer decision to obtain additional information
- Hearing committee must return a decision within 7 days of the original hearing

Academic Misconduct Sample Letter for Non-Admitted Student

Date

[Student Name]
[Student Address]

Dear [Student Name]:

This letter is to formally notify you that Professor [Name] has charged you with academic misconduct in [Course number and Title], in [Semester] for [Offense]. This constitutes a violation of the Kelley Honor Code and the IUPUI Code of Student Rights, Responsibilities and Conduct. Because of your actions, Professor [Name] has given you [Sanction].

I am required to notify the Executive Associate Dean of the Kelley School of Business Indianapolis, the Academic Program Chair and Director of the Undergraduate Program, and the Associate Dean of Students for IUPUI whenever a case of misconduct occurs in the school. We respect student privacy and although the record of this event will remain in my files, it will not be shared by the Kelley School of Business with other faculty or administrators beyond those mentioned above.

Please note that should there be a second offense, you risk the possibility of no longer being eligible for admission to the Kelley School of Business or completing your bachelor's degree, business minor or business foundation certificate, or taking any other business courses.

It is my sincere wish that you learn from this experience as you continue to pursue your academic and professional goals. I am confident that you will put this behind you and not allow this to happen again.

Sincerely,

[Name]
Academic Officer

Cc: [Name], Executive Associate Dean Faculty and Research
[Name], Associate Dean of Students/Director of Student Conduct
[Name], Academic Program Chair, [Program]
[Name], Director, [Program]
[Name], Professor

Academic Misconduct Sample Letter for Student Admitted to Kelley School of Business – First Offense

Date

[Student Name and Address]

Dear [Student Name]:

This letter is to formally notify you that Professor [Name] has charged you with academic misconduct in [Course number and title], in [semester] for [Offense]. This constitutes a violation of the Kelley Honor Code and the IUPUI Code of Student Rights, Responsibilities and Conduct. Because of your actions, Professor [Name] has given you [sanction].

I am required to notify the Executive Associate Dean of the Kelley School of Business Indianapolis, the Academic Program Chair, the Director of the Undergraduate Program, and the Associate Dean of Students for IUPUI whenever a case of misconduct occurs in the school. We respect student privacy and although the record of this event will remain in my files, it will not be shared by Kelley School of Business with other faculty or administrators beyond those mentioned above.

Please note that should there be a second offense, you risk penalties ranging from being placed on probation with the Kelley School of Business to suspension or expulsion from the school.

It is my sincere wish that you learn from this experience as you continue to pursue your academic and professional goals. I am confident that you will put this behind you and not allow this to happen again.

Sincerely,

[Name]

Academic Officer

Cc: [Name], Executive Associate Dean Faculty and Research
[Name], Associate Dean of Students/Director of Student Conduct
[Name], Academic Program Chair, [Program name]
[Name], Director [Program name]
[Name], Professor

**Academic Misconduct Sample Letter for Student Admitted to Kelley School of Business -
Second Offense**

[Date]:

[Name]
[Address]
[Address]

Dear [Student Name]:

This letter is to formally notify you that you now have two charges of academic misconduct on file with the Kelley School of Business. [State courses and offenses]. Please understand that these are serious offenses and as a result of your actions you are being placed on disciplinary probation with the Kelley School of Business until you graduate with your [State degree earning] degree in business. Should you have another confirmed incident of academic or personal misconduct, you risk suspension or expulsion from the Kelley School of Business.

For your review, we are attaching the Honor Code statement you signed when applying to the Kelley School of Business.

Attach appropriate Honor Code for student according to program admitted.

[Name of student] you are a valued student in the Kelley School of Business. We hope you have learned from these incidents and are ready to move forward toward graduation. If we can be of any assistance, please do not hesitate to contact either of us.

Sincerely,

[Name]
Academic Officer

[Name]
Director of Undergraduate Programs

Cc: [Name], Executive Associate Dean Faculty and Research
[Name], Associate Dean of Students/Director of Student Conduct
[Name], Academic Program Chair, [Program name]

Student Grade Appeal Instructions

A formal request for a grade appeal may be requested if the situation meets one of the following criteria:

1. Error in calculation of the grade
2. Student held to a higher standard than other students in the course
3. Grade assigned on some basis other than performance
4. Grade assigned by a substantial departure from the instructor's previously announced standards

The time allowed to request a grade appeal is five business days after receiving the final grade for the course. A formal letter is to be written to Jane McDonald, Kelley Academic Officer, as addressed below, specifically stating which criteria the request is being based on and why.

Jane McDonald
Kelley School of Business
815 West Michigan Street, BS 3024
Indianapolis, IN 46202

After reviewing the request, Jane McDonald will contact the student to verify that the request does meet at least one of the criteria, as stated above, and to schedule a hearing with the Academic Fairness Committee.

The grade appeal will be heard by three full-time faculty members and two student members of the Academic Fairness Committee. The hearing will be convened as soon as possible after the appeal is received.

Kelley School of Business Indianapolis Student Honor Code

The Indiana University Code of Student Rights, Responsibilities, and Conduct is outlined and defined in an August 15, 1997, publication. This code exists as a guide for students, faculty, and staff and is available from the Program Office or from the Office of the Dean of Students to assist students in the conduct of their affairs. In addition, the Indiana University Kelley School of Business has developed the following Honor Code to clarify and codify student conduct in the Undergraduate program. Students admitted to the program or taking undergraduate courses are bound by this code.

On my honor, as an Indiana University Kelley School of Business Indianapolis student, applicant, or student taking Kelley School of Business classes, I will conduct myself honestly with faculty, staff and fellow students. I promise my academic activities will support original and class specific work as defined in the IUPUI Code of Student Rights, Responsibilities and Conduct. I will report any knowledge of academic dishonesty to the appropriate person.

I promise to maintain a respectful attitude toward others as reflected by my conversations, written correspondence and classroom behavior. Furthermore, I will represent the Kelley School of Business with a high level of integrity and in a positive manner and I will require the same of others.

As a student of the Kelley School of Business, I promise to adhere to all elements of its Honor Code and understand that I will be held accountable for my actions and/or inactions.

The Kelley School may discipline a student for academic misconduct, defined as any activity that tends to compromise the academic integrity of the institution and undermine the educational process. Academic misconduct includes but is not limited to the activities specifically prohibited above, interference with another person's right to learn, violation of course rules, and facilitating academic dishonesty. The school may also discipline a student for acts of personal misconduct that occur on university property, or in connection with university business. Such acts include but are not limited to falsifying emergency warnings, release of access codes for university resources, lewd, indecent, or obscene conduct, unauthorized entry, damage to university or property belonging to others, sexual and racial harassment, verbal abuse, harassment or threats and all other acts of personal misconduct as defined by the Code of Student Rights, Responsibilities, and Conduct.

All italicized and all capital words are not read aloud, but used by the Hearing Chairperson to determine what actions are required and in what order. It is important that all shaded portions of the script are read as they appear.

1. Introduction

HEARING CHAIRPERSON READS:

Good afternoon. My name is, «**Hearing Chairperson**», and I will serve as the chairperson of this hearing.

The purpose of this Academic Fairness Committee hearing is to review the charge of academic misconduct levied against «**Student**» in «**Course**» by «**Instructor**» in «**Semester and Year**».

This is an informal proceeding and not like a criminal trial. Our objective is to gather information to assist the committee in reaching a decision and to give all parties to this incident a fair chance to speak and to be heard. We ask that everyone treat each other with courtesy and respect.

Information discussed here is confidential and should not be shared outside of this hearing with anyone. It is also expected that everyone will be honest and truthful in this hearing.

Before we go any further, I would like everyone to introduce themselves by name and the role that they will be playing in the hearing. *The Hearing Chairperson should motion to every person in the room for introductions.*

HEARING CHAIRPERSON CONTINUES:

This hearing is in relation to the appeal of a charge of academic misconduct. Based on a «**Charge**», «**Instructor**» has assigned «**Student**» the grade of «**Grade**» on «**Assignment**». «**Student**» is appealing «**Instructor's**» decision because they have been unable to reach an agreement informally. Accordingly, this committee has been asked to review the charge of misconduct and grade for the «**Assignment**».

«**Student**» will be asked to explain the reason that «**he/she**» disagrees with «**Instructor's**» decision. The committee will ask questions and «**Instructor**» will also be allowed to ask questions. Next, «**Instructor**» will be asked to explain how «**he/she**» reached the decision. The committee will then ask questions and «**Student**» will also be allowed to ask questions. In closing, both «**Instructor**» and «**Student**» will be invited to make any closing comments before they leave and the committee deliberates to make a decision. Does anyone have any questions regarding the process?

2. Student Testimony

HEARING CHAIRPERSON CONTINUES:

«Student» we have read the written information you and «Instructor» had provided. However, in a moment, we will ask you to summarize your appeal. We will ask that you limit your summary to no more than ten minutes. «Instructor», please allow the complainant to share the entire story without interruption. There will be time for you to ask questions later.

«Student», please begin.

The student will give his/her testimony.

HEARING CHAIRPERSON CONTINUES:

Members of the committee, do you have any questions for the student?

The committee asks questions.

HEARING CHAIRPERSON CONTINUES:

«Instructor», do you have any additional questions that you would like me to ask the student? Please direct your questions to me so that I may ask these questions for you.

The accused is allowed to ask questions. The committee may follow-up.

HEARING CHAIRPERSON CONTINUES:

Does anyone have any further questions or comments for the student?

Wait a few moments.

3. Instructor Testimony

HEARING CHAIRPERSON READS:

«Instructor», in a moment, we will ask you to summarize your response to «Student's» appeal and explain your decision. We will ask that you limit your summary to no more than ten minutes. I will ask «Student» to give «Instructor» the same courtesy of sharing information without interruption. You will be given time to ask questions later.

«Instructor», please begin.

The Instructor will give his/her testimony.

HEARING CHAIRPERSON CONTINUES:

Members of the Review Committee, do you have any questions for «Instructor»?

The committee asks questions.

HEARING CHAIRPERSON CONTINUES:

«Student», do you have any additional questions that you would like me to ask «Instructor»? Please direct your questions to me so that I may ask these questions for you.

Wait a few moments.

Does anyone have any further questions for «Instructor»?

Wait a few moments.

4. Closing Statements

HEARING CHAIRPERSON CONTINUES:

In a moment, the committee will enter closed deliberations to determine by majority vote if a preponderance of information exists to suggest a change in «Instructor's» decision.

Before the committee deliberates, «Student», do you have any comments you'd like to make to the committee?

HEARING CHAIRPERSON CONTINUES:

While you are not required to, «Instructor», do you have any closing comments you'd like to make to the committee?

Allow time for response.

HEARING CHAIRPERSON CONTINUES:

Are there any final questions from the committee?

Allow time for response.

If there is nothing more, we will enter our deliberations. You both will be notified by letter of our decision.

Hearing Committee Appeal Report Sample Template

To: Jane McDonald, Academic Officer
From: Academic Fairness Committee
Re: Student Name Misconduct Appeal
Date:

Background

Student name is enrolled in Bus-#### with Professor _____. Details of the case... As a result of the academic misconduct charge of _____, Student name's final grade was reduced to a Failing grade for the course (or penalty applied).

Student Name's Explanation of Events

Student name is appealing the cheating charge because he/she says he/she did not cheat. Details of student explanation...

Professor Name's Explanation of Events

Professor _____ explained the exam result findings as three red flags. Professor _____ noticed that 1. Out of the ## possible questions on the exam both students missed ## questions (## True/False and ## Multiple choice with 4 options). 2. The ## questions missed were exactly the same questions. 3. Most importantly, both students recorded the same wrong answer for each of the ## questions they missed. No other student in the class of sixty recorded the same combination of right and wrong answers. Professor _____ spoke with Student name individually and gave him/her the opportunity to share what happened during the exam. Student name denied cheating. Professor _____ created the exam himself/herself, believes the exam results conclude the students cheated, and decided to fail both students for the course. The course syllabus contains a section about Academic Misconduct which states that Violation of the university's academic misconduct policy may result in consequences up to and including failure in the class. Professor _____ stated that he/she does not know how the students cheated or where they sat in the Seminar Room since the make-up exam was with the fourth floor Kelley secretaries.

Decision Regarding Student Name's Appeal

The Committee has reviewed the information provided and determined that a preponderance of information does/does not exist to support a change to Professor _____ decision to charge Student name of cheating on the BUS-#### exam. Student name did /did not sufficiently explain how he/she and the other student arrived at the same wrong answer on ## of the ## exam questions, or otherwise support his conclusion that he/she did not cheat. The Committee recommends Student name Failing final grade in the course remain unchanged/ be changed.

Respectfully Submitted,

Committee Student name, Student

Committee Student name, Student

Committee Faculty name, Faculty

Committee Faculty name, Faculty

Committee Faculty name, Faculty

Honor Codes

- Undergraduate:



Kelley School of Business, Undergraduate Honor Code.pdf

- Graduate Accounting:



Kelley School of Business, Graduate Accounting Code of Ethics.pdf

- Evening MBA:



Kelley School of Business, Evening MBA Honor Code.pdf

- Evening MBA (Business of Medicine):



Kelley School of Business, Business of Medicine Student Conduct Agreement.pdf