

Academic Integrity: Conduct Process

Faculty are required to report suspected academic integrity violations of the Honor Code to the Associate Dean of the Faculty for Student Academic Affairs (ADOF). When a student acknowledges responsibility for a violation, the ADOF administers institutional sanctions in an Administrative Conference as prescribed by faculty legislation and described in the *Academic Integrity Handbook*; the instructor retains authority over the grade consequence. Most cases alleging academic integrity violations are resolved among the ADOF, the student, and the instructor but any party may bring the case to an Administrative Hearing Board (AHB). The AHB is particularly important when a student contests the charge itself. If the student is found responsible, the AHB cannot reduce or set aside sanctions imposed by the ADOF or modify a grade penalty determined by the instructor. The *Academic Integrity Handbook* describes further impacts of academic integrity violations and describes grievance procedures and the limited forgiveness policy. Questions about academic integrity may be directed to the ADOF.

The process governing the proceedings of an Administrative Hearing Board follows the procedures in the *Student Handbook* with the following exceptions:

- The Associate Dean of Faculty serves as the Conduct Administrator;
- The Administrative Hearing Board must include at least one member of the faculty;
- Suspension is considered as an appropriate outcome for multiple violations or an especially egregious single violation;
- Appeals are directed to the Dean of the Faculty / Vice President for Academic Affairs.

Relevant Terminology

Conduct Administrator (CA): The Associate Dean of the Faculty for Student Academic Affairs. The CA will develop procedural rules for the administration of the conduct process that are consistent with this process. Material deviation from these rules will, generally, only be made with reasonable notice to the parties involved. The CA may vary procedures with notice where the CA determines that the circumstances make such action necessary or advisable (for example, upon determining that changes to law or regulation require policy or procedural alterations not reflected in this process). The CA may, at any time, make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Questions of interpretation of the applicable rules or procedures may be referred to the CA who will have discretionary authority to resolve any disputed or ambiguous terms and whose interpretation is final.

Reporting Individual (RI): The Reporting Individual is the person alleging a violation of the Honor Code. In certain cases, the CA acts as the Reporting Individual on behalf of the College. For example, the College may pursue a violation of the Honor Code in response to an anonymous complaint.

Harmed Party: The CA may invite, as feasible and subject to confidentiality restrictions under applicable law, anyone allegedly harmfully impacted by a violation. A Harmed Party may also be a Reporting Individual. Harmed Parties may be asked to specify how they have been harmed and for any ideas they may have for how the Responding Student can repair the harm and rebuild trust.

Responding Student (RS): The student accused of violation of the Honor Code.

Witness: An individual who either, in-person or in writing, can provide the CA or appropriate resolution body with a firsthand account of the incident in question. Witnesses cannot serve the purpose of defending the character of any involved party and must have factual knowledge of the incident.

Advisor: Both the Reporting Individual and Responding Student have the right to one advisor of their own choosing. For all cases not involving a violation of the Sexual and Gender-Based Misconduct Policy, the advisor must be a member of the Skidmore community (student, faculty or staff), unless otherwise allowed by the CA. The Advisor has a limited speaking role and may not make a presentation or otherwise represent the Reporting Individual or Responding Student during the hearing; it is expected that Reporting Individuals and Responding Students will speak for themselves. The Advisor will be permitted to confer quietly with the student with whom they are working. Note: if the meeting of the Administrative Hearing Board is held electronically, the RS and the Advisor may confer privately (e.g., in a private Breakout Room), at the discretion of the AHB chair.

Resolution Options

If a student withdraws from the College while disciplinary action is pending, the College may proceed with a resolution based on available information in the student's absence and include the finding in the student's permanent record. The student must resolve the disciplinary complaint before the College will consider readmission.

Administrative Conference: In an administrative conference, Responding Students are invited to meet with the Conduct Administrator to discuss the incident. The Conduct Administrator may also meet with Harmed Parties or other witnesses to gather more information about the incident prior to making a final determination. The Conduct Administrator will make determinations of responsibility and sanctioning.

The Administrative Hearing Board (AHB): The AHB meets with the Responding Student and Harmed Parties to determine if the Responding Student is in violation of the Honor Code and, if so, assigns sanctions. The mission of the AHB is to help Responding Students understand the consequences of their behavior, to identify harms, and to identify ways to repair the harm. More information on the AHB "Structure and Process" can be found in the section below.

Administrative Hearing Board Structure and Process

In line with Skidmore College's dedication to fairness and equity, the AHB process strives to remove an adversarial structure of a hearing and replace that with a structure meant to hold a Responding Student accountable, identify the harm the Responding Student caused, and brainstorm ways to repair the harm and rebuild trust in the Responding Student.

An AHB will be used in all cases in which the Conduct Administrator believes a Responding Student is responsible for violating the Honor Code but the Responding Student does not wish to take responsibility for the violation. Prior to scheduling a Responding Student to appear at an AHB, the Conduct Administrator will meet with all parties involved or impacted to determine who should be in attendance at the hearing. Participation in the process by Harmed Parties is voluntary and will not impede the Conduct Administrator's decision to move forward with an AHB hearing.

Once a determination is made that the case will be resolved through an AHB hearing, notice will be given to the Responding Student, and other parties attending the hearing, at least three days before the hearing. The letter of notice will include:

- Notice of the time, date, and location of the hearing;
- The alleged Honor Code violation, including the date(s) of the incident(s);
- Names of Administrative Hearing Board members and information on how to submit conflict of interest concerns; and
- Names of any other parties who will be in attendance.

No one else other than those listed may attend an Administrative Hearing Board without the prior approval of the Board chair, nor may the Responding Student consult during the hearing with anyone other than the Advisor. Violation of this provision will result in an immediate declaration by the Board chair that such action is an additional violation of the Honor Code, for which the Board may consider sanctions.

AHB Member Make-Up

Administrative Hearing Board: An AHB for a hearing includes at least three trained members from the administration, staff and/or faculty who are appointed by the CA, at least one of whom is a faculty member. The CA will act as nonvoting advisor to the hearing process.

Preparation for AHB Hearings

Responding Students are expected to participate in the hearing but may submit a written statement to the board instead. If a Responding Student fails to attend the hearing or submit a statement as scheduled, the hearing will proceed without the Responding Student present, and the AHB will render a decision based on the information available to it. If Harmed Parties do not want to participate in the AHB process, the AHB will be expected to represent the assumed harms.

At the discretion of the Conduct Administrator, Responding Students and Harmed Parties may participate remotely. In hearings involving more than one Responding Student, the complaints may be heard jointly if all Responding Students consent, or if a joint hearing is otherwise determined by the CA to be appropriate if permitted by applicable law. In joint hearings, separate determinations of responsibility will be made for each Responding Student.

The AHB decides every case on an individual basis, after considering the information presented to it. The board conducts hearings in a fair and reasonable manner, respecting the rights and needs of all participants, while also considering the importance of honoring the community value system.

The standard of decision used by the board is preponderance of the evidence. In other words, board members must determine whether it is more likely than not that the alleged violation occurred. While the board members seek full consensus in reaching their decision, in disputed decisions a simple majority vote will decide the case.

AHB Structure

Hearings will be closed to the public. All hearings are audio- and/or video-recorded. The Reporting Individual and/or Responding Student may request to listen to or observe the recorded file in the event of an appeal. Access to the recording will not be permitted for any other reason or request.

Deliberations of the AHB are not recorded.

Given the administrative nature of the conduct process, legal rules of evidence and other legal procedures are not observed. During the hearing, Harmed Parties and Responding Students have an

opportunity to offer information, and to present materials and witnesses on their behalf, in each case at the discretion of the board chair and CA. The Reporting Individual, the Responding Student, and the AHB will have the opportunity to question all present witnesses and parties. The board bases its decision on the information presented at the hearing.

The board hearing has three parts: (1) determining responsibility, (2) identifying harm, and (3) arriving at the process for solutions. In the first part, the board reviews the allegations and determines if the Responding Student has violated the Honor Code. If a Responding Student is not found in violation, the hearing is adjourned. If a Responding Student is found in violation, the next part of the hearing is used to identify the impact of the Responding Student's behavior.

The harm identification section seeks to answer the following questions:

To the Responding Student:

- What were you thinking about at the time?
- What have you thought about since?
- What impact has this incident had on you?
- Who else has been impacted and how?
- Anything else you would like to say or ask at this time?

During this section, a member of the AHB will be taking notes to form a list of harms to be used in the next section, solutions process.

The third and final section of the AHB is structured to answer two questions:

- How can the harm be repaired?
- How can we regain confidence in the Responding Student so that we can trust that they will be a responsible member of our community?

All present parties will have an opportunity to brainstorm solutions to accomplish these goals. The AHB attempts to offer students an opportunity to take responsibility for Honor Code violations and to make amends through pro-social activities. However, in the case of multiple infractions, or an especially serious single offense, the AHB will consider recommending to the Dean of the Faculty & Vice President for Academic Affairs a one-semester suspension or dismissal from the College. The Responding Student's social integrity record may be considered during this phase of the hearing.

The AHB will always strive to reach an agreement with all parties present as to what the solutions should be, but ultimately, the AHB can make a final decision if an agreement is not possible. The board usually informs a student of its decision immediately after reaching its determinations. However, the board may take up to five business days to issue its finding if necessary.

Appeals Process

A student involved in the conduct process as a Reporting Individual or a Responding Student may appeal any Administrative Hearing Board decision. Appeals will be considered on the following grounds:

- A procedural error occurred that significantly impacted the outcome of the process (e.g., substantiated bias, material deviation from established procedures, etc.);

- The discovery of new evidence, unavailable to the appellant during the original hearing or investigation, that could substantially impact the original finding or sanction; or
- Sanctions are disproportionate to the nature or severity of the violation or violations, taking into account the totality of the circumstances (including the cumulative conduct record of the Responding Student, if any).

Individuals who wish to appeal a decision must submit their request for review in writing to the Dean of the Faculty / Vice President for Academic Affairs (Appellate Officer) within **five business days** after receiving notification of the outcome being appealed. Upon receiving an appeal, the Appellate Officer may decline to consider the appeal if it is not based on one or more of the criteria listed above. If the Appellate Officer considers the appeal, they may review the record of the case and the Responding Student's prior disciplinary history (if any) and may consult participants present at the initial hearing (if any) as deemed appropriate. If the appeal is granted, the Appellate Officer may alter the result of the case as to responsibility or sanctioning, remand the case to the original Administrative Hearing Board to reconsider some or all of the case, or direct that a Board of Appeals hearing be convened to reconsider some or all of the case. The decision of the Appellate Officer is final, subject to any further proceedings ordered by the Appellate Officer as described above.

Board of Appeals (BOA): At the discretion of the Dean of the Faculty / Vice President for Academic Affairs, the BOA may review cases heard by administrative conference or the AHB. BOA members, three faculty and/or staff who did not participate in the initial hearing, are appointed by the Appellate Officer, who may also advise the BOA.

Associate Dean of the Faculty for Student Academic Affairs June 2023