

SCAI Misconduct Resolution Procedures

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I. KSU Department of Student Conduct and Academic Integrity (SCAI)

A. University SCAI Officer (Director of SCAI Department)

The University SCAI Officer oversees all aspects of the Kennesaw State University SCAI Department to ensure proper handling of alleged violations of the Student Code of Conduct in addition to promoting campus awareness of issues related to student conduct and academic integrity. Duties of the SCAI Officer include: selecting and training members of the SCAI panel, receiving and processing charges of violations of the Kennesaw State University Student Code of Conduct, keeping records of student cases, coordinating and supervising hearings before the Student Parking and Smoking/Tobacco Appeals Panel, University SCAI Hearing Panel, and hearing officers and revising University policies when necessary. An official designee selected by the SCAI Officer may perform and/or assist with any of these duties.

B. Hearings

1. Academic Misconduct: Depending on circumstances, an allegation of misconduct may be resolved by:

a. An informal disciplinary meeting between the student and the instructor (see II.B. below), or:

b. A disciplinary meeting/hearing before the Director of the SCAI Department or his/her designee, or:

c. A University Panel hearing before a panel of faculty/staff and students.

2. Violation of Disciplinary Rules: Depending on circumstances, an allegation of a violation of disciplinary rules (other than violations on residence hall property) may be resolved by:

a. A disciplinary meeting/hearing before a SCAI Department staff member or his/her designee, or:

b. A University Panel hearing before a panel of faculty/staff and students.

3. Violation of Disciplinary Rules on Residence Hall Property: Depending on circumstances, an allegation of a violation of disciplinary rules on residence hall property may be resolved by:

a. A disciplinary meeting/hearing between the student and a Residence Life Area Coordinator (AC) or Resident Director (RD). A Residence Life AC or RD may resolve any case where removal from housing, or suspension or expulsion from the University is not imposed as a sanction, or

b. A disciplinary meeting/hearing before the Director/Associate Director for Residence Life or SCAI Director/Assistant Director, or designee. They may resolve any case including those where removal from housing, and/or suspension or expulsion from the University is/are imposed as a sanction, or

c. A University Panel hearing before a panel of faculty/staff and students. In cases arising from on-campus housing areas the accused student may have a hearing before a University hearing panel only 1) when the alleged offense is of such a serious nature that a sanction of removal from housing, suspension, and/or expulsion from the University may be imposed if the student is found responsible and 2) if the student requests a University Panel hearing rather than a disciplinary meeting/hearing with

the Director/Associate Director for Residence Life or SCAI Director/Assistant Director, or designee.

C. The University SCAI Panels

The University SCAI Panel includes students, faculty and staff members who receive training in the University Student Code of Conduct and the SCAI policies and procedures. They serve on the SCAI Hearing Panel and act as advisors to persons accused of Code of Conduct violations.

1. Faculty/Staff Appointments

There are sixteen (16) faculty/staff members who are appointed to the SCAI Panel for two (2) year terms, and may be re-appointed at the expiration of this term by the appropriate University official.

The appointments to the SCAI Panel are as follows:

- One faculty member appointed by the Dean of the College of the Arts
- One faculty member appointed by the Dean of the Bagwell College of Education
- One faculty member appointed by the Dean of the Wellstar College of Health and Human Services
- One faculty member appointed by the Dean of the College of Humanities and Social Sciences
- One faculty member appointed by the Dean of the Coles College of Business
- One faculty member appointed by the Dean of the College of Science and Mathematics
- One faculty member appointed by the Dean of the University College
- One faculty member appointed by the Dean of the Honors College.
- One faculty member appointed by the Dean of the Graduate College. The appointed faculty member must have graduate school status.
- One faculty member appointed by the Dean of the Southern Polytechnic College of Engineering and Engineering Technology.
- One faculty member appointed by the Dean of the College of Architecture and Construction Management.
- One faculty member appointed by the Dean of the College of Computing and Software Engineering.
- One faculty or professional staff member appointed by the Vice President for Academic Affairs
- One professional staff member appointed by the Vice President for Student Affairs
- One professional staff member appointed by the Vice President for Operations.
- One professional staff member appointed by the Athletic Director.

2. Student Panel Members

A minimum of twelve (12) students, selected by the University SCAI Officer, serve on the SCAI Panel. Applications, personal statements, interviews, and references are considered in the selection process. Student panelists serve a one (1) year term and may reapply for membership at the end of each academic year.

3. Duties of SCAI Hearing Panel Members

- To serve on hearing panels when so requested by the SCAI Officer
- To act as advisors to individuals or organizations appearing before the University Hearing Panel
- To participate in education and awareness programs sponsored by the SCAI Department
- To uphold the KSU Student Code of Conduct, the SCAI Panel Code of Ethics, all other campus rules and regulations, and federal and state laws

4. SCAI Panel Code of Ethics

As the University SCAI Department exists to promote justice and fairness, thus serving the individual student, the campus, and the public interest, a panel member's public and official behavior shall be beyond reproach and free from impropriety. Any member of the SCAI panel or any member of the student body, faculty or staff who suspects a panel member of violating the SCAI panel code of ethics should communicate in writing to the University SCAI officer. Once the alleged ethical violation is reported, the SCAI officer will investigate the allegations and confer with the Vice President for Student Affairs or his or her designated representative to determine the appropriate action, which may include dismissal from the SCAI panel and/or other disciplinary sanctions, if necessary.

To uphold this high standard of behavior, each member of the panel undergoes training regarding his or her obligations as a member of the KSU SCAI panel, and, by a signed statement, pledges to uphold the following code of ethics:

- a. Proceedings of the University Hearing Panel and Student Parking and Smoking/Tobacco Appeals Panel shall be conducted with fitting dignity and decorum and should reflect the importance and seriousness of the hearing.
- b. Panel members shall not discuss any case outside of the University SCAI panel membership. In addition, panel members shall not discuss cases with other panel members while the case's final outcome, including all appeals, is still pending, unless specific permission is granted by the SCAI officer
- c. No SCAI panel member shall pursue any facts, evidence, or outcome of any case unless acting in an official capacity, with the authorization of the SCAI Department.
- d. Panel members shall refrain from listening to, discussing, hearing, or expressing opinions about the merits of any case or pending case except when sitting as a member of a hearing panel to hear or consider that case, serving as an advisor in that case, or discussing the case with the SCAI officer.
- e. A panel member shall disqualify himself/herself from cases that might present a conflict of interest or justify the inference that a party could improperly influence him/her or unduly enjoy his/her favor.
- f. A panel member shall not be swayed by partisan demands, public clamor or consideration of personal popularity or notoriety, nor be apprehensive of unjust criticism in deciding any case.
- g. When considering whether a violation of the KSU Student Codes of Conduct has occurred, a panel member serving on the University Hearing Panel shall only consider the facts of the case before the panel, and not the validity of the Codes of Conduct regulation.

- h. A University Panel member shall consider all relevant factors in recommending disciplinary measures.
- i. An advisor is expected to give his/her best possible effort when representing a party before the University Hearing Panel.
- j. A panel member shall not solicit for the retention of his or her services as advisor.
- k. When assigned to a case, an advisor shall keep the SCAI officer fully informed of all pertinent information regarding that case.
- l. An advisor shall not argue the merits of any case or possible case with any panel member except during the hearing.
- m. An advisor shall preserve the confidence of the person(s) he or she represents except insofar as this conflicts with the advisor's duty to keep the SCAI officer fully informed of all pertinent information regarding the case. An advisor must inform the person(s) he or she represents of this duty owed to the SCAI officer prior to accepting the position as advisor. Information shared with the SCAI officer may be communicated to all parties to the case.
- n. The conduct of the advisor before the University Hearing Panel shall be characterized by candor and fairness.
- o. Communication between a student or any other person and a panel member concerning the possible violation of a regulation is not privileged communication.
- p. Panel members are not required to report or bring cases to the SCAI Department; however, if asked to act as a witness by an advisor, a panel member is required to cooperate.
- q. If called as a witness, a panel member shall be totally objective in his or her testimony and shall refrain from making subjective evaluations or from expressing his or her personal beliefs.
- r. A panel member who is a member of an organization brought before the SCAI Department must notify the SCAI officer of his or her affiliation with the organization. While that panel member has the right to silence, as he or she is part of the accused student organization, he or she may not serve on a University Hearing panel that is hearing the case against the organization. However, a panel member who is a member of an organization brought up on SCAI charges may serve as the advisor to the organization, unless that panel member is specifically charged with an individual code of conduct violation or is an officer of the organization.
- s. Panel members shall be thoroughly familiar with and adhere to this code of ethics and the policies and procedures of the SCAI Department, and shall refrain from bringing matters of federal and state law into any hearing.
- t. A panel member must preserve the confidentiality of all SCAI Department matters, even after they no longer serve on the panel. A breach of this confidentiality by a former student panel member may subject that student to disciplinary charges.

D. More Information about SCAI Panels

1. Student Parking and Smoking/Tobacco Appeals Panel

a. Jurisdiction: The student parking and smoking/tobacco appeals panel considers appeals by students of citations issued for alleged violations of the KSU parking and smoking/tobacco rules and regulations.

b. Composition: The panel will consist of three (3) members and at least one will be a student.

c. Reporting: Decisions of the student parking appeals meetings are reported to the SCAI case manager. All decisions are then entered into the database within a week of the meeting. A refund, when appropriate, is issued to the student's Owl Express account.

d. Further Appeals: The decision of the Student Parking and Smoking/Tobacco panel is FINAL and may not be appealed.

2. The SCAI University Hearing Panel (formerly known as the University Court)

a. Jurisdiction: The SCAI University Hearing Panel considers allegations of violations of the KSU Student Codes of Conduct which are not resolved either informally or through an administrative hearing before the Director of the SCAI Department (or his or her designee) or by a disciplinary meeting/hearing before Residence Life or other SCAI personnel. Only students who, if found responsible for the charged violation(s), face a possible sanction of removal from housing, suspension, expulsion, or retraction of University degree or course credit previously awarded may request a hearing by the SCAI panel. SCAI staff will make the decision as to whether or not these sanctions are possible if the student were to be found responsible for the alleged violation(s).

b. Composition: The panel will consist of a minimum of three (3) members and at least one will be a student. The panel members will be chosen by the SCAI director from the pool of trained panel members, or from former panel members.

c. Reporting: SCAI University Hearing Panel decisions regarding alleged Codes of Conduct violations and any recommended sanctions are reported to the Director of the SCAI Department (or his or her designee) who will review the recommendation and notify the parties to the case regarding the final decision.

d. Appeals of SCAI University Hearing Panel Decisions: A request to appeal a SCAI University Hearing Panel decision shall be submitted to the SCAI officer in accordance with the guidelines and as outlined in the KSU Student Codes of Conduct.

II. Handling Violations of the KSU Student Codes of Conduct

A. The SCAI Conduct Process and Procedures for Disciplinary (Non-Academic Misconduct) Allegations

This overview gives a general idea of how the University's campus conduct proceedings for non-academic honesty allegations work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.¹

Preliminary Inquiry and the Determination of Whether an Allegation is Considered of a Higher Level (Serious) or Lower Level Nature

The University conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to a determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code). In addition, the Director of Student Conduct and Academic Integrity, or designee, has the discretion to choose not to pursue code of conduct charges or to refer a complaint elsewhere for resolution based on the totality of the circumstances involved.

Smoking and tobacco use allegations against students may be addressed by a citation or by letter to the responding student's University email. No one-on-one disciplinary conference will be required unless the smoking and tobacco violation can be considered a higher level (serious) allegation. See **Conduct Process for Higher Level (Serious) Allegation** (below) for a definition of serious or higher level allegations.

If there is sufficient information to pursue the investigation the administrator, who will be either a Residence Life or Student Conduct and Academic Integrity (SCAI) staff member, must promptly decide if the allegation is serious in nature. An allegation is serious in nature if, in the judgment of the administrator conducting the preliminary review, the appropriate sanction(s) if the student is found responsible for the violation may include retraction of a degree or previously awarded course credit, suspension from school, removal from on-campus housing, and/or expulsion from school. Or, if the allegation is against an organization, it is considered serious in nature if, in the judgment of the administrator conducting the preliminary review, the appropriate sanction(s) if the organization is found responsible for the violation may include a sanction of removal from University housing, and/or suspension or revocation of the organization's registration with the University. Repeated violations may be considered in making this determination. If the administrator deems the allegation is serious then s/he shall forward it to an appropriate SCAI or Residence Life staff member (director, associate director, or assistant director or designee) for resolution. If the allegation is not deemed serious, then a Residence Life area coordinator (AC), residence director (RD), or SCAI coordinator may conduct an educational (disciplinary) meeting to resolve the matter.

An allegation of sexual misconduct against a student that is considered a possible Student Code of Conduct violation may also be a violation of the University's Student Sexual Misconduct Policy <https://policy.kennesaw.edu/content/sexual-misconduct-policy>. As such, the University's Title IX coordinator will conduct an independent investigation of the incident and, if possible, make findings of fact. Based on the Title IX investigator's investigation and findings the incident may be forwarded to

¹ In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.

SCAI for possible handling as a regular student conduct matter (if the incident does not appear to be a Title IX matter), or it may be resolved through the Informal Resolution Process for Student Sexual Misconduct Charge(s) <https://web.kennesaw.edu/scai/content/informal-resolution-process-title-ix> or through the Formal Procedure for Resolution of Student Sexual Misconduct Charge(s)- Appendix A <https://web.kennesaw.edu/scai/content/formal-procedure-resolution-student-sexual-misconduct-charges-appendix>.

Conduct process for Lower Level Allegation

1. A notice of an educational/disciplinary conference will be sent by University email to the responding student or, if the allegation is against an organization, the notice letter will be sent to the University email of an officer of the organization.
2. Notice will include the date, time, and place of the educational/disciplinary conference.
3. Notice will include the section(s) of the Student Code of Conduct and/or Residential Code of Conduct allegedly violated and information about the evidence and circumstances of the allegation.
4. Notice will include directions on how the responding student or organization may review the information/evidence before the educational/disciplinary conference.
5. The administrator conducting the educational/disciplinary conference will allow the responding student or organizational representative to give an explanation of the incident and present witnesses if they have information relevant to the issue of whether or not the student violated the Student Code of Conduct.
6. If the responding student or organizational representative does not attend the educational/disciplinary conference after notice was sent the administrator may make a decision without that student's or organization's input or may place a hold on the student's record with the registrar until the student meets with the administrator.
7. Every decision as to whether the responding student or organization violated the Student Code of Conduct will be based on a preponderance of the evidence/ information available. This means that if the administrator finds the responding student or organization responsible for violations s/he must have determined that it is more likely than not that the responding student or organization is in violation.
8. The administrator will select appropriate sanctions if the responding student or organization is found responsible for violations and will inform the student or organization in writing sent to his or her University email of the result of the educational/disciplinary conference.
9. There is no appeal of either the findings or sanctions after an educational/disciplinary conference based on lower level allegations.

Conduct process for Higher Level (Serious) Allegation

1. A notice of an educational/disciplinary conference will be sent by University email to the responding student or, if the allegation is against an organization, the notice letter will be sent to the University email of an officer of the organization.
2. Notice will include the date, time, and place of the educational/disciplinary conference.
3. Notice will include the section(s) of the Student Codes of Conduct and/or Residential Code of Conduct allegedly violated and information about the evidence and circumstances of the allegation.
4. Notice will include information on how the responding student or organization may review the information/evidence before the educational/disciplinary conference.
5. Notice will include a statement that the responding student or organization may choose to have a hearing before a panel instead of a one-on-one educational/disciplinary conference with the

administrator if the responding student or organization notifies the administrator by a deadline stated in the notice.

6. The administrator conducting the educational/disciplinary conference (or the hearing panel) will allow the responding student or organizational representative to give an explanation of the incident and present witnesses if they have information relevant to the issue of whether or not the student violated the Student Codes of Conduct.
7. If the responding student or organizational representative does not attend the educational/disciplinary conference after notice was sent the administrator may make a decision without that student's or organization's input or may place a hold on the student's record with the registrar until the student meets with the administrator.
8. Every decision as to whether the responding student or organization violated the Student Codes of Conduct will be based on a preponderance of the evidence/ information available. This means that if the administrator (or hearing panel) finds the responding student or organization responsible for violations s/he/they must have determined that it is more likely than not that the responding student or organization is in violation. Panel decisions and recommendations are based on a majority vote.
9. The administrator will select appropriate sanctions if the responding student or organization is found responsible for violations and will inform the student or organization in writing sent to his or her University email of the result of the educational/disciplinary conference. Alternatively, if there is a panel hearing, the panel will make sanction recommendations which must be confirmed by the director of the Department of Student Conduct and Academic Integrity and the director will inform the student or organization in writing sent to his or her University email of the result of the panel hearing.
10. There is the possibility of appeal after an educational/disciplinary conference or panel hearing based on a higher level (serious) allegation only when a responding student receives a sanction of retraction of a degree or course credit previously awarded, suspension from school, removal from on-campus housing, and/or expulsion from school and certain other criteria are met. Or, when an organization receives a sanction of removal from on-campus housing, and/or suspension or revocation of the organization's registration with the University and certain other criteria are met. See Appeals in the KSU Student Codes of Conduct for more information.
11. Generally, only a **responding** student or organization may appeal, but whenever there is a **formal** hearing of any type based on a Title IX allegation of sexual discrimination (including sexual assault) the rules on appeals are modified so that either the responding student or the complainant may appeal in writing the finding and/or sanctions under certain circumstances. See Appeals in the KSU Student Codes of Conduct for more information.

B. The SCAI Conduct Process and Procedures for Academic Misconduct Allegations

This overview gives a general idea of how the University's campus conduct proceedings for academic misconduct allegations work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. ²

² A KSU student may take courses through the USG eCore (Georgia's College Core Curriculum. . . Online) program. <https://ecore.usg.edu/>

Reporting and Classifying an Alleged Violation

Any individual who witnesses or otherwise discovers evidence that a KSU student has engaged in academic misconduct may report the matter to the Department of Student Conduct and Academic Integrity (SCAI) for investigation.

It is almost always the faculty member teaching the class in which the violation allegedly occurred who contacts SCAI concerning such offenses. Accordingly, it is strongly recommended that students who learn that a classmate has engaged in such misconduct should report the matter to their professor as soon as possible. Generally, at that point, it is the faculty member who contacts SCAI to report the case.

Once SCAI receives information that an alleged incident of academic misconduct has taken place, it is the responsibility of Director of SCAI, or designee, to evaluate the purported offense and evidence supporting the allegation. This analysis may lead to a determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Academic Integrity (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code). In addition, the Director of SCAI, or designee, has the discretion to choose not to pursue Code of Academic Integrity charges or to refer a complaint elsewhere for resolution based on the totality of the circumstances involved.

If it is determined that sufficient evidence of academic misconduct exists to warrant disciplinary action, the next step is for the SCAI Director, or designee, to check SCAI records for any prior history of academic misconduct by the accused student. The SCAI Director, or designee, then communicates this information to any faculty member reporting the alleged violation. When a case is reported by someone other than a KSU professor, the SCAI Director, or designee, does not share the accused student's academic misconduct record.

There are two overall methods by which an academic misconduct case that goes forward can proceed. The first and most common is an informal meeting called a disciplinary conference. Only students with no prior history of committing academic misconduct at KSU are eligible to resolve their cases informally. Any completed informal agreement involving a student who is later discovered to have had a history of academic misconduct prior to signing the most recent academic misconduct incident form automatically nullifies the agreement and escalates the charges to a formal hearing. See **Conduct Process and Guidelines for Informal Resolution** (below) for details on what disciplinary conferences entail.

If a student withdraws from a course before a pending case of academic misconduct against that student can be resolved, the student usually forfeits the opportunity for informal resolution (thereby escalating the case to a formal hearing). However, if the accuser permits, the student may still be given a chance for a disciplinary conference at which the student may take responsibility and receive the Incident on File sanction (see below).

The second method for resolving academic misconduct charges is a formal hearing, whether adjudicated by a hearing officer (as is the default) or by a panel. Students with any prior record of committing

eCore has its own academic honesty policy <https://ecore.usg.edu/exams/honesty.php> and procedures <https://ecore.usg.edu/students/guide/dishonesty.php> which apply to eCore classes taken by students. If a student is found in violation of the eCore academic honesty policy, then the KSU student's violation will be reported to the KSU Student Conduct and Academic Integrity (SCAI) Department scai@kennesaw.edu for inclusion in the student's conduct file at Kennesaw State University.

academic misconduct at KSU must resolve any new allegations of academic misconduct formally. Even on a first offense, if the accuser in an academic misconduct case is the accused student's professor for the class in which the alleged academic misconduct case took place, that professor may decide the offense is of such an egregious nature that a finding of responsibility warrants suspension. In these serious cases, the matter goes directly to a formal hearing without attempting a disciplinary conference. Similarly, if a professor attempts to resolve a case informally and is unsuccessful in doing so (i.e. the student says he or she is not responsible, but the professor still believes the evidence indicates misconduct took place), then the case automatically escalates to a formal hearing. See **Conduct Process and Guidelines for Formal Resolution** (below) for in-depth information on formal hearings.

Conduct Process and Guidelines for Informal Resolution

- 1. Notification:** The faculty accuser (or less commonly, the Director of SCAI, or designee) sends the accused student notice via official KSU student email of a mandatory meeting at a particular date, time, and location. Such meetings should be conducted face-to-face, unless the student lives so far away as to make this unreasonable.
- 2. Who Must Attend:** Disciplinary conferences usually bring together the accused student and the accuser professor, frequently with a representative from the SCAI Department or another faculty member assisting as a facilitator. It is strongly recommended that professors avail themselves of a SCAI facilitator, especially if they have not conducted disciplinary conferences at KSU previously. However, professors may choose to meet with the student alone without aid of a facilitator, or else ask their department chair (or designee) to serve as a facilitator. If an allegation lacks a professor accuser or the professor cannot reasonably meet with the accused student, a SCAI staff member may meet with the student and conduct the entire disciplinary conference. Unlike hearings, disciplinary conferences cannot be conducted without an accused student's participation, as the entire point of these meetings is to give eligible students the chance to take responsibility for the alleged offense in exchange for reduced sanctioning.
- 3. Who May Attend:** If the accuser (and facilitator, if present) allows, other parties may be permitted to observe the disciplinary conference as a courtesy to the accused student, such as the student's parents or lawyer. However, the accused must sign a FERPA waiver allowing the observer(s) to be present, and such parties may not participate in the disciplinary conference in any way except at the direct request of the accuser and/or facilitator. Observers who attempt to interject themselves into the meeting despite instructions to refrain from doing so will be asked to leave.
- 4. Disciplinary Conference Steps:**
 - a. At the start of the disciplinary conference, the facilitator and/or accuser explains what the meeting is, why the meeting was scheduled, and the three possible outcomes (see below).
 - b. At some point early in the hearing, the accuser explains the specific allegation(s) of academic misconduct and presents the evidence supporting the charge. Both the accuser and facilitator may ask questions of the accused to obtain the student's perspective and/or explanation.
 - c. In speaking about the purported violation, the facilitator and/or accuser should also speak to the broader ethical implications surrounding the alleged misconduct, particularly when those ethics can be connected with the professional ethics associated with the student's major.

- d. At some point early in the hearing, accused students must receive a reasonable opportunity to explain their point of view on the matter and present any relevant information in their own defense.
 - e. After the accused student has had a chance to speak and answer questions, the accuser (or facilitator if no accuser is present) assesses the preponderance of evidence to determine which outcome is most appropriate. A preponderance means that it is more likely than not that the accused is in violation after considering the totality of all evidence.
 - f. Unless the accuser decides to drop charges (see below), the accuser completes an academic misconduct incident form documenting the specifics of the alleged misconduct and signs it. If the student took responsibility for the offense and accepted an academic sanction (see below), this sanction is also documented on the form and the student signs as well. The completed form, along with a copy of any supporting evidence the accuser has gathered, must be sent to SCAI to create a formal disciplinary record and/or initiate a formal hearing process, as appropriate to the case. The facilitator or adviser should explain how SCAI will maintain this record and under what circumstances it can be shared with others. The academic misconduct incident form can be found on the SCAI website at www.kennesaw.edu/scai.
- 5. Possible Outcomes:**
- a. If the student denies engaging in academic misconduct and convinces the accuser that there is not a preponderance of evidence to support the allegation, then charges should be dropped and the disciplinary conference ends. No further action should be taken against the student pertaining to a dismissed allegation, but professors may still choose to penalize a student's grade for failing to adhere to assignment directions even if they decide that the problem doesn't rise to the level of academic misconduct (e.g. a citation error that isn't serious enough to count as plagiarism).
 - b. If the student denies engaging in academic misconduct, but the accuser believes a preponderance of evidence still supports the allegation, the disciplinary conference ends. The facilitator or accuser explains that the case cannot be resolved informally, and that it will be referred to SCAI for a formal hearing. See **Conduct Process and Guidelines for Formal Resolution** for more details. The accused should be reminded to check KSU student email regularly for a notification of hearing letter from SCAI.
 - c. If the student ultimately takes responsibility for academic misconduct (whether specifically as originally charged or by revealing a different/additional violation), then informal resolution may proceed successfully. The accuser chooses an academic sanction appropriate to the offense from the options below. It is common to solicit the student's input on what constitutes fair sanctioning, especially as the student has already acknowledged wrongdoing and is thus a partner in the educational outcome. However, the final determination of sanctions still rests entirely with the accuser. The facilitator should also provide the accuser with any relevant and known information regarding the precedent of how similar violations have been sanctioned by other professors, but again, this is meant to help inform the accuser rather than constrain the accuser's choices. Although individual professors may differ from one another in how they sanction particular offenses, they are expected to demonstrate internal consistency and thus be able to articulate any substantial deviation from their own precedent of similar cases. More detailed sanctioning guideline suggestions can be found on the SCAI website.

6. **Academic Sanctions:** When professors select academic sanctions, they may include any combination of the following options. Professors may consult with SCAI staff ahead of or during disciplinary conferences for assistance in crafting appropriate sanctions that align with university precedent.
- a. **Assignment Grade Penalty:** Penalize the student's grade for the specific assignment containing academic misconduct (to a maximum penalty of a "0" grade for the assignment).
 - b. **Course Grade Penalty:** Penalize the student's course grade for the course in which the violation took place (to a maximum penalty of automatic failure for the course).
 - c. **Re-Do Assignment:** Require the student to re-do the assignment containing academic misconduct (in full or in part), likely with either a grade penalty or capped maximum grade assessed to be fair to students who didn't engage in academic misconduct. Any opportunity to revise an assignment should have a clear due date and should list a consequence for failing to provide a corrected work (usually a "0" grade for the assignment).
 - d. **New Assignment:** Require a new assignment of some kind. This can take the form of an ethics paper, reflection paper, etc. However, it can also be a new course content focused assignment that replaces the assignment in which academic misconduct occurred. Any opportunity to revise an assignment should have a clear due date and should list a consequence for failing to provide a corrected work (usually a "0" grade for the assignment).
 - e. **No Withdrawal:** Require that the student not withdraw from the course, ensuring that any academic penalties assessed as sanctions constitute meaningful consequences. If the student then withdraws anyway, the informal agreement becomes void and the matter automatically escalates to a formal hearing. Unless no withdrawal is stipulated, students may withdraw normally from classes in which they engaged in academic misconduct, removing the net consequences of any academic penalties while continuing to keep the incident on file for record-keeping purposes.
 - f. **Other Academic Sanction:** A professor may construct any other genuinely academic sanction deemed appropriate to the offense. The sanction must serve to remove a student's unfair advantage and/or otherwise clearly help the student learn from the violation as an educational experience and thereby improve overall as a student.
 - g. **Incident on File:** When students admit responsibility at a disciplinary conference, but there is no course associated with the violation (e.g. if the student is not enrolled in a class but provides unauthorized assistance to another student who is enrolled in a course), no real academic sanctions may be imposed by the disciplinary conference facilitator upon the accused. However, the accused student may still take responsibility to have the incident go on file as a first offense case of academic misconduct, hopefully deterring repeat offenses. As noted previously, students who withdraw from a course before resolving a pending allegation of academic misconduct related to that course normally escalate the case to a formal hearing, but may be accorded the opportunity for a disciplinary conference at the discretion of the accuser, in which case "Incident on File" is the only possible sanction.
7. **No Appeal:** Students cannot appeal the sanctions of a disciplinary conference, as the only way to be found responsible and face those sanctions is by their own admission of responsibility. Once a student signs the academic misconduct incident form and accepts a particular sanction, the agreement is binding and the student cannot recant responsibility without triggering an automatic escalation to a formal hearing.

8. **Expungement:** Former KSU students may contact SCAI and submit a written petition requesting to have their academic misconduct record expunged. Once a case has been expunged, SCAI will not report the incident as a disciplinary record. For a petition of expungement to be granted, all of the following criteria must be true:
 - a. It must have been at least five years since the former student last attended KSU.
 - b. The former student must have only one academic misconduct record on file with SCAI.
 - c. The student must have taken responsibility for the sole offense on record, rather than denying the misconduct and still being found responsible at a formal hearing.

Conduct Process and Guidelines for Formal Resolution

1. Upon receiving a completed academic misconduct incident form signed by an accusing professor, the director of SCAI (or designee) shall determine whether enough evidence exists to proceed with the case. If so, a notice of hearing will be sent by KSU student email to the accused student, containing the information below.
 - a. Date, time, and place of the hearing.
 - b. The section(s) of the Code of Academic Integrity allegedly violated and information about the circumstances of the allegation.
 - c. Information on how the responding student may review the case information/evidence before the hearing.
 - d. A statement that the accused student may choose to have a hearing before a panel instead of a one-on-one hearing with an administrator if the accused notifies the appropriate administrator by a deadline stated in the notice.
2. The administrator conducting the hearing (or the person bringing the charge when there is a hearing panel) will review the information and evidence supporting the allegation of academic misconduct against the student and then allow the accused student to give an explanation of the incident and present witnesses if they have information relevant to the issue of whether or not the accused student violated the Code of Academic Integrity.
3. Every decision as to whether the accused student violated the Code of Academic Integrity will be based on a preponderance of the evidence/information available. This means that if the administrator (or hearing panel) finds the accused responsible for violations s/he/they must have determined that it is more likely than not that the accused is in violation. Panel decisions and recommendations are based on a majority vote.
4. The SCAI administrator will select appropriate sanctions if the accused student is found responsible for violations and will inform the accused in writing sent to his or her University email of the result of the hearing. Alternatively, if there is a panel hearing, the panel will make sanction recommendations which must be confirmed by the director of SCAI and the director will inform the accused student in writing sent to his or her University email of the result of the panel hearing. Because formal hearings for academic misconduct only involve repeat offenders and students unwilling to take responsibility in the face of evidence or who are accused of particularly egregious misconduct, all such offenses are considered extremely serious. Accordingly, the minimum penalty for such an offense is a one-semester suspension from the university unless the accused student convinces the administrator (or the hearing panel) that the circumstances and details of the case substantially mitigate the violation. A repeat academic misconduct offense usually results in a suspension longer than this minimum or even expulsion,

and may also result in credits revoked or retraction of a degree for extraordinarily severe and/or extensively ongoing violations.

5. There is almost always the possibility of appeal after a formal resolution before a hearing officer or panel hearing based on a finding of responsibility for academic misconduct, due to the minimum suspension sanction explained previously. The appeal must still meet all other grounds for appeal. See Appeals in the KSU Student Codes of Conduct for more information.

III. Guidelines for Conducting a Panel Hearing

A responding student or organization may choose (by the deadline given in their notice letter) to request a panel hearing instead of a one-on-one disciplinary conference to resolve serious Student Codes of Conduct allegations. See **Conduct Process for Higher Level (Serious) Allegation** (above) for a definition of serious or higher level allegations.

The following hearing procedures shall be followed in all regular panel cases. These rules shall be interpreted to maintain an informal hearing procedure to the extent that informality will not hinder or obstruct the basic fact-finding function of the panel. Upon permission by the parties and/or the SCAI director, additional measures, as necessary and appropriate, may be implemented.

A. Rules Followed by the Panel

All charges presented to the panel will be based on alleged violations of the Kennesaw State University Student Code of Conduct, Residential Code of Conduct, or Academic Honesty Code. The panel will not be bound by formal rules of legal proceedings and may admit any information that may be of value in determining the issues involved.

B. Personal Advisors in a Panel Hearing

When the responding student or organization asks for a panel hearing s/he/it may have an advisor appointed from the pool of SCAI panel members if s/he requests one. An advisor is not an advocate for the responding student. S/he is someone who will assist the responding student through the panel hearing process. Because SCAI Panel hearings are not formal legal proceedings, lawyers are not permitted as personal advisors or as representatives for the responding student or organization. However, a responding student or organization who is represented by an attorney may request that the attorney attend the hearing, for observation purposes only.

C. Confidentiality

Federal and state laws govern the confidentiality of conduct hearings. Except for such simple announcements as may be required in disciplinary matters, covering the time of the hearing and similar information, public statements and publicity about the complaint by the responding student, the university, the witnesses, or any member of the panel should be avoided.

D. Burden of Proof

The responding student/organization shall be presumed not responsible for a violation until it is proven that he/she/it is responsible. The complainant/accuser has the burden of proof to establish responsibility for the violation by a preponderance of the evidence presented that the responding student or organization has violated the Student Codes of Conduct.

E. Evidence, Information and Witnesses

The person presenting the case against the responding student/organization and the responding student/organization have the following rights:

- The right to present evidence and witnesses on his/ her or its behalf.
- The right to question all witnesses who are present.
- The right to remain silent with no inference of responsibility drawn from such silence.

The panel will place highest value on direct examination of all witnesses; however, if a witness legitimately cannot appear at the hearing, that witness may present evidence using the following methods:

- Alternative live testimony-If approved by the SCAI director, a witness may arrange to testify via speakerphone, or other technologically feasible means for that witness to communicate during the actual hearing.
- Signed written statement-A signed written statement will be admissible if it meets all of the following conditions:
 - The statement pertains to the charges pending before the panel.
 - The statement can be verified by the SCAI director as having been written by the witness.

The panel reserves the right to call any witnesses it deems necessary for the performance of its duties.

The panel shall consider only evidence presented at the hearing. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

F. Prior Record of the Responding Student/Organization

During a panel hearing, evidence of previous findings of violations of the Kennesaw State University Student Codes of Conduct by the responding student or organization should be excluded from evidentiary phase of the hearing unless the previous misconduct shows a pattern of similar behavior related to the current charge.

In general, in cases where the responding student or organization has a prior campus record, the panel will first determine whether the student/organization has violated the Codes of Conduct regarding the current charges. If a violation has occurred, the panel will proceed to the sanctioning phase of the hearing.

Once the panel finds a responding student or organization in violation of the KSU Student Codes of Conduct, the panel may consider the responding student/ organization's prior record when recommending appropriate sanctions.

When the panel engages in a sanctioning recommendation that includes evidence of a student's or organization's prior campus record, the responding student or organization may present a statement, oral or written, to the panel, regarding that prior record.

G. Adjournments

At its discretion, the panel may grant an adjournment when in the opinion of the panel an interruption in the hearing would be desirable.

H. Record of Proceedings / Decision of the Panel

An audio recording of the proceedings shall be made and kept in the office of the SCAI director as the official record of the hearing. The decision of the panel will be based solely on the evidence presented at the hearing, will be in writing, and will state each charge of alleged misconduct, the panel's finding, a brief explanation of the information and evidence the panel relied upon when it finds a responding student or organization responsible for a violation, as well as any recommended sanctions. The SCAI director (or designee) will summarize the panel's findings and review and confirm the recommended sanctions. The SCAI director (or designee) may alter the panel's recommended sanctions if there is substantial reason for so doing.