

# SCAI Misconduct Resolution Procedures

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

### A. Director of SCAI Department

The director of the SCAI Department oversees all aspects of the Kennesaw State University SCAI Department to ensure proper handling of alleged violations of the Student Codes of Conduct in addition to promoting campus awareness of issues related to student conduct and academic integrity. Duties of the SCAI director include: confirming the appointment of members of the SCAI panel, assuring that panel members receive training, receiving and processing charges of violations of the Kennesaw State University Student Codes of Conduct, overseeing SCAI hearing officers and conduct investigators, assuring that student cases are properly documented, overseeing hearings before the Student Smoking/Tobacco Appeals Panel, University SCAI Hearing Panel, the student sexual misconduct hearing panel, and revising University policies when necessary. An official designee selected by the SCAI director may perform and/or assist with any of these duties.

### B. Hearings

**The SCAI Department has the authority to resolve allegations of violation(s) of the KSU Student Codes of Conduct made against students and student organizations.**

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, the associate or assistant director of the SCAI Department or his/her designee, or:
- c. A University Panel hearing before a panel of faculty/staff and students. Panel members make recommendations on findings and sanctions (when appropriate) to the SCAI director who makes the decision. 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 retraction of a degree or previously awarded course credit or 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/assistant director, or designee by a stated deadline.

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. An informal disciplinary meeting/hearing before a SCAI Department staff member or his/her designee, or:
- b. A formal University Panel hearing before a panel of faculty/staff and students. Panel members make recommendations on findings and sanctions (when appropriate) to the SCAI director who makes the decision. 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 suspension 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/assistant director, or designee by a stated deadline.

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. An informal 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. An informal disciplinary meeting/hearing before the director/associate/assistant director for Residence Life or SCAI director/associate 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 formal University Panel hearing before a panel of faculty/staff and students. Panel members make recommendations on findings and sanctions (when appropriate) to the SCAI director who makes the decision. 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 suspension, 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/assistant director for Residence Life or SCAI director/associate/assistant director, or designee by a stated deadline.

## **C. The University SCAI Panels**

The University SCAI panel includes students, faculty and staff members who receive training in the University Student Codes of Conduct and the SCAI policies and procedures.

### **1. Faculty/Staff Panel Members**

Each academic year, a sufficient number of faculty and staff, selected by the Dean of Students or designee in coordination with the Vice President of Academic Affairs and Vice President of Student Affairs, or designees, will serve on the SCAI panel. Faculty and staff panelists will remain members of the SCAI panel for a minimum of one calendar year, but may choose to continue to serve additional years.

### **2. Student Panel Members**

Each academic year, a sufficient number of students, selected by the Dean of Students or designee in coordination with the Student Government Association (SGA) President, will 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 director

- To participate in education and awareness programs when so requested by the SCAI director
- To uphold the KSU Student Code of Conduct, the SCAI Panel Code of Ethics, all other university 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 university, 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 director. Once the alleged ethical violation is reported, the SCAI director or designee 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:

- Proceedings of the University Hearing Panel and Student Smoking/Tobacco Appeals Panel shall be conducted with fitting dignity and decorum and should reflect the importance and seriousness of the hearing.
- 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 director.
- 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.
- 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 director.
- 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.
- 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.
- 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.
- A University Panel member shall consider all relevant factors in recommending disciplinary measures.

i. Communication between a student or any other person and a panel member concerning the possible violation of a regulation is not privileged communication.

j. 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.

k. 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.

l. A panel member who is a member of an organization brought before the SCAI Department must notify the SCAI director 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.

m. 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.

n. 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. A breach of this confidentiality by a former faculty or staff panel member may be referred to KSU Human Resources for possible disciplinary action.

## **D. More Information about SCAI Panels**

### **1. Student Smoking/Tobacco Appeals Panel**

a. Jurisdiction: The student smoking/tobacco appeals panel considers appeals by students of citations issued for alleged violations of the KSU 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 smoking/tobacco 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 Smoking/Tobacco panel is FINAL and may not be appealed.

### **2. The SCAI University Hearing Panel**

a. Jurisdiction: The SCAI University Hearing Panel considers allegations of violations of the KSU Student Codes of Conduct which are not resolved either informally with a professor (for academic misconduct allegations) or through an informal disciplinary meeting/hearing before Residence Life or SCAI personnel. Only students who, if found responsible for the charged violation(s), face a possible sanction of suspension, expulsion, or retraction of University degree or course credit previously awarded may request a hearing by the SCAI university hearing 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 recommended 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 recommendations, make the final decision, and notify the parties to the case of the outcome.

d. Appeals of SCAI University Hearing Panel Decisions: A request to appeal a SCAI University Hearing Panel decision as confirmed by the SCAI director shall be submitted to the SCAI director for distribution to the appropriate appellate officer in accordance with the guidelines and as outlined in this document. This assures a central repository of all student conduct records.

## **II. Handling Violations of the KSU Student Codes of Conduct**

### **A. Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings**

Section II A establishes minimum procedural standards for investigations and resolutions of alleged student conduct violations except for matters relating to academic misconduct.

#### **1. Reports of Student Misconduct**

Complaints to the appropriate department and/or person(s) should include as much information as possible – such as: (1) the type of misconduct alleged; (2) the name and contact information of the individual(s) accused of misconduct; (3) the date(s), time(s), and place(s) of the misconduct; (4) the name(s) and contact information of any individual(s) with knowledge of the incident; (5) whether any tangible evidence has been preserved; and (6) whether a criminal complaint has been made.

Information from complaints may be shared as necessary to investigate and to resolve the alleged misconduct. Complaints shall be investigated and resolved as outlined below. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) shall be assessed in compliance with federal law.

Where appropriate, complainants may file a law enforcement report as well as an institutional report, but are not required to file both.

- i. Confidentiality: Where a complainant or alleged victim requests that his or her identity be withheld or the allegation(s) not be investigated, the institutions should consider whether or not such request(s) can be honored while still providing a safe and nondiscriminatory environment for the institution and conducting an effective

review of the allegations. The institution should inform the requesting party that the institution cannot guarantee confidentiality.

- ii. **Retaliation:** Anyone who, in good faith, reports what she or he believes to be student misconduct participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Anyone who believes he or she has been the target of retaliation for reporting, participating or cooperating in, or otherwise being associated with an investigation should immediately contact the appropriate department or individual(s) for that institution. Any person found to have engaged in retaliation in violation of the student conduct policy shall be subject to disciplinary action, pursuant to the institution's policy.
- iii. **False Complaints/Statements:** Individuals are prohibited from intentionally giving false statements to an institution official. Any person found to have intentionally submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the student conduct policy.
- iv. **Amnesty:** Students should be encouraged to come forward and report violations of the law and/or student code of conduct notwithstanding their own improper use of alcohol or drugs. Any student(s) who voluntarily and in good faith reports information to college or university faculty or staff prior to any investigation concerning use of drugs or alcohol will not be voluntarily reported to law enforcement; nor will information that the individual provides be used against the individual for purposes of conduct violations. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Nothing in this amnesty procedure shall prevent a university staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

## **2. Process for Investigating and Resolving Disputed Reports**

**Jurisdiction:** Each institution shall take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, student conduct should be addressed when such acts occur on institution property, at institution-sponsored or affiliated events, or otherwise violate the institution's student conduct policies, regardless as to where such conduct occurs. If the student has admitted responsibility and has voluntarily decided to participate in the informal process, the procedures outlined in this section will not apply.

**Access to Advisors:** The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an

attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The institution shall not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two family members present.

**Initial Evaluation of Student Conduct Reports:** Regardless of how an institution becomes aware of misconduct, the institution shall ensure a prompt, fair, and impartial review and resolution of complaints alleging student misconduct. Where a report of student misconduct has been made to the appropriate department and/or person, the institution shall review the complaint to determine whether the allegation(s) describes conduct in violation of the institution's policies and/or code of conduct. If the reported conduct would not be a violation of the institution's policies and/or code of conduct, even if true, then the report should be dismissed. Otherwise, a prompt, thorough, and impartial investigation, and review shall be conducted into each complaint received to determine whether charges against the respondent should be brought.

Where a report of student misconduct alleges sexual misconduct or other forms of harassment and/or discrimination, the report will be referred to and the investigation will be conducted through or as directed by the appropriate office trained and equipped to investigate such matters.

Any report that involves allegation(s) of conduct that could lead to the suspension or expulsion of the respondent(s) in an initial violation must be promptly reported to the System Director by the institution. The System Director will work with the institution to determine whether any interim measure(s) are necessary, to assign an investigator and will collaboratively supervise the investigation with the appropriate institution professional (e.g., the Title IX Coordinator, Dean of Students). If an allegation is not initially identified as one that could lead to suspension or expulsion of the respondent(s), but facts arise during the course of the investigation that would require oversight from the System Director, then the institution shall report that case to the System Director or her designee prior to proceeding.

**Interim Measures:** Interim measures may be provided by the institution at any point during an investigation and should be designed to protect the alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to:

- i. Change of housing assignment;
- ii. Issuance of a "no contact" directive;

- iii. Restrictions or bars to entering certain institution property;
- iv. Changes to academic or employment arrangements, schedules, or supervision;
- v. Interim suspension; and
- vi. Other measures designed to promote the safety and well-being of the parties and the institution's community.

An interim suspension should only occur where necessary to maintain safety and should be limited to those situations where the respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the alleged victim or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution must make all reasonable efforts to give the respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension take effect immediately. Upon request, the respondent will have an opportunity to be heard by the respective conduct officer, Title IX Coordinator, or System Director, as appropriate, within three business days in order to determine whether the interim suspension should continue.

**Investigation:** Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant, respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Where the potential sanctions for the alleged misconduct may involve a suspension or expulsion (even if such sanctions were to be held "in abeyance," such as probationary suspension or expulsion) the institution's investigation and resolution procedures must provide the additional minimal safeguards outlined below.

- i. The alleged victim and respondent shall be provided with written notice of the complaint/allegations, pending investigation, possible charges, possible sanctions, and available support services. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the address on file.
- ii. Upon receipt of the written notice, the respondent shall have at least three business days to respond in writing. In that response, the respondent shall have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses,



and supporting materials. A non-response will be considered a general denial of the alleged misconduct. Any alleged victim shall also be provided three business days to respond to or to supplement the notice.

- iii. If the respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
- iv. If at any point the investigator determines there is insufficient evidence to support a charge or to warrant further consideration of discipline, then the complaint should be dismissed.
- v. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
- vi. The initial investigation report shall be provided to the respondent and the alleged victim (where applicable). This report should clearly indicate any resulting charges (or alternatively, a determination of no charges), as well as the facts and evidence in support thereof, witness statements, and possible sanctions. For purposes of this Policy, a charge is not a finding of responsibility, but indicates that there is sufficient evidence to warrant further consideration and adjudication.
- vii. The final investigation report should be provided to the misconduct panel or hearing officer for consideration in adjudicating the charges brought against the respondent. A copy shall also be provided to the respondent and alleged victim (where applicable) before any hearing. The investigator may testify as a witness regarding the investigation and findings, but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing.

**Resolution/Hearing:** In no case shall a hearing to resolve charge(s) of student misconduct take place before the investigative report has been finalized.

Where the respondent indicates that he or she contests the charges, the matter shall be set for a hearing and once the investigative report has been finalized and copies provided to the respondent and alleged victim (where applicable); however, the alleged victim (where applicable) and respondent may have the option of selecting informal resolution as a possible resolution in certain student misconduct cases where they mutually agree, except where deemed inappropriate by the Vice President for Student Affairs (or his/her designee) or the System Director.

Where a case is not resolved through informal resolution or informal resolution is not available due to the nature of the charges, the respondent will have the case and associated charges resolved in a hearing conducted by an administrator (hearing officer) or, if the situation involves suspension or expulsion, the option of choosing a hearing panel instead. However, all cases involving charges of sexual misconduct that go to a hearing shall be heard by a panel of staff and/or faculty. Sexual misconduct panel members shall receive appropriate annual

training as directed by the System Director or Coordinator and required by the Clery Act. If an administrative hearing is requested, the respondent shall use his or her discretion to determine whether the case should be heard by a hearing panel. Notice of the date, time, and location of the hearing shall be provided to the respondent, complainant, and alleged victim (where applicable) at least five business days prior to the hearing. Notice shall be provided via institution email where applicable. Additionally, the following standards will apply to any such hearing:

- i. The respondent shall have the right to present witnesses and evidence to the hearing officer or panel. Witness testimony, if provided, shall pertain to knowledge and facts directly associated with the case being heard. Both parties shall have the right to confront any witnesses, including the other party, by submitting written questions to the hearing officer for consideration. Advisors may actively assist in drafting questions. The Panel shall ask the questions as written and will limit questions only if they are unrelated to determining the veracity of the charge leveled against the respondent(s). In any event, the Panel shall err on the side of asking all submitted questions and must document the reason for not asking any particular questions.
- ii. Where the hearing officer or panel determines that a party or witness is unavailable and unable to be present due to extenuating circumstances, the hearing officer or panel may establish special procedures for providing testimony from a separate location. In doing so, the hearing officer or panel must determine whether there is a valid basis for the unavailability, ensure proper sequestration in a manner that ensures testimony has not been tainted, and make a determination that such an arrangement will not unfairly disadvantage any party. Should it be reasonably believed that a party or witness who is not physically present has presented tainted testimony, the hearing officer or panel will disregard or discount the testimony. In sexual misconduct cases, the hearing officer reserves the right to allow a party to testify in a separate room, so long as no party is unfairly disadvantaged by this procedure. A party must still give testimony in the presence of the Panel, and the opposing party must have the opportunity to view the testimony remotely and to submit follow-up questions.
- iii. Formal civil rules of evidence do not apply to the investigatory or resolution process.
- iv. The standard of review shall be a preponderance of the evidence; however, any decision to suspend or to expel a student must also be supported by substantial evidence at the hearing.
- v. Institutions should maintain documentation of the proceedings, which may include written findings of fact, transcripts, audio recordings, and/or video recordings.
- vi. Following a hearing, both the respondent and alleged victim (where applicable) shall be simultaneously provided a written decision via institution email (where applicable) of the outcome and any resulting sanctions. The decision should include details on how to appeal, as outlined below. Additionally, the written decision must summarize the evidence in support of the sanction. The same form will be

completed, regardless of whether the student opts for a hearing panel or an administrative proceeding.

**Possible Sanctions:** In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The hearing panel, hearing officer or administrator that found that a policy violation occurred will determine sanctions and issue notice of the same, as outlined above.

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

### **3. Recusal/Challenge for Bias**

Any party may challenge the participation of any institution official, employee or student panel member in the process on the grounds of personal bias by submitting a written statement to the institution's designee setting forth the basis for the challenge. The designee shall not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual knows or reasonably should have known of the existence of the bias. The institution's designee will determine whether to sustain or deny the challenge and, if sustained, the replacement to be appointed.

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

This overview gives a general idea of how the University's 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.<sup>1</sup>

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<sup>1</sup> 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

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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](mailto: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, sometimes with a representative from the SCAI Department or another faculty member assisting as a facilitator. 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 (this should be a rare occurrence), 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 accepts the resolution proposed by the instructor (regardless of whether the student agrees or disagrees that he or she has engaged in wrongdoing), 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 <http://scai.kennesaw.edu/forms/academic-misconduct.php>.
- 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 refuses to accept the resolution proposed by the accuser, but the accuser still 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 accepts the resolution proposed by the accusing professor, 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.
  - h. **Ethics Training:** With the permission of the Director of SCAI (or designee), a student may be required to complete a workshop, seminar, or other educational experience focused on academic integrity. The guidelines, deadline for completion, and any follow-up action will be determined by SCAI.
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 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.

## **IV. Appeals**

At Kennesaw State University, a student may appeal only where the sanction imposed includes a suspension or expulsion from school (even for one held in abeyance). The student must also allege one or more of the three grounds for appeal listed below.

A student organization may appeal only where the organizational sanction resulted in a suspension or revocation of the organization's registration with the University. The organization must also allege one or more of the three grounds for appeal listed below.

The alleged offender (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the alleged victim) shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing; (2) to allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or (3) to allege that the finding was inconsistent with the weight of the information.

Appeals may be made for the above reasons in any case where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary suspension or expulsion.

The appeal must be made in writing, and must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the institution's Vice President for Student Affairs or his/her designee.

The appeal shall be a review of the record only, and no new meeting with the respondent or any alleged victim is required. The Vice President, or his or her designee, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied

by remand. The Vice President or his or her designee shall then issue a decision in writing to the respondent within a reasonable time period.

The decision of the Vice President or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above.

The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be simultaneously issued in writing to the complainant, the respondent and the alleged victim (where applicable) within a reasonable time period. The President's decision shall be the final decision of the institution.

Should the respondent or alleged victim (where applicable) wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy on Discretionary Review.