Information Sheet for College Hearings: Academic Integrity Appeals

Introduction
The general policies and procedures governing academic integrity concerns at the University of Illinois, Urbana-Champaign are found in the Student Code, Article 1, Part 4. All parties in academic integrity cases should consult the Student Code at http://www.admin.uiuc.edu/policy/code/article_1/a1_1-401.html. This guide is provided solely as a courtesy and summary aid.

How cases come to the College for adjudication
As noted in the Student Code, the College has authority over appeal cases when 1) the course in which the infraction occurred is offered by an LAS unit and 2) the finding of guilt in the academic integrity case resulted in the penalty of a failing grade for the course. 1-404 (a) Students initiate appeal proceedings via a timely request in writing to the executive officer in the respective department; the department, in turn, refers the case to the Office of the Dean.

How the appeal hearing committee is constituted and hearing preparation
The Dean of LAS appoints annually a standing “Committee on Academic Standards” composed of faculty members and student members; a subgroup of “CAS” serves as the “academic disciplinary committee” or “hearing committee” required by the Student Code. 1-405 (b) The hearing committee for any individual appeal must consist of four members, including a dean’s designate (generally an assistant dean) who serves as the chair or presiding (non-voting) officer and two faculty members. The Code also provides that “one of the three voting members shall be a student.”

The chair of the hearing committee is responsible for gathering all documentary materials, circulating these materials to principals, scheduling a hearing date when both the student and instructor/TA can be present, and conducting the hearing. 1-405 (b, c)

Purpose of the hearing and guiding assumptions from the Student Code
The hearing committee is charged “to consider the merits of recommendations” which have come from the referring instructor and department. 1-405 (b)

The Student Code identifies particular outcomes as a result of committee deliberations. “The hearing committee may concur with the instructor’s finding and imposed penalty, or the committee may recommend a different interpretation of the facts and/or a different penalty, or it may recommend that the student is not guilty.” 1-405 (i) The hearing committee may not levy a harsher penalty than the one originally imposed or recommended by the instructor. 1-405 (k) 3 The committee’s deliberations are confidential; “all parties shall be excluded during hearing committee deliberations.” 1-405 (e)

In determining its recommendations to the Dean, the committee “may find the student not guilty only if the student proves to the committee that the finding of the faculty member is erroneous.” 1-405 (i) 1. . . A student is considered innocent until the instructor has determined that an infraction has occurred and has communicated the evidence for this determination and the reasons for the penalty to the student. If the student appeals, the burden of proof that the finding of the faculty member is erroneous is on the student.

Similarly, the Code “does not establish a formal standard of proof. Deference is paid to the instructor’s right to have discretion over his or her own classes.” 1-405 (i) 2
General hearing protocols and Student Code provisions

Timing. A student “shall be informed of the hearing date at least five working days in advance.” 1-405(c). The committee is expected to schedule the hearing in a timely fashion, with due regard for the scheduling needs of the committee members. The committee is also expected to make reasonable efforts to accommodate the student’s needs with regard to scheduling of the hearing. Nevertheless, the committee may conduct the proceedings without the student present provided the required notice has been provided.

Manner of Participation. Our Student Code envisions the hearing as a dialogue with the committee. The hearing is not a trial with opposing sides represented by advocates before a judge or jury. Instead, “The student and the instructor may each be accompanied by a person to assist them in presenting evidence.” Per College protocols, any person brought to the hearing in this capacity may not personally address the committee or witnesses in statements or summaries, nor be involved in the direct questioning of the student, the instructor and/or the TA. The student or instructor is at liberty to consult with their guest privately throughout. Put another way, both the student and the instructor/TA must speak on their own behalf, but each is at liberty to have indirect assistance in their presentation.

According to the Student Code, both the student and the instructor “shall be entitled to be present throughout the hearing….” However, “any person who disrupts a hearing or who fails to adhere to the rulings of the presiding officer may be excluded from the proceedings.” If a student or instructor chooses not to attend the hearing, they may submit a written statement or participate by phone, if desired.

Information Considered. Both the student and the instructor are permitted "to present any evidence, including testimony by others, relevant to the matter in dispute." The chair has authority to determine whether evidence is "relevant to the matter in dispute." Similarly, "the chair may exclude prospective witnesses from the hearing during the testimony of other witnesses, and determine when additional oral testimony will be useful."

Both the student and instructor are to be given an opportunity to question or refute any evidence presented in writing and/or orally at the hearing which might inform the committee members’ deliberations. Neither ‘discovery’ nor formal rules of evidence apply to these hearings. All evidence is held to be confidential.1-405 (e). The hearing is not open to the public.

Specific hearing procedures

a. The chair of the hearing committee will review the purpose of the meeting and the decisions available to the committee.

b. Both the instructor and the student shall have an opportunity for an opening statement on the allegation against the student and on the information which led to the charge, uninterrupted by comments or questions by the other persons.

c. Both the instructor and the student will have the opportunity to suggest questions to the committee chair which the chair may raise, at her discretion, to the instructor or to the student. By this method, both the student and the instructor will have an opportunity to question or refute any evidence presented.

d. The members of the committee will each have the opportunity to address questions to the instructor or to the student concerning the evidence which led to the charge.

e. The chair of the committee exercises authority over the proceedings, to ensure that procedures are followed, to rule on relevance of evidence, and to close off suggested questions of either the instructor or the student, where necessary.

f. After the completion of opening statements, presentation of all witnesses, and the question/answer period, the chair will excuse the student and the instructor, and the committee will deliberate privately until it has reached a decision on all aspects of the appeal.

g. This decision of the committee is reported to the Dean’s designate for review, appropriate follow-up, and subsequent communication in writing to the student and the department. 1-405 (j,k,l)