

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

DRAFT--ACADEMIC STANDARDS POLICY AND PROCEDURES

1. Introduction

The _____ College Academic Standards Policy and Procedure are based on the following principles:

- Academic standards for satisfactory scholarship include demonstrated mastery of assignments and curricular materials;
- Academic integrity entails honesty, professionalism, and responsibility;
- Faculty are uniquely situated to determine whether a student has demonstrated satisfactory scholarship and academic integrity, as decisions of this nature require an expert evaluation of cumulative information during a course of instruction; an undertaking not readily adapted to the procedural tools of judicial or administrative decision making;
- The College is responsible to its students, employers and the community at large to ensure that students who receive degrees and certifications meet its academic standards for satisfactory scholarship and academic integrity; and
- The Academic Standards Policy and Procedures are separate and distinct from the policies and procedures associated with the College's Student Conduct Code and final course grade appeals.

2. Academic Standards

2.1 Academic standards for a specific degree or certificate shall be established by the division dean responsible for the program, subject to approval by the College's Vice President for Academic Affairs.

2.2 Academic standards particular to a specific course shall be established by the course's instructor and shall be set forth in a course syllabus, subject to approval by the Dean having responsibility for the degree or certificate program under which the course is offered.

2.3 Each instructor shall provide their students with a copy of a course syllabus. The course syllabus shall include at a minimum: (i) the instructor's expectations and requirements regarding class attendance and performance, including grading policy, (ii) class hours, instructor's contact information, and office hours, (iii) books and other required materials, (iv) procedures for testing and evaluating student work, (v) the academic standards for the degree or certificate program which the course is offered, (vi) a list of the conduct demonstrates a lack of academic integrity (see Section 3.1 below), and (vii) a link to this or the then-current Academic Standards Policy and Procedure.

2.4 Grades are awarded based on the instructor's assessment of a student's performance. The instructor's assessment of a student's performance shall not be arbitrary, capricious, or biased.

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

3. Prohibited Conduct & Academic Sanctions

3.1 Prohibited Conduct. The hallmarks of academic integrity are honesty, professionalism, responsibility, collegiality, and respecting other members of the college community, including their health, safety and welfare. The following conduct, and conduct that is substantially similar, demonstrates a lack of academic integrity and creates the presumption that the student has not mastered assignments and curricular materials, is unable to master assignments and curricular materials, and/or is unable or unwilling to work with honesty, professionalism, responsibility, collegiality, and respect for other members of the college community.

1. Purchasing papers or having someone write papers for a student.
2. Collaborating with another student beyond the extent specifically approved by an instructor.
3. Collaborative work with another student or others on an assignment that is intended to be done by the student individually.
4. Copying another student's answers.
5. Asking another student to review their work, or to view one's work, when such a practice is prohibited in the syllabus.
6. Fabricating results or research data.
7. Using fabricated data or unauthorized materials for a class assignment.
8. Using unauthorized written materials and electronic devices during exams.
9. Allowing other students to copy answers on assignments or exams.
10. Taking an exam or completing an assignment for another student.
11. Other violations of the academic expectations of a course or assignment as set forth in the course syllabus or program handbook.
12. The destruction, hiding, or removal of materials in order to prevent other students from using them (such as library resources).
13. Using others' ideas and/or words without clearly acknowledging the source of that information. This may be intentional (e.g., copying or purchasing papers from an online source) or unintentional (e.g., failing to give credit for an author's ideas that you have paraphrased or summarized in your own words).
14. Any action or attempted action that may result in creating an unfair academic advantage for the student or an unfair academic advantage or disadvantage for any other member or members of the academic community.
15. Failing to adhere to the ethical standards applicable to a particular profession, which the student has agreed to abide by as part of their course of studies.

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

16. Engaging in conduct that interferes with teaching, learning or the operations of a class or academic department.

3.2 Academic Sanctions: Academic sanctions may be warranted when a student engages in conduct that is inconsistent with academic integrity or the academic standards established for a certificate of degree program, or an individual course. Academic sanctions will be considered and issued on a case-by-case basis. Academic sanctions are divided into two categories: “terminal” and “non-terminal.”

Non-terminal academic sanctions are:

- Written Academic Warning
- Academic Reprimand
- Academic Probation
- Completion of a writing assignment, such as a reflective essay on a topic assigned by instructor
- Failing or reduced grade for an assignment or test at issue

Terminal academic sanctions are:

- Dismissal from a class
- Academic suspension or dismissal from a Program

Imposition of an academic sanction does not foreclose an instructor or department chair from also making a referral to the College’s Student Conduct Officer for proceedings under the College Student Conduct Code, or referral to the College’s Title IX /EEO Officer.

4. Procedures for imposing and appealing academic sanctions

4.1 Rules of applicable to all proceedings

4.1.1. The College adopts these procedures to ensure that decisions by the College’s faculty are made conscientiously and with careful deliberation and to ensure students understand the basis for a sanction and have the opportunity to respond to and appeal academic decisions that affect them. The timelines set forth may be modified by written agreement of the parties.

4.1.2. If any meeting or hearing in any of the following procedures cannot be held in-person, the College shall provide notice to the Student and any other participants describing how the meeting will be conducted remotely via telephone, or a video conference program, like Zoom or Microsoft Teams.

4.1.3. For purposes of these procedures, a “business day” means a weekday, excluding college holidays.

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

4.1.4. Determinations of a violation of the Academic Standards Policy shall be established under the preponderance of the evidence standard, i.e., whether it is more likely than not that the student engaged in conduct that is inconsistent with academic integrity or applicable academic standards.

4.1.5. The imposition of academic sanctions is subject to review under the arbitrary and capricious standard, i.e., whether the sanction was imposed on unreasonable grounds or without proper consideration of the circumstances.

4.2 Initial Meeting

4.2.1. If an instructor suspects that a student has engaged in an academic integrity violation or violated applicable academic standards for a program, course, or certificate the instructor will meet with the student to discuss the allegation(s) within five business days of the date the instructor first becomes aware of the conduct forming the basis of the allegation.

4.2.2. At least three business days before the meeting, the instructor will provide the student with written notice of the meeting and allegation(s). The written notice shall (i) state the time, date and location of the meeting, (ii) describe the conduct at issue, (iii) state the proposed academic sanction(s), and (iv) notify the student to come to the meeting prepared to explain or deny the conduct identified by the instructor and to bring and be prepared to share any evidence that refutes, contradicts, rebuts, or explains the allegations.

4.2.3. During the meeting, the instructor will present the student with evidence of the conduct at issue and consider anything the student says and presents in writing by way of explanation or evidence, and will inform the student of the potential academic sanction(s).

4.2.4. After hearing from the student and reviewing the evidence known to the instructor, the instructor shall determine on a more probable than not basis whether the allegations are:

- a. unfounded and exonerate the student; or
- b. founded and issue an appropriate academic sanction(s) under the circumstances, (which may be different sanction than the sanction originally proposed).

4.2.5. If the instructor determines the allegations are founded, they will complete an Incident Report form (IRF) and provide a copy of the IRF to the Student. Among other things, the IRF will include a description of how a student may appeal the instructor's decision.

- a. If the Student agrees with the instructor's findings and sanction(s), the instructor will indicate on the IRF that the parties reached an agreed resolution. The instructor and the student will sign the IRF to confirm the date of the meeting and the student's acknowledgement of the allegation(s), the findings, and acceptance of the academic sanction(s).

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

b. If the Student disagrees with the instructor's findings and/or sanction(s), the instructor will indicate on the IRF that the Student disagrees with the findings and/or the sanctions. The instructor and the student should both sign the IRF to confirm the date the meeting took place. The student should initial the IRF to signify their disagreement with the determination or sanction and to acknowledge receiving notice of their right to appeal. The IRF is valid even if the student declines to sign it, or fails to appear, or leaves the meeting before it is completed.

4.2.6. After the meeting, the instructor will forward the IRF to the department chair. If the student does not file an appeal with the department chair (as described below) within two business days of the date the IRF is completed, the department chair will forward the IRF, indicating NO APPEAL RECEIVED, to the Student Affairs Administration Office, with a copy to the division dean and the instructor's findings and sanction shall be final.

4.3 Procedures for Appealing Non-terminal Sanctions

4.3.1. To appeal the imposition of a non-terminal sanction, the student must submit a written request for a meeting with the appropriate department chair to discuss the issue and seek resolution, within two business days of the date of the completed IRF. The request must (i) include a brief written statement of the student's position, (ii) be accompanied by any evidence that refutes, contradicts, rebuts, or explains the conduct identified by the instructor, and (iii) state the remedy or resolution the student seeks.

4.3.2. The department chair must schedule the meeting to take place within 4 business days of the receiving student's appeal. At least 2 business days prior to the meeting, the department chair will provide the student with written notice of the meeting, including (i) the time, date and location of the meeting, (ii) a description of the conduct at issue, (iii) the instructor's determination, and (iv) direct the student should be prepared at the meeting to explain how the instructor's determination or sanction is incorrect, and provide evidence that refutes, contradicts, rebuts, mitigates, or explains the conduct identified by the instructor. Prior to the meeting, the department chair shall review the IRF and may ask the instructor to provide their evidence of the conduct at issue, and their rationale for the academic sanction(s).

4.3.3. At the meeting, after hearing from the student, the Department/ Program Chair shall review the evidence presented and, on a more probable than not basis determine that:

- a. the allegations are unfounded and exonerate the student; or
- b. the allegations are founded and affirm the academic sanction(s); or
- c. the allegations are founded and impose a different academic sanction(s).

4.3.4. If the department chair determines the allegations are founded, they will complete an Incident Report form (IRF) and provide a copy to the Student. Among other things, the IRF will include a description of how a student may appeal the department chair's decision.

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

- a. If the Student agrees with the department chair's findings and sanction(s), the instructor will indicate on the IRF that the parties reached an agreed resolution. The instructor and the student will sign the IRF to confirm the date of the meeting and the student's acknowledgement of the allegation(s), the findings, and acceptance of the academic sanction(s).
- b. If the Student disagrees with the department chair's findings and/or sanction, the department chair will enter the findings and sanctions on the IRF and indicate that the Student disagrees with the findings and/or the sanctions. The department chair and the student should both sign the IRF to confirm the date the meeting took place. The student should initial the IRF to signify their disagreement with the determination or sanction and to acknowledge that they have been notified of their right to appeal. The IRF is valid even if the student declines to sign it, or fails to appear, or leaves the meeting before it is completed.

4.3.5. After the meeting, the department chair will forward the completed IRF to the Division Dean's office. If the student does not file an appeal with the Dean (as described below) within two business days of the meeting with the department chair, the Dean will forward the IRF, indicating NO APPEAL RECEIVED, to the Student Affairs Administration Office, with a copy to the department chair and the instructor, at which point the instructor's findings and sanction shall be final.

4.4 Non-terminal Sanction - Appeal to the Dean

4.4.1. To appeal the department chair's determination on a non-terminal sanction, the student, within two business days of the date of the meeting with the department chair must request a meeting with the division dean to discuss the issue and seek resolutions. The request must be in writing and include (i) a brief written statement of the student's position, (ii) be accompanied by any evidence that refutes, contradicts, rebuts, or explains the conduct identified by the instructor, and (iii) state the remedy or resolution the student seeks.

4.4.2. The division dean must schedule the meeting to take place within 4 business days of the student's appeal and request for a meeting. At least 2 business days prior to the meeting, the division dean will provide the student with written notice of the meeting. The written notice shall (i) state the time, date and location of the meeting, (ii) describe the conduct at issue, (iii) state the proposed sanction(s), and (iv) inform the student that they should be prepared to provide evidence that refutes, contradicts, rebuts, or explains the conduct identified by the instructor. Prior to the meeting, the division dean shall review the IRFs prepared by the instructor and department chair and may require the instructor and/or department chair to provide their evidence of the conduct at issue and their rationale for the sanction(s).

4.4.3. At the meeting, after hearing from the student, the division dean shall review the evidence presented and, on a more probable than not basis, determine that:

- a. the allegations are unfounded and exonerate the student; or
- b. the allegations are founded and affirm the academic sanction(s); or

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

- c. Determine that the allegations are founded and impose a different academic sanction(s).

4.4.4. If the division dean determines the allegations are founded on a more likely than not basis, and the student agrees with the sanction(s), the division dean and student shall both sign an Incident Report form to confirm the date of the meeting, the student's acknowledgement of the allegation(s), and the student's acceptance of the sanction(s). The division dean will forward the Incident Report to the Student Affairs Administration office.

4.4.5. If the division dean determines the allegations are founded on a more likely than not basis and the student disagrees with the allegations or the sanction(s), the division dean will inform the student of his or her right to appeal to Superior Court, as the division dean's determination shall be the College's final agency decision in the matter. Before the end of the meeting, the division dean shall complete an Incident Report form, which shall include findings and conclusions, and a statement of the student's right to appeal the division dean's determination. The division dean and the student should both sign the Incident Report form to confirm the date that the meeting took place. The student should initial the form to signify their disagreement with the allegation and to signify that they have been informed of their right to appeal to Superior Court. The Incident Report form is valid even if the student declines to sign it, or fails to appear, or leaves the meeting before it is completed. The division dean will forward the Incident Report form to the Student Affairs Administration office.

4.5 Procedures for Appealing Terminal Sanctions

4.5.1. The following process is used to appeal a terminal academic sanction.

4.5.2. To initiate an appeal of the imposition of a terminal sanction, the student must file a written appeal with the division dean requesting a hearing before an Academic Standards Appeals Panel. The appeal must be filed within two business days of the date of the completed Incident Report form, and should (i) include a clear statement of the student's position, (ii) be accompanied by any evidence that refutes, contradicts, rebuts, or explains the conduct identified by the instructor or department chair, and (iii) state the remedy or resolution the student seeks.

4.5.3. Within 2 business days of receipt of a student's appeal, the division dean shall form an Academic Standards Appeals Panel, which shall consist of one instructor from the program in which the student is enrolled and two instructors from different programs who are appointed by the Vice President for Academic Affairs, who shall also designate the Panel Chair. The Panel Chair shall not be from the program in which the student is enrolled. The division dean shall forward the student's appeal and all related records to the Panel.

4.5.4. The Panel Chair shall schedule the hearing to take place within 7 business days of the student's appeal to the division dean. At least 4 business days prior to the meeting, the Panel Chair shall provide the parties (the student and the complaining instructor or department chair) with written notice of the hearing. The written notice shall (i) state the time, date and

DRAFT
ATTORNEY CLIENT PRIVILEGE APPLIES

location of the hearing, (ii) describe the conduct at issue, (iii) state the determination being appealed, (iv) request that the parties provide the Panel with any relevant documents in advance of the hearing, and (v) include a statement that, at the hearing, the student should be prepared to explain how the instructor's determination is incorrect, and provide evidence that refutes, contradicts, rebuts, or explains the conduct identified by the instructor.

4.5.5. At the hearing, the Panel will hear testimony from the student and from the complaining instructor or department program chair, examine documentation, and hear testimony from witnesses provided they are disclosed to the Panel and the other party at least one business day prior to the hearing. The Panel shall then excuse the parties, review the evidence and deliberate, and render its decision on a more likely than not basis by majority vote. The Panel will provide the parties with a written decision within 2 business days of the hearing. The decision shall include findings and conclusions and shall include a statement of the student's appeal rights if the decision is adverse to the student. Any decision made by the Panel is the College's final agency decision.

4.5.6. If the Panel exonerates the student, the program and its instructors shall take reasonable measures to allow the student to make up any work and assignments they missed if they were not permitted to attend program classes during the appeal process.