

EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART VI

Teaching and Curriculum
Regulations, Procedures, and
Academic Program Development

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION II

Academic Integrity
(Text moved from former Part IV)
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I. Statement of Academic Integrity

Academic integrity is the application of pertinent personal virtues, such as honesty, responsibility, authenticity, honor, and justice, to academic work. Academic integrity is a cornerstone value of the intellectual community at East Carolina University. Academic integrity is required for students to derive optimal benefit from their educational experience and their pursuit of knowledge. Violating the principle of academic integrity damages the reputation of the university and undermines its educational mission. Without the assurance of integrity in academic work, including research, degrees from the university lose value; and the world beyond campus (graduate schools, employers, colleagues, neighbors, etc.) learns that it cannot trust credits, or a diploma earned at ECU. For these reasons, academic integrity is required of every ECU student.

Maintaining the academic integrity of ECU is the responsibility of all members of the academic community. Faculty should ensure that submitted work accurately reflects the abilities of the individual student. Toward this end, faculty should—through both example and explicit instruction—instill in students a desire to maintain the university’s standards of academic integrity and provide students with strategies that they can use to avoid intentional or accidental violation of the academic integrity policy.

II. Purpose and Scope

This document sets forth democratic procedures to follow for suspected academic integrity violations (AIVs) at ECU as well as possible penalties. These procedures comply with the minimal due process standards of 700.4.1 of the UNC Policy Manual

(<https://www.northcarolina.edu/apps/policy/index.php>). These procedures pertain to anyone registered for an academic course at the University, including but not limited to, undergraduate and graduate students who are classified as degree or non-degree seeking, as well as visiting students, and students studying abroad. The Academic Integrity Regulation also applies to student violations discovered after the student has completed the course, has left the University, or has graduated. Depending on the circumstances of the case, degree revocation may be a consequence, as outlined in the relevant catalog. All students are responsible for conducting themselves in a manner that enhances a learning environment where the rights, dignity, worth, and freedom of each member of the academic community are respected. Upon acceptance of admission to ECU, each student agrees to abide by the policies of the University and to conduct themselves on- and off-campus in a manner consistent with its educational mission. Students have a responsibility to review the Academic Integrity Regulation and other policies, and, if necessary, to seek clarification from the Office of Student Rights and Responsibilities (OSRR).

ECU’s policy on research misconduct is a separate and independent process from this AIV process. “Research Misconduct” is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results. The determinations, results, procedures, and outcomes of the Research Misconduct Proceedings shall rely on ECU’s PRR on the Regulation on Research Misconduct (<https://www.ecu.edu/prr/10/45/01>), which is necessary for university compliance with this UNC system policy as well as with state and federal laws. It is recommended that all faculty, staff, and students be familiar with the Research Misconduct Proceedings Regulation. The procedures for reporting, investigating, and determining penalties in cases of academic integrity violations under these procedures for Academic Integrity shall not supersede procedures for reporting, investigating, and determining penalties for Research Misconduct. Cases and questions related to Research Misconduct should be reported to the Office of Student Rights and Responsibilities (OSRR).

1. In addition to the expectations of Academic Integrity provided by the Faculty Manual, certain academic departments, programs, colleges, and schools, especially at the professional and graduate level, may have additional ethical and behavioral expectations of their students, including expectations for the conduct of research; further, units may also establish additional penalties for AIVs. As a result, various academic units and administrative departments have policies specific to their area of responsibility. It is the responsibility of each student to be familiar with University policies and procedures applicable to the University generally, as well as any individual program or unit. This Academic Integrity Regulation and related policies and procedures are available on-line within the University’s Policy Manual.

2. In addition to the consequences outlined in this Regulation and the possible penalties and sanctions discussed below, students who represent units within the University to third-parties, such as medical students, dental students, graduate students, student athletes, resident advisors, student organization leaders, and residential students may also be subject to additional consequences under the standards set by those units.

III. Definitions of Academic Integrity Violations

An academic integrity violation (AIV) is defined as any activity that exhibits dishonesty in the educational process or that compromises the academic honor of the university. Examples of AIVs include, but are not limited to, the following:

1. Cheating: Unauthorized aid or assistance or the giving or receiving of unfair advantage on any form of academic work. Examples of cheating include, but are not limited to: copying from another student's paper or receiving unauthorized assistance during a quiz or examination; using books, notes, or other devices when these are not authorized; improperly obtaining tests or examinations; collaborating on academic work without authorization and/or without truthful disclosure of the extent of that collaboration; allowing or directing a substitute to take an examination.
2. Plagiarism: Copying the language, structure, ideas, and/or thoughts of another and adopting the same as one's own original work. Examples of plagiarism include, but are not limited to: submitting a paper that has been purchased or downloaded from an essay-writing service; directly quoting, word for word, from any source, including online sources, without indicating that the material comes directly from that source; omitting a citation to a source when paraphrasing or summarizing another's work; submitting a paper written by another person as one's own work.
3. Falsification/Fabrication: The statement of any untruth, either spoken or written, regarding any circumstances related to academic work. This includes any untrue statements made with regard to a suspected AIV. Examples of falsification/fabrication include, but are not limited to: making up data, research results, experimental procedures, internship or practicum experiences, or otherwise claiming academic-related experience that one has not actually had; inventing or submitting deceptive citations for the sources of one's information; submitting a false excuse for an absence from class or other academic obligation.
4. Multiple submission: The submission of substantial portions of the same academic work for credit more than once without authorization from the faculty member who receives the later submission. Examples of multiple submission include, but are not limited to: submitting the same essay for credit in two courses without first receiving written permission; making minor revisions to an assignment that has already received credit in a course and submitting it in another class as if it were new work.
5. Violation assistance: Knowingly helping or attempting to help someone else in an act that constitutes an AIV. Examples of violation assistance include, but are not limited to: knowingly allowing another to copy answers during an examination or quiz; distributing test questions or examination materials without permission from the faculty member teaching the course; writing an essay, or substantial portions thereof, for another student to submit as his or her own work; taking an examination or test for another student; distributing information involving clinical simulation and skills assessments.

6. Violation attempts: Attempting any act that, if completed, would constitute an AIV as defined herein. In other words, it does not matter if a student succeeds in carrying out any of the above violations, the fact that a violation was attempted is itself a violation of academic integrity.

IV. University-Wide Responsibility to Report AIVs

AIVs are unfair to honest students and they damage the quality and reputation of the entire university. Thus, the University places obligations on students and community members to report information on AIVs based on the principle that ignoring AIVs is as problematic as actively committing an AIV.

A. Responsibilities of Faculty, Teaching Assistants, and other Instructional Personnel

Faculty, teaching assistants, and other instructional personnel are responsible for communicating university-wide expectations for academic integrity, for example, by providing copies of this AIV Regulation or by providing a reference to it in their course syllabus to ensure that students are accountable for conforming their conduct to these expectations. It is also recommended that faculty, teaching assistants, and other instructional personnel communicate clear ground rules for academic work conducted under their supervision and take reasonable steps to prevent AIVs. For example, faculty, teaching assistants, and other instructional personnel should: prevent unauthorized access to examinations during the development, duplication, and administration of such exams; avoid reusing prior examinations (in whole or in part) to the extent possible; take all reasonable steps consistent with physical classroom conditions to reduce the risk of cheating during the administration of examinations; and maintain proper security during the administration of examinations, including as appropriate overseeing distribution and collection of examinations, and proctoring the examination session.

If faculty, teaching assistants, or other instructional personnel suspect an AIV, they should:

- follow the procedures for responding to suspected AIVs (enumerated below, Section VI). The responsibility for following the stated procedures also includes but is not limited to, the following: obeying time constraints of this regulation, providing proper notice to the respondent student, refraining from taking unilateral punitive action, and reporting the alleged violation to the Office of Student Rights and Responsibilities (OSRR), and the department chair (or his/her designee), as required; and
- cooperate with the OSRR and the Academic Integrity Board (AIB) when these bodies are conducting investigations, administering hearings and/or reviewing matters of academic integrity. The cooperation may call for actions such as providing testimony or other evidence, recommending appropriate sanctions, or helping to bring the matter to a prompt conclusion.

B. Responsibilities of Students:

ECU students are responsible for promoting academic integrity in the ECU community by upholding it in their own work and by reporting any suspected violations. A student knowing of circumstances in which an AIV may have occurred (or is likely to occur) should bring this knowledge to the attention of a faculty member or OSRR.

ECU students are responsible for understanding what plagiarism is, learning the recognized

techniques of proper attribution of sources used in the preparation of written work, and identifying allowable resource materials or aids to be used during examination or in completion of any graded work. Students should seek clarification from faculty if it is not clear whether a certain action would violate this Academic Integrity Policy.

ECU students are responsible for complying with faculty classroom procedures designed to reduce the possibility of cheating—such as removing unauthorized materials or aids from the classroom and protecting one’s own examination paper from the view of others.

ECU students are responsible for maintaining the confidentiality of examinations by divulging no information concerning an examination, directly or indirectly, to another student.

ECU students are responsible for reporting any instance in which reasonable grounds exist to believe that a student has given or received unauthorized aid in graded work or in other respects committed an AIV. Such report should be made to the OSRR, the Office of the Dean of Students (DOS), or other appropriate instructor or official of their college or school.

ECU students are responsible for cooperating with the OSRR in the investigation and hearing of any incident of alleged violation, including providing testimony when called upon.

C. Responsibilities of other University Community Members

Other ECU community members are responsible for promoting academic integrity in the ECU community both by upholding it in their own work and by reporting any suspected AIV. An ECU community member knowing of circumstances in which an AIV may have occurred (or is likely to occur) should bring this knowledge to the attention of a faculty member or the OSRR. The AIV form for reporting to OSRR can be found at <https://osrr.ecu.edu/faculty-staff/>

D. Responsibilities of the Office of Student Rights and Responsibilities (OSRR)

The OSRR is responsible for discussing the suspected AIV with the instructor of record for the course(s) involved. The OSRR, in consultation with the faculty member(s), will follow the procedures outlined in this Regulation. The OSRR is responsible for acting as a source of information and liaison concerning this Regulation and procedure for faculty, teaching assistants, other instructional personnel, department chairs, administrators, and students.

The OSRR is also responsible for coordinating the staffing and for maintaining of the University Committee on Academic Integrity (UCAI), the Academic Integrity Review Committee (AIRC), and the Academic Integrity Board (AIB).

E. University Committee on Academic Integrity (UCAI) Composition and Membership

1. Faculty members – Sixteen faculty members, at least six (6) of whom have graduate faculty status, each of which is elected for three-year staggered terms by the Faculty Senate.
2. Student members – Sixteen students, at least six (6) of whom are graduate students, elected by and from among the members of the Student Conduct Board. These students shall serve for a one year term and may be reelected for one additional one year term.

The Director of the OSRR, or designee, shall serve as an administrative officer of the committee, but shall not participate in hearings.

The members of the UCAI form the following Boards:

- Academic Integrity Review Committee (AIRC): Is a three-member panel consisting of: one administrator from OSRR (designated by the Director of OSRR); one student member from UCAI; and and one faculty member from UCAI. In cases involving possible academic integrity violations by a graduate student, the faculty appointed to the AIRC must have graduate faculty status and the student must be a graduate student. The AIRC is charged with reviewing student appeals from a Department's finding and/or academic penalty imposed. The AIRC will review the appeal request to determine if it is appropriate to forward it to the AIB. (See below for appeal grounds and standard of review.)
- Academic Integrity Board (AIB): Is a panel of five UCAI members; three faculty members and two students. The AIB is charged with determining whether a student has violated this policy and, if appropriate, assigning academic penalties and/or sanctions, in matters referred to OSRR for UCAI review. This includes: appeals from the Initial Meeting: cases in which the department recommends additional sanctions (e.g. suspension or expulsion) after an Initial Meeting; in cases of repeat violations, multi-student violations; or suspected violations at the undergraduate level that occur outside of a specific course. In all matters where the respondent student is a graduate student, at least two of the three faculty members must have graduate faculty status; and every attempt should be made to ensure that all three faculty members on the board have graduate faculty status.,. Additionally, in cases involving possible violations by graduate students, the student members of the board must be graduate students. The AIB will select a chair from among its faculty membership. All members of the AIB may vote on the selection of a chair.

V. Rights and Responsibilities

A. Respondent Rights and Responsibilities

A student whose conduct is under review is a Respondent and has the rights and responsibilities listed below. The Respondent may forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

Respondent Rights:

- The right to an objective and impartial evaluation of the complaint.
- The right to be present during the meeting with the instructor of record and during the AIB hearing (if applicable).
- The right to reasonable access to all information gathered throughout the investigation pertinent to the alleged violation.
- The right to present information relevant to the alleged violation, including inviting witnesses.
- The right to respond to information presented against the Respondent.
- The right to a separate meeting with a faculty member or AIB hearing in cases involving multiple Respondents. Charges against multiple Respondents involved in the same incident may be heard in a single case only if each Respondent consents to such a proceeding.
- The right not to provide information, with the understanding that the University will make a determination with or without the Respondent's information.

- The right to review of the decision, after receiving written notice of the outcome, including to appeal as described below.
- The right to be informed of pertinent University-based support services.

Respondent Responsibilities:

- The responsibility to be honest and direct in communicating with individuals involved in the Academic Integrity process.
- The responsibility to review this Academic Integrity policy and procedures and to seek clarification if necessary.
- The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- The responsibility to provide the decision-maker with pertinent information that the Respondent would like considered in the review of the alleged violation.
- The responsibility to participate in the Academic Integrity process in a manner that is civil and respectful.

B. Complainant Rights and Responsibilities

A faculty member, teaching assistant, or other instructional personnel who alleges a violation of this Regulation is the Complainant and has the rights and responsibilities listed below. The Complainant may forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

Complainant Rights:

- The right to an objective and impartial evaluation of the complaint.
- The right to invite relevant witnesses with knowledge of the alleged AIV.
- The right to submit a written statement.
- The right, after receiving written notice of the outcome, to review the decision, if permitted under ECU policies, University of North Carolina System policies and local, state, and federal laws.

Complainant Responsibilities:

- The responsibility to provide a copy of the course syllabus and all relevant controlling documents (e.g. project instructions).
- The responsibility to be honest and direct in communicating with individuals involved in the conduct process.
- The responsibility to review this Academic Integrity Policy and its procedures, and to seek clarification if necessary.
- The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- The responsibility to provide the decision-maker with pertinent information that the Complainant would like considered in the review of the alleged violation.
- The responsibility to participate in the Academic Integrity process in a manner that is civil and respectful.

C. Bias

If the Respondent and/or Complainant believes that one or more of the fact finders, such as the Department Chair (or designee), a member(s) of the AIRC, or the AIB, has a conflict with, bias about, or an interest in a case that may unduly influence the decision making either positively or negatively, the Respondent and/or Complainant may request a different Panel or Official. The challenging party will be asked to provide specific reasons for the challenge. If the challenge is made concerning the Formal Departmental Meeting, then the Department Chair (or designee) will be responsible for making a determination following the request, and may decide to recuse and replace themselves. If the challenge is made concerning the AIRC, or the AIB, then the Chair of the UCAI along with the Director of the OSRR, or designee, will determine whether the identified panel member should be removed. If the removal of a panel member results in fewer than five panel members, parties will be given the option to consent to continuing with the existing panel (less than 5 members) or to reschedule the hearing for review by a full panel.

D. Contact Information

Students have the responsibility to update personal contact information on their Pirate Port account as soon as it changes and to consistently monitor their ECU e-mail account and telephone answering equipment, as the University frequently communicates through these modes. U.S. Postal System letters will be sent to the local address provided by the student in the Pirate Port system or to the permanent address if attempted contact with the student through other means is unsuccessful.

VI. Procedure for Reporting a Suspected Academic Integrity Violation

Outlined below is a formal procedure for reporting suspected AIVs. This procedure applies to all ECU students regardless of mode of instruction. Additional information regarding AIVs in distance education (DE) courses is available from OSRR.

Standard of Evidence: The standard used throughout the academic integrity process to reach case resolution is preponderance of the evidence. This standard will be used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this Regulation. To meet the standard of preponderance of evidence, the evidence must demonstrate that it is more likely than not that the alleged conduct occurred. Formal rules of evidence do not apply to student conduct cases.

All complaints of suspected AIVs will be reviewed by the OSRR to track and to determine whether the reported behavior is governed by this Regulation. Anonymous complaints may result in a formal charge if they contain sufficient information to independently establish a violation of this policy.

Retaliation: The University does not tolerate retaliation against individuals who file a complaint. Retaliation means any act of interference, restraint, penalty, coercion, reprisal, intimidation, threats, or harassment against an individual for using applicable policies responsibly (including testifying, assisting, or participating in a hearing, proceeding, review process or investigation; opposing an illegal act; or exercising any other right protected by this policy). Students who retaliate against such persons will be held accountable under the Student Conduct Process

<https://www.ecu.edu/prr/11/30/01>). It is the responsibility of the target of the retaliation to immediately report the behavior to OSRR.

A. Notice of Suspected AIV and Scheduling the Initial Meeting

Initial Meeting

If it is believed that an AIV has occurred in the Complainant's course, then the student will be invited to an Initial Meeting with the Complainant. The purpose of this meeting is to gather information and to provide the student (Respondent) with the opportunity to respond to the allegations.

Formal review of a suspected AIV is initiated upon sending notice of the Initial Meeting. Any informal discussions between faculty and student about coursework prior to the Initial Meeting is not considered part of the formal AIV review process. The Initial Meeting is designed for the Complainant to gather information, discuss the allegation with the Respondent, and provide evidence of the suspected violation.

In a case where the AIV involves multiple students (for example, cheating rings), the Complainant should submit a report of the suspected AIV(s) to OSRR for handling. In the event that OSRR receives credible reports of multi-student violations, it reserves the right to refer the case to the UCAI for an AIB hearing.

To initiate the formal review of a suspected AIV, the Complainant (as a designated University official) shall provide written notice of the Initial Meeting to the Respondent. This notice:

1. must be sent by some method with evidence of dispatch (e.g., email from the Complainant's official ECU email account to the Respondent's official ECU email account, or hand-delivered letter accompanied by a brief form that the Respondent signs to indicate the note was delivered, or receipt-request postal mail);
2. must be sent to the Respondent(s) involved within seven (7) calendar days of the time the suspected violation comes to the attention of the Complainant. (If the AIV is discovered during a time when regularly scheduled classes are not being held, the seven (7) calendar days shall be counted starting with the next day regularly scheduled classes are held.);
3. must communicate the following important information:
 - a. a specification of the suspected AIV(s);
 - b. a brief description of the material evidence supporting the allegation;
 - c. the proposed academic penalty and a list of the possible sanctions/penalties, including any program specific AIV penalties, if appropriate. If the Complainant believes that the alleged violation(s) could result in suspension, this possibility must be stated and the Respondent shall be provided written notice that the matter will be referred to OSRR for review following any recommendation of suspension for a hearing process in accordance with the requirements of applicable ECU and UNC system policies. Further, if the Complainant believes that the alleged violation(s) could result in expulsion, this possibility must be stated and the Respondent shall be provided written notice that expulsion precludes matriculation at any UNC constituent institution, and that the matter will be referred to OSRR for review following any recommendation of expulsion for a hearing process in accordance with the requirements of applicable ECU and UNC system policies;
 - d. instructions for the Respondent to contact the Complainant to set up the Initial Meeting, including appropriate contact information for the Complainant;

- e. a statement presenting the option to bypass the Initial Meeting and accept a the academic penalty proposed by the Complainant, including instructions for how to do so; and
- f. a copy of the student's rights and responsibilities form (available on the OSRR webpage <https://osrr.ecu.edu/faculty-staff/>)

A student may not withdraw from a course while a suspected AIV is being investigated. The AIV investigation is commenced once notice of the Initial Meeting or notice of the AIB hearing is sent, whichever comes first. If hand-delivered, then the commencement date is based upon the signed note of receipt.

If a faculty member finds an AIV at the end of the semester and the student has already attended the last scheduled class session and final exam, the faculty member should follow the steps above and notify the Respondent in writing of a suspected violation and mark a grade of Incomplete (I) until the investigation is complete.

Upon delivery of the written notification from the Complainant, the Respondent has seven (7) calendar days to contact the Complainant and schedule a day and time for the Initial Meeting. If the Respondent fails to respond to Complainant notification within seven (7) calendar days, the Respondent shall forfeit the opportunity to respond . However, the Director of OSRR (or designee) may decide to reopen a case if good cause exists or extenuating circumstances explain the Respondent's failure to respond in a timely manner (e.g. medical issue, family death, etc.).

In the event that the Respondent fails to respond to the notice, the Complainant may find the Respondent responsible for the AIV and may impose an appropriate academic penalty (as outlined below; see Section VI.C). If so, the Complainant will need to complete an Academic Integrity Violation Form (AIV form) (which is available on the OSRR webpage <https://osrr.ecu.edu/faculty-staff/>) and submit it to the OSRR within twenty-four calendar days of the date on which the notice of a suspected violation was sent to the Respondent. OSRR will notify the Respondent, in writing, of the Complainant's decision and the academic penalty within seven (7) calendar days of receiving the AIV form. The written notice shall include a copy of the student's rights and responsibilities form and inform the Respondent of their right to appeal and the appeal process (described below). In the event that the Respondent involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding academic integrity violations, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

If the Respondent does not accept responsibility for the alleged AIV at the Initial Meeting (or waive their rights to proceed)a Formal Departmental Meeting shall be held within twenty-four calendar days of the date that the suspected AIV came to the Complainant's attention.

B. Provisions for Special Cases

1. If a Complainant discovers a suspected violation in which the currently enrolled Respondent has used the work of a student either in a different section of the course or has taken a course at a different time, the Complainant should follow the procedures for the Initial Meeting and what follows (described in the previous section and below) for the Respondent enrolled in their course. If the other student involved is enrolled in another section of the course or if the

student took the class during a different time (different semester), then the Complainant should submit the AIV Form directly to OSRR for an AIB hearing.

2. If a Complainant discovers a suspected violation at a time immediately after the Complainant is no longer within the Complainant's course, the Complainant should refer the case, including all evidence related to the suspected violation, directly to OSRR for an AIB hearing via the AIV Form. The AIB will review the evidence submitted (e.g., syllabus, any AI statement signed by the student, documents such as the paper and SafeAssign or other software used to find a suspected violation, etc.) through its normal hearing procedures and impose an appropriate academic penalty or sanction if a violation is found.

3. University Community Complainant: If the suspected AIV occurs outside of a specific course, the case will be referred directly to OSRR for an AIB hearing. (The AIV Form is available at <https://osrr.ecu.edu/faculty-staff/>). In the case of a suspected AIV reported directly to OSRR for which an instructor of record can be identified, OSRR will first consult with the faculty member(s) in charge of the course(s) affected. The faculty member will determine whether to pursue the alleged violation against the student in their course. If the faculty member decides to pursue, the procedures of the Initial Meeting and subsequent procedures (as described below) shall be followed. Following this consultation, if the suspected violation(s) is egregious, pervasive, or involves multiple students, OSRR may decide to pursue the alleged AIV(s) and additional academic penalties or sanctions outside of that course by taking the case to the UCAI for an AIB hearing.

4. Graduate Advisor or Director Complainant: If the suspected AIV involves a graduate student and occurs outside of a specific course, the case will be referred to the student's Faculty Advisor who will serve in the role of the faculty member in the steps above and below. In the event that no Faculty Advisor can be identified, the Graduate Program Director will serve in the role of the faculty member in the process described above and below. The Advisor or Director will then follow the procedures of the Initial Meeting and what follows or refer the case to the OSRR, whichever is applicable.

If the suspected academic violation involves a professional school student, the school may have its own panel or board and may have supplemental processes or procedures, and/or additional academic penalties or sanctions, as long as the professional program and its procedures comport with 700.4.1 of the UNC Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings, as well as Federal, State and Local Law. The Complainant is also required to follow the procedures of this Regulation and report the suspected AIV to OSRR. Also, the professional school's panel does not have the authority to suspend or expel a student from the University; all matters where a suspension or expulsion from the University is recommended shall be referred to OSRR.

C. Formal Departmental Meeting

The Formal Departmental Meeting is designed as the primary formal hearing for Academic Integrity Violations. The Formal Departmental Meeting is not necessary, nor required, if the Respondent waives their right to this Formal Departmental Meeting during the Initial Meeting. A determination as to responsibility and/or assignment of penalty/sanction may be made at, or following, the Formal Departmental Meeting.

The Formal Departmental Meeting shall be held within twenty-four (24) calendar days of the date that the suspected AIV came to the Complainant's attention. The Respondent, Complainant, or the Department Chair (or designee) may request a reasonable postponement of the Formal Departmental Meeting by contacting the other parties, in writing, no fewer than two (2) business days before the scheduled meeting. Any requests for postponement must explain the reason for the request and provide an alternate meeting date and time. The Department Chair (or designee) will make the final determination of the meeting date and time.

1. Participating Parties and Nonparticipating Observers

The Complainant and the Department Chair (or designee) are required to participate in the Formal Departmental Meeting. The Respondent is strongly encouraged, but not required to participate. If the Respondent does not participate after being properly notified, the matter will be decided on the basis of information gathered by the Complainant or Department Chair. Witnesses with information relevant to the alleged AIV may be invited by the Respondent or Complainant. Character witnesses may not participate in the Meeting, but may submit written statements. The Respondent and the Complainant may each have a nonparticipating observer at the Formal Departmental Meeting. The Complainant's nonparticipating observer should be another faculty member from the same department. The Respondent may select a faculty member, parent, or student who is not involved in the suspected AIV, as his/her nonparticipating observer. The observer(s) may attend the Meeting and take careful notes for reference, but they may not actively participate or present information. The Meeting is closed to the public and no individuals except those described above may attend.

2. Meeting Procedures

The Department Chair (or designee) shall ensure an orderly meeting and that both the Complainant and Respondent have the opportunity to present evidence, including but not limited to witness testimony and relevant documents.

The Respondent may waive the Formal Departmental Meeting and accept an academic penalty proposed by the Complainant. The waiver and acceptance must be in writing and signed by the Respondent. Waivers are made available by the OSRR at <https://osrr.ecu.edu/faculty-staff/>

D. Outcome of the Formal Departmental Meeting

The Department Chair (or designee) shall evaluate evidence presented at the Formal Departmental Meeting and determine if a preponderance of evidence supports the conclusion that the Respondent is responsible for an AIV. The Department Chair (or designee) shall also determine the appropriate academic penalty and/or sanction, in consultation with the Complainant's recommendation. The outcome of the Formal Departmental Meeting shall be communicated to the student within ten (10) calendar days of the Meeting. If a determination is made in the absence of the Respondent because the Respondent failed to attend the Meeting, the Complainant must complete and submit the Academic Integrity Violation Form (AIV form; available on the OSRR webpage <https://osrr.ecu.edu/faculty-staff/>) to OSRR within twenty-four (24) calendar days from the date of Respondent notification. The Chair (or designee) can make any of the following determinations and/or assign the following academic penalties:

1. No violation found

The Department Chair (or designee) determines that the evidence fails to indicate that an AIV occurred, and therefore, no penalty will be imposed. The Department Chair will notify the student in writing of this decision, and no AIV form will be submitted to the OSRR.

2. Violation found

The Department Chair (or designee) determines that the evidence indicates that the Respondent is responsible for an AIV and that an academic penalty is appropriate. If the Respondent does not appear for a scheduled meeting, the Department Chair (or designee) may make a determination in the Respondent's absence. The Department Chair shall impose the academic penalty recommended by the Complainant, provided that, however, the penalty is an academic penalty, and in no case can the Chair issue a sanction of suspension or expulsion. The Department Chair (or designee) shall submit a completed AIV form to OSRR within ten (10) calendar days of the Meeting. If the Department Chair (or designee) deems the penalty to be disproportionate to the AIV, the Chair will indicate this finding on the AIV Form submitted to OSRR. Furthermore, if the Complainant or Department Chair (or designee) believe the violation is egregious enough to warrant further university action and additional sanction, the Department Chair (or designee) will include such a statement on the AIV Form submitted to OSRR.

Possible academic penalties include, but are not limited to, written warning, additional work or learning opportunity, reducing the grade on the assignment(s), or reducing the overall course grade.

If at any time during the review of the alleged AIV, in the Complainant's discretion, the Complainant determines the penalty for the alleged AIV should be something less than a grade reduction (e.g., a warning, some additional work or learning opportunity) then the Complainant is required to formally notify the Respondent and to formally report the decision and imposed academic penalty to the respective Department Chair (or designee) and OSRR (for its records). If at any point, however, the Complainant determines that the AIV warrants a grade reduction or other substantial academic penalty, either as a result of the initial determination and penalty assignment, or as a result of a student failing to complete alternative work or learning opportunities assigned as an initial penalty, the Complainant must follow the reporting process outlined in Section 4 (Referral to UCAI) below, including reporting the situation to OSRR for its review, support, and coordination.

If the penalty assigned is a failure for the course, OSRR will inform the registrar to record a final grade of "XF" on the Respondent's transcript to indicate that failure in the course was the result of an AIV. The "X" indicates the matter is related to a responsible finding of AIV. If the Complainant regards the AIV as severe enough to warrant additional sanction such as suspension or expulsion, the Department Chair shall indicate this recommendation on the AIV form, and the matter will be referred to OSRR for review. The decision to pursue suspension or expulsion will be made by OSRR.

The "X" designation must remain on the student's transcript for at least one year and will be removed from the official transcript after one year only if the student has completed the academic integrity training module and obtained the approval of the Director of the OSRR. The

approval of the Director of the OSRR must be obtained through the submission of a formal written request for removal of the “X” designation. Courses in which a student receives a grade of “XF” are not eligible for grade replacement even if the “X” is removed from the official transcript. All courses for which a student receives an “XF” will be factored into the student’s GPA, even if the “X” is removed from the official transcript and the course is retaken.

OSRR shall provide written notification to the Respondent of the Department Chair’s decision and the imposed academic penalty within seven (7) calendar days of receiving the AIV form. The written notice shall include a copy of the student’s rights and responsibilities form and inform the Respondent of their right to appeal and the appeal process (described below). In the event that the Respondent involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding AIVs, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

3. Disagreement between Complainant and Department Chair (or designee).

If there is a disagreement between the Department Chair (or designee) and Complainant regarding responsibility for the violation or academic penalty imposed, the Complainant may appeal the decision to the respective college Dean (or administrative designee) for review. In such cases, all information related to the AIV shall be submitted to the Dean (or designee) for review. The review shall be resolved within fourteen (14) calendar days. If the Dean (or designee) rules in favor of the Department Chair (or designee), that decision will be final. If the Dean (or designee) rules in favor of the Complainant, the AIV process will resume following the procedure to report the AIV to OSRR as outlined in part VI.D.2.

4. Referral to the UCAI for AIB Review

If a Respondent’s case is referred for AIB review, OSRR will notify the Respondent of the referral within seven (7) calendar days of receiving the AIV form. The role of the AIB hearing is to review the entirety of the case, including determination of responsibility, assignment of academic penalty, and additional recommended University sanctions (if applicable). There are three situations in which OSRR will refer the case to the UCAI for AIB review:

1. In a case where the recommended sanction includes suspension or expulsion.
2. In a case where the student has prior AIV. If OSRR finds that the Respondent has a prior AIV on file, the case will be referred to the UCAI for an AIB hearing to consider whether additional academic penalties or sanctions are appropriate based on a pattern of behavior and a history of prior AIV findings.
3. In a case where the AIV involves multiple students. OSRR will receive all reports of suspected AIVs involving multiple students (for example, cheating rings). Faculty members, students, and community members should, in all cases, report suspected AIVs involving multiple students to OSRR. In the event that OSRR receives credible reports of multi-student violations, it reserves the right to refer the case to the UCAI for an AIB hearing.

The AIV form, and all records concerning disciplinary actions brought against Respondent(s) for academic infractions, including charges, evidence, transcripts, recordings, summaries, appeals, correspondence, and other related records, shall be kept by the OSRR in compliance with applicable record retention periods, including the retention of records for a period of eight (8) years; in matters where suspension or expulsion is assigned as a sanction, records shall be

retained permanently. Record retention is maintained in compliance with the most recent UNC Records Retention and Disposition Schedule (§12.13) and Federal Code 20 USC 1232g; and is subject to change to remain in compliance with the governing law.

E. AIB Hearings (In lieu of Formal Departmental Meeting and for appeals Formal Departmental Meeting)

As stated above, an AIB Hearing will be convened: (1) as an appeal of the Formal Departmental Meeting; (2) when the alleged AIV occurs outside a specific course; or (3) is egregious enough that it involves possible sanctions of suspension or expulsion. (In addition to Formal Departmental Meeting appeal, examples include, but are not limited to, sanction of suspension or expulsion, cases of repeat AIVs, multi-student AIVs, or suspected violations at the undergraduate level that occur outside of a specific course.) In the case of an alleged AIV by a graduate student, at least two of the three faculty members must have graduate faculty status and every attempt should be made to ensure that all three faculty members on the AIB board have graduate faculty status. Further, in these matters, the student members of the board must be graduate students. The AIB will select a chair from among its faculty membership. All members of the AIB may vote on the selection of a chair.

All AIB hearings are reviewed de novo (from the beginning), meaning that whether the case originates from a Formal Departmental Meeting or as an AIB hearing, the case will be reviewed in its entirety, including a review of all facts and allegations to determine responsibility and the appropriate penalty/sanctions (if applicable).

The Director of the OSRR (or designee) will notify the parties involved of a meeting of the AIB within ten (10) calendar days of receipt of a case that requires an AIB hearing. The Complainant (if appropriate), the Respondent, witnesses, Student Advisors, and the five (5) Panel members shall be provided not less than 10 calendar days' notification of the date, time, and place of the AIB meeting. Appropriate waivers of the Family Educational Rights and Privacy Act (FERPA) must be obtained prior to any hearing, in accordance with applicable law. If a grade for the Respondent must be submitted prior to the conclusion of the AIB process, the Complainant shall record a grade of incomplete, pending a decision by the AIB.

1. Participating Parties and Nonparticipating Observers

The required participating parties are the Complainant, the Respondent, and the five AIB panel members, witnesses for the Complainant and/or Respondent, and any other person called by the AIB Chair. If the Respondent or Complainant would like to request the assistance of a Student Advisor, the Respondent or Complainant may contact OSRR for assistance. The Director of the OSRR (or designee) is a nonparticipating observer.

If the Respondent or Complainant (if appropriate) fail to appear without prior approval of the OSRR administrative officer, the AIB will proceed with an absentia hearing.

Attorneys are not permitted to participate in the AIB unless the Respondent is facing pending criminal charges stemming from the incident in question or if the University is otherwise required by law to allow an attorney to be present. In such situations, the attorney may only advise their client. The attorney is not permitted to actively participate in the AIB, for example, the attorney may not ask questions or present information, except and unless allowing the Respondent's attorney to participate is otherwise required by law. The Respondent will assume all responsibility for attorney fees.

2. Hearing Procedures

The AIB Chair will give an extensive and detailed summary of the case, present materials relevant to the case, and direct the AIB hearing. Detailed procedures for AIB hearings are available from the OSRR. A determination of whether the Respondent committed the AIV, and a determination of an appropriate sanction/penalty, if applicable, will be made by a simple majority of the AIB. The AIB chair will vote only in the case of a tie. Detailed procedures for AIB hearings are available from the OSRR.

The Director of the OSRR (or designee) will serve as administrative officer and is responsible for maintaining accurate and complete records of the proceedings. The hearing will be audio recorded; however, recording quality problems and/or malfunctions will not invalidate or nullify the decision of the AIB.

AIB hearings are closed to the public.

AIB members and staff assigned to perform work related to the hearing shall report any potential procedural irregularities or procedural errors that come to their attention, which may have occurred before or during the hearing, to the Director of OSRR for review by the Senior Vice Chancellor for Academic Affairs (or designee). The Senior Vice Chancellor for Academic Affairs (or designee) shall have the authority to determine whether corrective action, including but not limited to, a new hearing, is necessary to correct such procedural errors. This review does not constitute an appeal, and is a separate, independent review of the hearing procedures.

F. Appeals

During an appeal, the appealing party has the burden of showing either (1) a violation of due process; or (2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors:

- **Violation of Due Process.** Due Process requires notice and an opportunity to be heard. A violation of due process means that the appealing party was not provided the required notice or an opportunity to be heard due to specified procedural errors, or errors in interpretation of University policies or regulations, that were so substantial as to effectively deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in this Regulation will not invalidate a decision or proceeding unless the Respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.
- **Material Deviation from Substantive and Procedural Standards.** Material Deviation from Substantive and Procedural Standards require that the decision reached be neither arbitrary nor capricious. A material deviation from substantive standards means that there is a lack of information in the record that could support the decision or sanction(s). This does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires showing that no reasonable person could have determined the Respondent was responsible or could have imposed the sanction that was issued, based upon the information in the record. A material deviation from procedural standards means that a lack of information in the record that could support the decision is due to a procedural error that resulted in the proffered evidence or testimony being excluded.

The Respondent must specify in writing (“appeal letter”) which grounds form the basis for the

Respondent's appeal. The Respondent must provide factual information to support the appeal and explain what outcome is sought. The Respondent has a right to be assisted in preparing their written challenge by a licensed attorney or non-attorney advocate, at the Respondent's expense.

The appeal letter must be dated, signed by the Respondent, and received by OSRR within five (5) calendar days from the date that the written decision on sanctions is provided to the Respondent, either by hand delivery or by delivery or attempted delivery through e-mail or postal mail. Appeals should be directed to osrr@ecu.edu; or 364 Wright Building. Failure to deliver the written notice of appeal within this time limit will render the decision of the Department Chair/AIB final and conclusive. An extension of time for good cause may be requested within the five day limit, but it is within the discretion of OSRR to grant or deny such requests.

Appeals will be limited to the record of the hearing, including the supporting documents provided by the Respondent and available records ("written record") within OSRR.

In appeals from a Formal Departmental Meeting, the AIRC will review the written record and make a determination as to whether a decision and/or sanction is supported by the evidence and whether the decision or penalty/sanction should be altered. If the AIRC denies the appeal, the decision of the Department Chair and any assigned sanctions are effective immediately, and the student will have no further appeal opportunities. The AIRC decision is final.

The final decision of the AIRC will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The decision will include a brief summary of the information upon which the decision was based.

In appeals from a hearing before the AIB where suspension is assigned, the Director of OSRR will compile the written record and provide it to the Senior Vice Chancellor for Academic Affairs (or designee) who will make the final administrative determination. The Vice Chancellor (or designee) will determine whether to impose the sanctions recommended by the AIB, to modify the sanctions recommended by the AIB, to refer the case back to OSRR for a new hearing before a different AIB, or to take other necessary administrative action.

In appeals from a hearing before the AIB where expulsion is recommended, the Director of OSRR will compile the written record and provide it to the Senior Vice Chancellor for Academic Affairs (or designee) who will make the final administrative determination. The Vice Chancellor (or designee) will determine whether to impose the sanctions recommended by the AIB, to modify the sanctions recommended by the AIB, or to refer the case back to OSRR for a new hearing before a different AIB, or to take other necessary administrative action. If the Vice Chancellor (or designee) determines that the student should be expelled from the University, the student has the right to file an appeal by following the process described in Section G below.

The final decision in cases where suspension or expulsion is the sanction will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date on which the decision was made. The letter will include a brief summary of the information upon which the decision was based and any appeal rights,

including the time limits during which to appeal and the permitted grounds for appeal.

Requests for reconsideration based on new information, sufficient to alter a decision and not reasonably available at the time of the decision, should be directed to the original decision-maker. A Complainant or Respondent has one calendar year after the final imposition of sanctions by the University to present new information.

G. Appeal of Expulsion

Should the Senior Vice Chancellor for Academic Affairs (or designee) uphold a recommendation of expulsion, the Respondent has the right to appeal the decision to the East Carolina University Board of Trustees. The Respondent should send a written appeal by certified or registered mail, return receipt requested, or by another means that provides proof of delivery to the Assistant Secretary to Board within ten (10) calendar days after the notice of the Vice Chancellor's decision is sent to the Respondent. A copy should also be provided to the Office of Student Rights and Responsibilities and the Vice Chancellor for Legal Affairs and University Counsel of East Carolina University. If the appeal is received in a timely manner, the Board of Trustees will establish a schedule for its review. If the Respondent fails to comply with the schedule, the Board of Trustees may dismiss the appeal. The decision of the Board of Trustees is final.

VII. Records

A. Family Educational Rights and Privacy Act of 1974: Academic Conduct case information is recorded and maintained by OSRR in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA). Generally, information contained in OSRR files that personally identifies a student will not be released without the written and dated consent of the student identified in the record. However, disciplinary records may be shared with third parties to the extent allowed under FERPA. For specific information on FERPA, please contact the Registrar's Office.

B. Maintenance of Records: Academic Conduct records are maintained by the OSRR for at least eight (8) years from the completion of the last sanction imposed. Records of students, who have been suspended or expelled, and of those who have a pending case or have not completed sanctions, are kept indefinitely.

C. UNC Suspension/Expulsion Database: Information about students who are suspended, expelled, or have serious pending cases is entered into a UNC database, where it is stored permanently. All UNC constituent institutions have access to this information.

D. Transcript Notation: Academic Conduct suspensions and expulsions will be permanently marked on the student's transcript.

E. Awarding of Degrees: The University does not award degrees solely because a student successfully completed all academic requirements. Violations of this Regulation and/or the Student Code of Conduct, including academic and non-academic violations, may impact the awarding of a degree, and if a student has a disciplinary complaint pending, the awarding of the degree may be delayed until the complaint is resolved, and, if imposed, the sanctions have been completed.

F. Withdrawal: Students with a pending AIV case will not be permitted to withdraw from the University without first resolving the case, or receiving permission from the Director of OSRR to do so.

G. Continual Enrollment: Students with a pending AIV case might be prohibited from future enrollment until the AIV matter is resolved by the University.

VIII. Annual Reports

At the end of each academic year, the UCAI shall prepare a report summarizing its work. This annual report shall be submitted early in the fall semester to the Faculty Senate, the Student Government Association (SGA), and the Academic Council.

IX. Review of the AIV Process

The Faculty Senate will convene the AIV Review Committee every three (3) years. This committee will assess the effectiveness of the AIV process and related policies and recommend any changes in policy or procedure to the Faculty Senate.

Originally Approved (entire document): Faculty Senate Resolution #83-26, April 1983
East Carolina University Chancellor

Amended:

FS Resolution #83-30 thru #83-34, April 1983 Chancellor

FS Resolution #84-42, January 1985 Chancellor

FS Resolution #87-16, October 1987 Chancellor

FS Resolution #11-36, June 2011 Chancellor

FS Resolution #20-18, June 2021 Chancellor