



Review of the Code of Student Conduct and the Code of Academic Integrity

PRESENTED BY Suzanne Ashour-Bailey, Chair

REVIEW DATES SEC – May 15, 2023 | SENATE –September 2023

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [III-1.00\(A\)](#) – University of Maryland Code of Academic Integrity
[V-1.00\(B\)](#) – University of Maryland Code of Student Conduct

NECESSARY APPROVALS Senate, President

ISSUE

In August 2021, a group of University students submitted a proposal to the Senate Executive Committee (SEC) requesting that the *Code of Academic Integrity* and the *Code of Student Conduct* be amended to address gaps in the University's current approach to determining appropriate sanctions in the student adjudication processes. The proposal noted that the *Codes* do not provide for considering exceptional tangible consequences incurred by a student due to a sanction. Among the consequences included in the proposal were affecting a student's visa status or losing student health insurance. The proposal requested that the *Codes* be amended to add an "Other Exceptional Circumstances" provision to allow considering whether the cumulative impact of a sanction would be grossly disproportionate to how the sanction would take effect in normal contexts.

In October 2021, the SEC received a proposal from the Director of Student Conduct recommending that the *Code of Student Conduct* and *Code of Academic Integrity* be updated to incorporate administrative process efficiencies that will provide earlier final resolution of matters, describe the conduct review and adjudication processes in more straightforward, direct language, and reflect current best practices.

The SEC charged the Senate Student Conduct Committee with reviewing both proposals and potential revisions to the *Code of Academic Integrity* and *Code of Student Conduct*, collectively referred to as the *Codes*.

RECOMMENDATION(S)

The Student Conduct Committee recommends that the *Code of Academic Integrity* and *Code of Student Conduct* be revised as shown immediately following this report.

The Student Conduct Committee recommends that the Office of Student Conduct develop and provide guidance on the revisions to the *Code of Academic Integrity* and *Code of Student Conduct* and the review and resolution processes that is available before the effective date of the revised *Codes*.

COMMITTEE WORK

The Student Conduct Committee (SCC) began working on the charge from the SEC at its October 2021 meeting. The committee met with representatives for each proposal, reviewed peer institutions' codes governing student conduct and academic misconduct, surveyed student and faculty stakeholders, and consulted with representatives of the Office of Faculty Affairs, Undergraduate Studies, and the Graduate School. The committee also made a preliminary presentation at the Senate December 2022 meeting to get feedback from the Senators on its initial considerations for revising the *Codes*.

The committee's deliberations included discussions about the purpose and objectives of the *Codes*. The committee agreed that the *Codes* should provide campus community members with awareness and guidance on student conduct expectations, the processes for addressing violations, and potential consequences for violations. The committee felt that the *Codes* should protect the academic integrity of the University and the safety and well-being of campus community members. The committee also considered the *Codes* an opportunity to educate, guide, and redirect students whose conduct is inconsistent with the values and expectations of the campus community.

In considering the revisions to the *Codes* recommended in the Other Exceptional Circumstances proposal, the committee had extensive discussions about the purpose of sanctions when a student is found responsible for misconduct and the need for consistent sanctions when the circumstances of the misconduct are similar. The committee acknowledged that there could be situations when an imposed sanction has a disparate and harsher impact than intended. For example, a sanction of housing suspension for one year would impact a student experiencing housing insecurity differently than a student who was not in a similar situation. Additionally, leaving a student homeless and probably unable to continue or return to academic study after the housing termination period exceeds the intended impact of the one-year housing suspension sanction. Although the committee felt it was reasonable to have a means to consider the impact of a sanction on a student, it did not agree with the proposal recommendation that this consideration be addressed during the sanctioning process. The committee determined that it would be appropriate to consider the unanticipated disparate impact of a sanction during an appellate review.

In reviewing the resolution processes for addressing student misconduct matters, the committee focused on revisions that would provide more options for informal resolution of minor acts of misconduct and allow early final resolution. With the availability of early and alternative resolution options, the committee found it reasonable to limit formal resolution and appeal processes to complex matters. The committee defined complex matters as conduct that could result in a student receiving a permanent grade of XF for a course, suspension, expulsion, University housing termination, or degree revocation.

After due consideration, the committee substantially restructured the *Codes* and proposed several revisions to the resolution processes. The Office of General Counsel reviewed the revisions proposed by the committee. The committee further revised the *Codes* in accordance with the guidance from the Office of General Counsel. On May 5, 2023, the Student Conduct Committee approved the proposed revisions to the *Code of Academic Integrity* and *Code of Student Conduct* and an associated administrative recommendation.

ALTERNATIVES

The Senate could choose not to approve the committee's recommendations. However, the University would lose the opportunity to improve and clarify the student adjudication processes in the *Code of Academic Integrity* and the *Code of Student Conduct*.

RISKS

There are no risks to the University in adopting these recommendations.

FINANCIAL IMPLICATIONS

There are no known financial implications in adopting these recommendations.



Review of the Code of Academic Integrity (III-1.00[A]) and the Code of Student Conduct (V-1.00[B])

2022-2023 Committee

Suzanne Ashour-Bailey (Chair)
James Bond (Ex-Officio, Director of Student Conduct)
Andrew Dworski (Undergraduate Student)
Anjali Garg (Graduate Student)
Jennifer Gershberg (Faculty)
Ursula Gorham-Oscilowski (Faculty)
Kara Grossier (Undergraduate Student)
Michaela James (Undergraduate Student)

Wendy Loughlin (Staff)
Michael McMillan (Faculty)
Aaron Roth (Graduate Student)
Jordan Sly (Faculty)

Date of Submission

May 2023

BACKGROUND

In August 2021, a group of University students submitted a proposal to the Senate Executive Committee (SEC) requesting that the *Code of Academic Integrity* and the *Code of Student Conduct*, collectively referred to as the *Codes*, be amended to address gaps in the University's current approach to determining appropriate sanctions in the student adjudication processes. The proposal noted that the *Codes* do not provide for considering tangible consequences incurred by a student due to a sanction. Among the consequences included in the proposal were affecting a student's visa status or losing student health insurance. The proposal requested that the *Codes* be amended to add an "Other Exceptional Circumstances" provision to allow considering these consequences when determining sanctions.

In October 2021, the SEC received a proposal from the Director of Student Conduct recommending that the *Code of Student Conduct* and *Code of Academic Integrity* be updated to incorporate administrative process efficiencies that will provide earlier final resolution of matters, describe the conduct review and adjudication processes in more straightforward, direct language, and reflect current best practices. The proposal included several specific revisions for both *Codes*.

At its meeting on October 18, 2021, the Senate Executive Committee (SEC) voted to jointly charge the "Proposal to Amend the *Code of Academic Integrity* and the *Code of Student Conduct* to Incorporate 'Other Exceptional Circumstances'" (Senate Document #21-22-17) and the "Proposal for Changes to the Codes of Student Conduct and Academic Integrity" (Senate Document #21-22-18) to the Student Conduct Committee (Appendix 1).

COMMITTEE WORK

The Student Conduct Committee (SCC) began working on the charge from the SEC at its October 28, 2021 meeting. The committee met with representatives for each proposal, reviewed peer institutions' codes governing student conduct and academic misconduct, surveyed several stakeholders and student group participants in the student conduct and academic misconduct resolution processes, and consulted with several administrative representatives. The committee

also made a preliminary presentation at the Senate December 2022 meeting to get feedback from the Senators on its initial considerations for revising the *Codes*.

Consultation with Proposers

The “Other Exceptional Circumstances” proposal requests that the following provision be added to both *Codes*:

“Other Exceptional Circumstances” may be considered in determining sanctions. Another exceptional circumstance is a circumstance that would reasonably cause the cumulative impact of a sanction to be grossly disproportionate to how the sanction would take effect in normal contexts. “Other exceptional circumstances” include but are not limited to deportation, sudden financial insolvency, complete loss of shelter, loss of access to critical medical care, and immediate physical harm. Additional exceptional circumstances that are unenumerated in this Code may be considered as deemed reasonable by University Judiciary Boards or staff members in the Office of Student Conduct.

The students who proposed the “Other Exceptional Circumstances” provision for the *Codes* organized themselves as the Student Conduct Review Coalition (SCRC). In their first meeting with the committee, the SCRC representatives explained how the *Codes* do not allow consideration of circumstances that would cause a student to be disproportionately affected by the sanction. For example, if a student experiencing personal housing insecurity is sanctioned to termination of campus housing, that sanction would affect them differently than it does students who have housing alternatives. SCRC pointed out that considering the impact of the sanction, which may be more egregious than intended, is not provided for in the *Codes* and sometimes is actively barred from being considered because it is not necessarily a mitigating factor. In addition to potential homelessness, SCRC suggested that exposure to domestic violence, impact on visa and immigration status, loss of funding or scholarships, and access to health care are factors that may be considered under an exceptional circumstance provision, but the SCRC deferred to the committee whether the provision should include a list of the matters that could be considered.

SCRC representatives attended several committee meetings and offered additional statements for the committee to consider. See Appendix 2.

In the consultation with the Director of Student Conduct, the committee was informed that during the 2020-2021 academic year, the Office of Student Conduct (OSC) addressed twice as many cases as it did the previous year. This increase occurred for cases under both *Codes*. Based on this experience and the ongoing trend of a high number of cases addressed by the office, the OSC identified several aspects of the *Codes*' review procedures that could be simplified and more transparent for students. The OSC proposal included several suggestions for editing the *Codes* to be structurally consistent, use less legal language, and clarify the administrative processes for addressing violations. The OSC also proposed substantive changes to the sanctioning and conduct review processes, such as

- modifying the adjudication processes to allow for expeditious resolution of matters from early resolution through appeal;
- aligning the adjudication processes in the *Codes*, including having *Code of Academic Integrity* Honor Boards recommend sanctions to OSC instead of determining the sanction, which would be similar to the role of student conduct boards for *Code of Student Conduct* matters;
- creating an option for addressing “low-level” academic misconduct cases informally without requiring a hearing;

- changing referring to the grade of “XF” as a normal sanction for academic misconduct to it being the typical sanction; and
- shifting the final administrative approval and authority for suspending or expelling a student from the Vice President for Student Affairs to the newly created Dean of Students position, the next-level administrator for the Office of Student Conduct.

The OSC proffered that these revisions to the *Codes* would allow its office and the Office of Rights & Responsibilities, which addresses matters related to the *Code of Student Conduct*, to be more responsive to the needs of campus community members because cases would be resolved more expeditiously and conduct resolution resources would be used to concentrate on complex matters.

Peer Institution Research

The committee reviewed research on student conduct and academic misconduct processes at the Big Ten Academic Alliance institutions and the University of North Carolina-Chapel Hill (UNC). UNC was included because it was a comparator university identified in the “Other Exceptional Circumstances” proposal.

Overall, UMD’s resolution processes align with most of the 16 university processes that were researched. Each of those uses hearings to resolve matters, and most universities have an informal or alternative resolution process for some general misconduct matters. One University had hearings to resolve academic integrity cases, and another resolved all matters through investigation and meetings. An instructor-student meeting was required for the universities that allowed academic misconduct matters to be addressed informally.

The committee was particularly interested in how the universities addressed several sanctioning and appeal rights issues. The research revealed that UMD is the only university that included notice of a normal sanction—grade of “XF”—in its academic misconduct review process. A few universities provide a range of sanctions that might be imposed, from a reprimand and grade reduction to suspension. UMD aligned with 14 of the peer institutions by considering aggravating or mitigating factors during the review and resolution process. Similar to UMD, some universities limited consideration of these factors to determine a student’s sanction, considering mitigating factors for recommending sanctions.

None of the Big Ten Academic Alliance institutions have an “exceptional circumstance” provision similar to the one proposed for UMD. UNC, the comparator university identified in the student “other exceptional circumstances” proposal, permits the consideration of other compelling circumstances as a factor in determining a student’s sanction when a sanction would be “unduly punitive, including, but not limited to, extraordinary personal circumstances of the student.” UNC also permits an honor court considering an academic dishonesty case to deviate from any usual sanction based on “other aspects of the gravity of the offense, the value of learning, the importance of equitable treatment, or *other compelling circumstances*” (emphasis added). UNC does not provide examples of extraordinary personal circumstances or other compelling circumstances that could be relevant.

In reviewing the peer institutions’ policies on who has the authority to impose sanctions, the committee learned that a slight majority of the universities allow the hearing board to decide sanctions, and a few less than half of the universities have the hearing board recommend sanctions to an administrator who has the final sanction determination authority. Most schools vest suspension or expulsion authority at an administration level. Seven universities vest this

authority with the Dean of Students, two with the Office of Student Conduct, and three with the President of Student Affairs or Chancellor.

UMD and the peer institutions have standard appeal procedures and generally allow most matters to be appealed. Usually, matters resolved through informal resolution cannot be appealed since this resolution option often requires the student to accept responsibility for the misconduct and agree to the sanction. One University allows students to appeal informal resolutions imposed by the instructor. Most universities limit the right to appeal to the respondent only. UMD is among the few universities allowing complainants, including instructors, to appeal an academic misconduct matter. Related to appeals, options for voiding disciplinary records vary widely among universities. The committee did not identify a trend or best practice for this process.

Committee's Guiding Principles

The committee agreed that the *Codes* should provide campus community members with awareness and guidance on student conduct expectations, the processes for addressing violations, and potential consequences for violations. The committee felt that the *Codes* should protect the academic integrity of the University and the safety and well-being of campus community members. The committee also considered the *Codes* an opportunity to educate, guide, and redirect students whose conduct is inconsistent with the values and expectations of the campus community.

The committee reached an early consensus that the language and terms in the *Codes* should be plain, neutral terms and avoid legal or adversarial terminology. Additionally, the committee agreed that the *Codes* should state the educational objectives of the conduct review processes more strongly and emphasize that the purpose of the conduct review and resolution processes is to address the behavior related to the conduct and not to pass judgment on a student's character.

The committee considered its discussions with the proposers and review of the peer institution research to develop principles to guide its consideration of the revisions to the *Codes* recommended in the proposals and to obtain feedback from stakeholders and consults. The values expressed in the principles addressed providing resolution processes that give students sufficient notice of the allegations against them and allow the most efficient and timely resolution of matters and having sanctioning procedures that are responsive to the offending conduct that the student is found responsible. In addition to the guiding principles, the committee listed several potential revisions to the *Codes*, including introducing "other exceptional circumstances" as a ground for an appeal based on the disproportionate impact of the sanction. The complete list of the committee's guiding principles is provided at Appendix 3.

Consultations

As directed in the charge from the SEC, the committee consulted with Undergraduate and Graduate Student Legal Aid Offices, University Student Judiciary, Academic Integrity Liaison representatives, Student Government Association, and Graduate Student Government (collectively referred to as stakeholders). The committee also consulted with representatives of the Office of Faculty Affairs (OFA), Undergraduate Studies (UGST), and the Graduate School and presented its guiding principles at a Senate meeting to get feedback from Senators. The committee also received additional feedback from SCRC.

Stakeholder Feedback

The student organizations and academic liaison representatives were invited to submit survey responses indicating their degree of agreement on a scale of one (strongly disagree) to five (strongly agree) with each of the committee's guiding principles and proposed *Codes* revisions. The responders also had an opportunity to express their views on the purpose of the *Codes* and the impact of revising the *Codes* in accordance with the guiding principles and to recommend additional revisions or matters that the committee should consider. Six survey responses were submitted.

The survey responses about the purpose of the *Codes* aligned with the committee's perspective. The survey comments consistently expressed that the *Codes* should provide clear notice of the expected, appropriate, and prohibited behaviors to ensure the campus community's physical and intellectual safety and integrity. Additionally, the *Codes* should adequately explain the processes for addressing and resolving offending conduct, including indicating the possible repercussions for offenses. Several survey responders commented that the *Codes* and conduct resolutions processes should include an educational objective. The survey responses also had several suggestions for improving the *Codes*: using plain and student-accessible language; increasing efficiencies and processes for early final resolution of matters, including appeals; and expanding the range of sanctions for academic misconduct cases so the XF grade is not the only available sanction.

The survey responders agreed or strongly agreed with most of the guiding principles established by the Student Conduct Committee. The most variation among the survey responders was whether undue hardship based on the unique circumstances of a student is an appropriate consideration as a ground for appeal based on a disproportionate sanction and whether to allow consideration of "exceptional circumstances" during an appeal because a sanction subjects a student to unintended, tangible consequences such as loss of health insurance, loss of housing, or impact on visa status. Half of the responders strongly agreed with these principles, and half were neutral or slightly disagreed. Similar to the considerations discussed by the committee, the responders raised concerns that considering "other exceptional circumstances" during the resolution process, including at the appellate level, introduces too much subjectivity. Another perspective shared in a survey response was that considering the extenuating circumstances that students face is necessary to help ensure that the health and safety of students are not affected by their punishments.

One or two survey responders did not agree with limiting *the Code of Academic Integrity* Honor Reviews and appeals to cases where a transcript notation is a possible sanction or discontinuing allowing a Complainant to appeal the sanction imposed against a Respondent in a *Code of Academic Integrity* case.

Senate Feedback

The committee presented its guiding principles at the Senate December 2022 meeting. The feedback from the Senators aligned with the committee's principles. Comments from the Senators included:

- The *Codes* should be fair to individual students as well as students overall.
- Leniency may be more appropriate for academic integrity violations but not necessarily for student conduct violations.
- Major assignments that could result in an XF grade or dismissal should be clearly identified.

- Faculty need clear guidance on what matters should be referred to the Office of Student Conduct. It is important to have resources available for faculty.
- It is essential to the adjudication process that students are provided adequate notice of the violations being addressed and sufficient time to prepare responses, particularly if violations are added after the initial notice.

The Senators also requested more information about changing the *Code of Academic Integrity* honor boards to making sanction recommendations instead of imposing sanctions and about restorative justice practices. Once it was explained that the objective for changing the honor board to a recommending body is to ensure more consistency in sanctioning and reduce the possibility of substantial variations in sanctions for similar conduct, there was no further comment or question about this proposed revision. The committee noted that if restorative justice is added to the Code of Student Conduct as a sanction option, it must be described clearly.

Administrative Representatives Feedback

Since revising the *Codes*, particularly the *Code of Academic Integrity*, would impact faculty and academic units, the committee sought feedback from academic administrative representatives. In February 2022, the SCC Chair, ex officio SCC member and Director of Student Conduct, and Committee Coordinator discussed the committee's guiding principles with Lisa Kiely, Associate Dean for Undergraduate Studies; John Bertot, Associate Provost for Faculty Affairs; and Steven Fetter, Associate Provost and Dean of the Graduate School. The consult discussions focused on the following:

- Providing hearings only for cases that could result in a transcript notation;
- Changing academic misconduct honor boards to making recommendations to the Office of Student Conduct (OSC) instead of vesting the boards with authority to impose sanctions;
- Introducing a screening process for appeals to ensure that appeals state sufficient grounds for consideration; and
- Introducing a ground for appeal based on the disparate, unintentional consequences of a sanction because of a student's exceptional circumstance.

The representatives supported revising the review and adjudication processes to increase efficiencies and bring early resolution to matters, including resolving minor assignment misconduct at the instructor level. The representatives expressed several concerns about the "other exceptional circumstances" proposal. They emphasized the importance of having consistency in the sanctions for similar offending conduct and raised the concern that adjusting a sanction due to one student's personal hardship circumstances could create unintended inequity and result in a perception of unfairness to other students, particularly when the students are involved in the same incident.

Through consultation with the Graduate School representative, the committee learned of specific perspectives related to graduate students. Generally, the Graduate School associate deans believe that graduate students should be held to a higher standard of academic integrity; therefore, the sanction for significant violations by graduate students (e.g., plagiarism in a thesis or falsification of research) should include dismissal. Additionally, the *Codes* should be clear that a finding of responsibility under either *Code* also could affect a graduate student's status as a graduate assistant (GA), including revocation of the assistantship. During this consultation, it

also was shared that the International Student & Scholar Services (ISSS) had concerns that international students, who are 40% of the Graduate School enrollment, are referred for alleged academic misconduct violations at a higher rate than non-international graduate students.

Based on the feedback from these consultations, the committee agreed that it was important for the *Codes* to reinforce the importance of uniformity and consistency in referring matters for review and resolution through the *Code* processes. Additionally, the committee supported expanding the definitions for academic misconduct to include examples specific to graduate students, such as noting that qualifying and other graduate student examinations are academic exercises covered by the *Code of Academic Integrity* and adding language clarifying that a finding of responsibility under either *Code* can affect the status of university employment and graduate assistantships, even though these sanctions cannot be imposed under the *Codes*.

COMMITTEE FINDINGS

The committee found that its view of the purposes of the *Codes* and several of its guiding principles aligned with the feedback from the stakeholders and consultants. Therefore, the committee supported revising the *Codes* to use plain language and less-legal terms. For example, the terms "Complainant" and "Respondent" were replaced with "Reporting Party" and "Responding Party," respectively, "cases" are referred to as "matters," and "academic dishonesty" is referred to as "academic misconduct." The content of the *Codes* were also reorganized similarly with headings to explain the definitions referenced in the *Codes* and the review and resolution processes. Given the agreement on these matters, the committee's discussions and deliberations focused on the resolution and sanctioning procedures and the "other exceptional circumstances" proposal.

In considering proposed revisions to the sanctioning process, the committee weighed holding students accountable for their conduct and protecting the campus community and its values. The committee also considered educating a student about why their conduct violated a *Code* and University values to be an essential element of the sanctioning process. The committee agreed that sanctions for misconduct should be based on the circumstances of the misconduct, which can vary case-by-case. However, to the greatest extent possible, there should be consistency in the sanctions imposed for similar misconduct under similar circumstances. The committee recognized that there is inherent subjectivity in the sanctioning process, particularly because aggravating and mitigating factors can be considered during a sanctioning procedure. Therefore, in considering potential revisions to the *Codes* related to sanctions, including the "other exceptional circumstances" proposal, the committee sought to balance having similar consequences for similar conduct while considering factors that make the impact of the consequences uniquely different.

Other Exceptional Circumstances

The committee acknowledged that unintended hardship and expansive consequences to students due to a sanction is a matter of concern. The committee also noted that this concern is distinguishable from the mitigating factor considerations that are already available in the *Codes*. Mitigating factors are circumstances related to the misconduct or the activities or steps a student undertakes to address or correct their behavior and do not consider the impact of a sanction. Additionally, currently an appeal based on the sanction being disproportionate focuses on whether the sanction is excessive based on the circumstances of the misconduct. Therefore, the

committee found that the *Codes* do not provide a means for considering whether the impact of a sanction has an unintended consequence.

The committee raised several concerns while contemplating whether there should be a way for students to challenge a sanction because its impact would have unintended consequences for the student. Opening the door to increased subjectivity and inconsistency in imposing sanctions was a prevalent concern for the committee. Additionally, the committee did not favor adding provisions to the *Codes* that undermined holding students accountable for their misconduct or diminished the possibility of deterring students from engaging in misconduct.

The committee extensively discussed what kinds of unintended consequences would be relevant. The committee felt that the scope of the consequences should be very narrow. The committee generally was not sympathetic to consequences that affected a student's ability to participate in extracurricular activities or sports or speculative future consequences such as potential impact if a student was considering enrolling in graduate or professional school. The committee also did not support recommending *Codes* revisions that affected sanction recommendations based on potential consequences that were known to students before they engaged in misconduct. The committee learned through its consultations that international students receive substantial information about the relationship between their enrollment and visa status. Additionally, this is reiterated early in the misconduct review process if a student is subject to a misconduct report. The committee determined that "exceptional circumstances" should be limited to unanticipated, actual consequences of a sanction that is not in the student's control, such as loss of shelter, loss of access to critical medical care, financial insolvency, and immediate physical harm.

Based on the committee's concerns about the already existing subjectivity in the sanctioning process, the committee did not support the proposal recommendation to allow "other exceptional circumstances" to be considered in determining sanctions. The committee felt that because sanctions are intended to be responsive to the circumstances of the misconduct, considering the impact of a sanction before a sanction is determined would be misplaced. The committee recommended that considering the unanticipated impact of the sanction is a matter that should be addressed through an appeal.

The committee reasoned that considering unanticipated consequences of a sanction is more appropriate at the appellate level because, at that point, the consequences would be more concrete than they would be during the sanctioning process. Also, in some instances, the OSC could assist a student with finding alternatives to avoid the unintended consequence. For example, if a sanction of one-year termination of housing would leave a student homeless and unlikely to continue attending the University, which would exceed the intended scope of the sanction and be disparate from the experience of a student who is not experiencing housing insecurity, the OSC could assist a student with finding a housing alternative during the University housing termination period. This approach allows the intention and spirit of the sanction to be upheld. The OSC review will provide more consistency than the hearing boards in considering the unanticipated disparate impact of a sanction.

Initially, the committee considered adding undue hardship based on a student's unique circumstance as an element of an appeal based on disproportionate sanctioning. Upon further consideration, the committee determined that adding this consideration to disproportionate sanctioning was inconsistent, and a separate ground for appeal should be added. This would provide better guidance for students on how to state their appeal and for the appellate boards on

how to evaluate the appeal. Based on these considerations, the committee recommended that the *Codes* be revised to add the following ground for appeal:

Unanticipated Disparate Impact of the Sanction: The Sanction has an unanticipated disparate impact on a Responding Party that exceeded the intention of the imposed Sanction.

The SCRC acknowledged that considering exceptional circumstances during appeals satisfied its goals and endorsed the committee's recommendation. See Appendix 4. The SCRC also proposed that the committee recommend suspension withheld and a fitting educational sanction as an alternative for students who may face a disproportionate impact of a sanction. The committee declined this recommendation because it did not consider it appropriate to impose a sanction alternative in a policy.

Resolution Processes

The committee acknowledged that being subject to a disciplinary process is a stressful and unsettling experience for students. Therefore, conduct matters should be resolved as efficiently and early as possible so students can move forward and, when appropriate, engage in necessary corrective measures. In considering the options for achieving this objective, the committee sought to balance early and final resolution with not compromising a student's opportunity to be heard and address the allegations against them. The committee discussed that the time and resources that honor review, student conduct, and appellate boards and the OSC expend to resolve matters also were relevant considerations to try to increase efficiencies in the resolution processes.

Early and Alternative Resolution Options

The committee believed that adding early and alternative resolution options for misconduct matters aligns with the educational objectives the *Codes* should satisfy. Based on these considerations, the committee recommended an informal resolution option for undergraduate minor academic misconduct matters: Academic Deferral. The committee noted that this practice is used at several Big Ten institutions. The committee discussed that adding an alternate resolution for minor assignments may ease some instructors' discomfort with referring matters to the OSC. The informal early resolution options for academic misconduct cases would be available only if a potential sanction did not include a permanent grade of XF, suspension, expulsion, or degree revocation. The committee recommended revising the *Code of Academic Integrity* to provide early resolution options for minor acts of academic misconduct for undergraduate students and resolution by informal agreement if a student acknowledges responsibility for the reported academic misconduct. Both options would be in consultation with the instructor and require the student to forgo resolving a matter through an honor review and pursuing an appeal.

The committee also supported incorporating early alternative resolution options for *Code of Student Conduct* matters, including restorative justice practices, which allow students to accept responsibility for their conduct and work to repair any harm resulting from the conduct.

Formal Resolution and Appeal Processes

With the availability of early and alternative resolution options, the committee found it reasonable to limit formal resolution and appeal processes to complex matters. The committee defined

complex matters as conduct that could result in a student receiving a permanent grade of XF for a course, suspension, expulsion, University housing termination, or degree revocation.

The committee did not make any recommendations that alter a student's right to have a hearing before a board—Honor Board for academic misconduct and Student Conduct Boards for general misconduct. However, because the board review processes often take more time to organize, the committee recommended providing students the option of addressing matters through a Disciplinary Conference and by a Disciplinary Conference Board in lieu of a hearing board. Therefore, the committee recommended revising both *Codes* to allow a student to use these options for matters that are not complex or for complex matters if the student waived the option for hearing board review. A student who chooses a non-hearing review option would not lose any procedural rights that are provided in a hearing review. They are permitted an opportunity to respond to the allegations, present documentation, witnesses, or information on their behalf, be assisted by an advocate or advisor, and be accompanied by a support person. They also retain the right to appeal a determination of responsibility and the imposed sanction if they are sanctioned to expulsion or suspension for any misconduct, University housing termination for general misconduct, or permanent grade of XF or degree revocation for academic misconduct.

The committee also determined that it would benefit the resolution processes provided in the *Codes* should be structured as similarly as possible. A significant disparity in the current resolution processes is that the honor review boards in academic misconduct cases impose sanctions, and hearing boards in general misconduct cases make recommendations to the Director of Student Conduct. All the hearing review boards fulfill the same purpose of being investigatory bodies and provide a valuable contribution by having cases considered with peer input. However, based on the committee's ongoing concerns about finding ways to mitigate inconsistency in sanctions for similar conduct, the committee favored the OSC serving as a central resource for reviewing and imposing sanctions. Accordingly, the committee found that these considerations counseled having the honor boards in academic misconduct matters make sanction recommendations to the Director of Student Conduct.

Appeals

To be consistent with hearing boards focusing on complex matters, those that might result in a student receiving a permanent "XF" grade, suspension, expulsion, University housing termination, or degree revocation, the committee recommended that appeals be limited to the same matters.

The *Codes* allow students to appeal a determination of responsibility and sanctions based on the grounds of substantial procedural error, disproportionate sanctioning, arbitrary and capricious decision, or new evidence. Currently, all student appeals are referred to an appellate board, although often appeals do not state a permissible ground for the appeal and attempt to relitigate the finding of responsibility or the sanction. The committee recommended implementing an initial screening for appeals. The committee viewed an initial screening as an opportunity to educate students on the appropriate grounds for an appeal and why the student's submission does not state grounds for an appeal. If a student decides to continue with the appeal, they would have an opportunity to correct the deficiency. The committee emphasized the importance of the screening process being a corrective opportunity and not an assessment of the strength of the student's arguments for the appeal.

Regarding appeals, the committee recommended that the complainant/reporting party be unable to appeal a sanction. This option is provided only in the *Code of Academic Integrity*. The committee learned that instructors are usually the complainant and are consulted before a sanction is imposed for academic misconduct; therefore, they rarely appeal the imposed sanction. Also, as noted previously, other Big Ten institutions do not provide this appeal option.

Final Administrative Review and Approval Authority

The committee recommended that the Dean of Students have the authority to approve, alter, or deny expulsions, suspensions, or revocations instead of the Vice President for Student Affairs (VPSA). The Dean of Students position was created at the University after the *Codes* were last updated. The Dean of Students is the next-level administrator for the Office of Student Conduct. Several Big Ten institutions vest this authority with the Dean of Students. The Director of Student Conduct informed the committee that the VPSA would continue to be informed of all expulsions.

Academic Misconduct Grade of “XF”

As directed in the charge from the SEC, the committee considered whether the available sanctions in the *Codes* should be expanded. The committee found that the sanctions described in the *Codes* are sufficient; however, it discussed whether the use of the grade of “XF” for academic matters should be revised.

Currently, if a student receives an XF they are precluded from representing the University in any extracurricular activity or running for or holding office in any university organization. The committee was informed that “XF” is used in about 30% of the matters where the student is found responsible for academic misconduct on a major assignment. Given the limited use of XF as a sanction for academic misconduct, the committee recommended that XF be referenced as an “expected” sanction instead of a typical expectation. Additionally, when a student receives an XF, the Director of Student Conduct should have the discretion to determine whether and in which extracurricular activities the student cannot participate. These recommendations reinforce the principle that sanctions should be determined based on the circumstances of the misconduct and are not pre-prescribed.

Administrative Recommendation

Given the substantial restructuring of the *Codes*, the introduction of new informal resolution procedures, and the revision of the formal resolution processes, the committee recommended that the Office of Student Conduct develop and provide guidance for students and instructors on the revisions.

The committee revised the *Codes* to align with the abovementioned considerations and recommendations. The committee consulted with the Office of General Counsel on its proposed revisions to the *Codes*. The Student Conduct Committee approved its revisions to the *Codes* and the administrative recommendation at its meeting on May 5, 2023.

RECOMMENDATIONS

The Student Conduct Committee recommends that its proposed revisions to the *Code of Academic Integrity* and *Code of Student Conduct* be revised as shown immediately following this report.

The Student Conduct Committee recommends that the Office of Student Conduct develop and provide guidance on the revisions to the *Code of Academic Integrity* and *Code of Student Conduct* and the review and resolution processes that is available before the effective date of the revised *Codes*.

APPENDICES

Appendix 1 — Charge from the Senate Executive Committee

Appendix 2 — Written Statement for the Student Conduct Committee (January 13, 2023)

Appendix 3 — Student Conduct Committee Guiding Principles for Reviewing the *Code of Academic Integrity* and *Code of Student Conduct*

Appendix 4 — SCRC Endorsement of an altered version of the *Other Exceptional Circumstances Clause* (February 19, 2023)



III-1.00(A) UNIVERSITY OF MARYLAND CODE OF ACADEMIC INTEGRITY
(Approved by President August 1, 1991; Amended May 10, 2001; Amended May 5, 2005; Technical Amendments June 2012; Amended November 7, 2014; Amended effective January 1, 2019; Amended effective April 1, 2020; Approved by the President Month Day, 2023)

I. INTRODUCTION

The University of Maryland, College Park is an academic community. Its fundamental purpose is the pursuit of knowledge. The University functions properly in fulfilling this mission when its community members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty.

Academic Misconduct is a corrosive force in the academic life of a university. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, the responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of Academic Misconduct is not a neutral act. Histories of institutions demonstrate that indifference will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for Academic Misconduct are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by Students, Instructors, and all campus community members.

The *Code of Academic Integrity (Code)* is designed to ensure that the principle of academic honesty is upheld.

II. APPLICABILITY

- A. All Student work submitted for assessment, including but not limited to assignments, examinations, research, articles, dissertations, and theses, are held to the standards in this *Code*.
- B. This *Code* applies to all reports of Academic Misconduct that are submitted to an Instructor or the Office of Student Conduct on or after August 28, 2023.

Where the date of the alleged Academic Misconduct precedes August 28, 2023, the definitions of Academic Misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this *Code*, however, will be used to resolve all reports of Academic Misconduct made on or after August 28, 2023, regardless of when the alleged incident(s) occurred.

C. Office of Student Conduct

The Office of Student Conduct (OSC) and its Director are charged with the administration of the *Code of Academic Integrity* and its processes. All references in this *Code* to the Director of Student Conduct include the Director and designees. The responsibilities of the OSC include:

- (a) Providing official and final interpretation of the *Code*;
- (b) Accepting reports of alleged Academic Misconduct;
- (c) Determining the appropriate alleged violation(s) to be filed in accordance with this *Code*;
- (d) Administering the process and procedures for investigating and resolving alleged *Code* violations;
- (e) Supervising, training, and advising all conduct boards; and
- (f) Maintaining all Student disciplinary records in accordance with this Policy.

D. Referral to Another University Process

1. In cases where an allegation of Academic Misconduct could also be a violation of Policy III-1.10(A) University of Maryland Policy and Procedures Concerning Scholarly Misconduct (the “Scholarly Misconduct Policy”), the Director of Student Conduct and the University’s Research Integrity Officer (RIO) will determine whether this *Code* or the Scholarly Misconduct Policy will apply.
2. When a scholarly misconduct process results in a finding of responsibility for a current or former Student, the RIO may refer the matter to the Office of Student Conduct for review under this *Code*, including for application of a Sanction if the Student was found responsible under the scholarly misconduct process.
3. Responding Parties found responsible for Academic Misconduct may also be subject to a program review for continued participation in their academic and University sponsored scholarship programs, in addition to any Sanctions imposed under the *Code*.

III. DEFINITIONS

When used in the context of this *Code*, the terms below mean the following:

- A. “Advisor” means a person chosen by a Responding Party to assist the Responding Party during the conduct review and resolution processes. The Advisor may be an attorney. The Responding Party is responsible for paying any expenses incurred by retaining an Advisor. The Advisor may be present with the Responding Party to provide advice and consultation to the Responding Party. The Advisor shall not be an active participant in resolution proceedings, but if necessary, the Responding Party may request a break in order to speak privately with an Advisor. The Advisor may not speak for the Responding party, serve as a witness, provide evidence in a review or resolution process, delay, or otherwise interfere with the University’s resolution process.
- B. “Advocate” means a registered, University degree-seeking Student designated to assist a Responding Party. The role of an Advocate includes:

- a. Providing confidential advice to the Responding party.
 - b. Making brief opening and closing statements.
 - c. Questioning parties and witnesses, including Reporting Parties, pursuant to the applicable procedures.
 - d. Following a determination of responsibility, the Advocate may make recommendations regarding Sanctions, if appropriate.
- C. “Aggravating Factors” means a factor that may be considered in determining Sanctions. An Aggravating Factor is present either at the time of the violation occurred, or is a result of the violation. Aggravating Factors may include, but are not limited to, advanced planning to engage in prohibited behavior, providing false information in the resolution process, extensiveness of harm to stakeholders in the incident, and a Student’s prior conduct history.
- D. “Community Advocate” is a registered, University degree-seeking Student who is trained to assist or represent the Reporting Party and present disciplinary matters at Honor Reviews. Their responsibilities include providing brief opening and closing statements, presenting evidence, and other duties as requested by the Honor Board. The Community Advocate performs their responsibilities under the oversight of the Office of Student Conduct.
- E. “Days” means business weekdays when the University is not closed.
- F. “Formal Charge” is a written notice of the alleged violations of Academic Misconduct that will be considered during an Honor Review by an Honor Board.
- G. “Instructor” means the course Instructor of Record, thesis or dissertation advisors, or research supervisors.
- H. “Knowingly” means consciously engaging in specific conduct, regardless of whether the individual understood the conduct was a violation of the *Code*.
- I. “Major Graded Assessment” means an assignment, project, examination, exercise, or other course work designated by the Instructor as essential to assessing the Student’s progress toward the learning objectives.
- J. “Mitigating Factors” means a factor that may be considered in determining Sanctions. A Mitigating Factor is present either at the time the violation occurred, or after the violation when a Student engages in substantial activities to increase their knowledge or prevent future violations. Mitigating Factors include the steps the Responding Party has taken to address their behavior.
- K. “Responding Party” means a Student alleged to have committed a violation of this *Code*.
- L. “Reporting Party” means the individual(s) who have referred a Student or incident to the Office of Student Conduct based on an alleged violation of the *Code*. A Reporting Party may be any member of the campus community, including the Instructor or a representative from the academic department.
- M. “Support Person” means a person chosen by a Responding Party to provide emotional and logistical support. A Support Person cannot be an active

participant or witness in the resolution process.

- N. "Student" means a person enrolled, registered, or auditing courses at the University on a full-time or part-time basis or a person who may not be enrolled but has a continuing academic relationship with the University.
- O. "University" means the University of Maryland, College Park.

IV. PRINCIPLES OF ACADEMIC INTEGRITY

A. HONOR STATEMENT

New and incoming Students should know the role of the Honor Pledge and the Student Honor Council, as well as the obligation of all members of the University community to promote and practice the highest standards of academic integrity.

B. HONOR PLEDGE

The Honor Pledge is a reminder that at the University, Students have primary responsibility for academic integrity because the meaningfulness of their degrees depends on it. Instructors are urged to emphasize the importance of academic honesty and of the Honor Pledge as its symbol. Instructors should reference both the Honor Pledge and this *Code* on syllabi and throughout the course period, including instruction and guidance on avoiding plagiarism through proper citation and links to additional online or web-based materials.

1. On all work submitted for assessment that is not specifically exempted by the Instructor, Students are encouraged to write and sign the following pledge:

I pledge on my honor that I have not given or received any unauthorized assistance on this assessment.

2. Failure to sign the pledge is not a violation of the *Code of Academic Integrity*, but neither is it a defense in case of violation of this *Code*. Signing or non-signing the pledge will not be considered in grading or in the investigation, resolution, or adjudication procedures provided in this *Code*.
3. On examinations, no assistance is permitted unless authorized or expressly allowed by the Instructor.
4. On assignments that are not examinations, the Honor Pledge means that the assignment has been done without Academic Misconduct, as defined in this *Code*. Instructors should define clearly in writing what type of material or information is authorized for assignments. Students are expected to seek clarity if they are confused whether specific materials, information, or resources are authorized.

C. THE STUDENT HONOR COUNCIL

1. The Student Honor Council is a branch of the University Student Judiciary composed of qualified graduate and undergraduate Students in good academic standing. The

University Student Judiciary and its branches are an essential part of the Office of Student Conduct, which advises and supervises the University Student Judiciary and its branches.

2. The Student Honor Council has the following responsibilities and authority:
 - a. To increase awareness throughout the campus of the importance of academic integrity; and
 - b. To designate from its members Students to serve as members of Honor Boards or Disciplinary Conference Boards as specified in this *Code*.
3. All Student Honor Council members will participate in orientation and training sessions held by the Office of Student Conduct.
4. Members of the Student Honor Council who are charged with any violation of this *Code*, the *Code of Student Conduct*, another University policy, or with a criminal offense may be suspended from their positions by the Director of Student Conduct while the charges against them are pending. Student Honor Council members found responsible (or guilty in the case of criminal charges) for any such violation or offense may be disqualified from any further participation in the University Student Judiciary by the Director of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the University Student Judiciary.

V. PROHIBITED CONDUCT

ACADEMIC MISCONDUCT: Any of the following acts, when committed by a Student, constitute Academic Misconduct:

- (a) **CHEATING:** fraud, deceit, or misconduct in any academic course, exercise, or research in an attempt to gain an unfair advantage and/or using or attempting to use unauthorized materials, information, or study aids in any academic course, exercise, or research, including qualifying and other graduate Student examinations.
- (b) **FABRICATION:** unauthorized falsification or invention of any data, images, information, or citation in any academic course, exercise, or research, including but not limited to articles, proposals, dissertations, and theses.
- (c) **FACILITATING ACADEMIC MISCONDUCT:** knowingly helping or attempting to help another individual to violate any provision of this *Code*.
- (d) **PLAGIARISM:** representing the words or ideas of another as one's own in any academic course, exercise, or research, including but not limited to articles, proposals, dissertations, and theses.
- (e) **SELF-PLAGIARISM:** the reuse of substantially identical or nearly identical portions of one's own work in multiple courses without prior permission from the current Instructor or from each of the Instructors if the work is being submitted for multiple courses in the same semester.

VI. SANCTIONS

Students found responsible for Academic Misconduct are subject to Sanctions. The aims of sanctioning are to protect the campus community, deter future offenses, promote individual accountability, and enhance an individual's ethical development and decision-making. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for their actions.

The sanctioning process for a potential violation of the *Code* is focused on specific behavior; it is not a judgment of a student's whole character. To make a judgment of a Student's overall character is antithetical to the educational goals of the resolution process. Therefore, character witnesses and character statements are not required in the resolution process.

While all Academic Misconduct matters differ in their severity and complexity, the Office of Student Conduct endeavors to address similar facts and circumstances for Students in the same status, e.g., undergraduate or graduate, consistently. The listed Sanctions are guidelines to inform campus community members of the potential impact of being found responsible for Academic Misconduct. Attempts to commit acts prohibited by this *Code* may be sanctioned to the same extent as completed violations.

The expected Sanction for undergraduate Students found responsible for violating the *Code of Academic Integrity* on a Major Graded Assessment as determined by the Instructor is the grade of "XF" in the course.

The expected Sanction for graduate Students is the permanent grade of "XF" and Expulsion or Suspension.

A lesser or more severe Sanction, including a different form of grade adjustment, may be recommended or imposed depending on the nature of the alleged Academic Misconduct and consideration of Mitigating or Aggravating Factors as defined in this *Code*.

In addition to the Sanctions provided in this *Code*, a finding of responsibility for Academic Misconduct might affect a Responding Party's University employment status and assistantship participation. The Responding Party also may be subject to disciplinary actions in accordance with guidelines governing their employment or assistantship. Academic or extracurricular programs may also impose their own penalties for Responding Parties found responsible for Academic Misconduct.

Possible Sanctions under this *Code* include the following:

A. Grade Adjustments

- a. The grade of "XF" for the course.
 - i. The grade of "XF" is recorded on the Student's transcript with the notation "failure due to Academic Misconduct." The grade of "XF" is treated in the same way as an "F" for the purposes of determining grade point average, course repeatability, and academic standing.
 - ii. A Student with an "XF" on their transcript may not be permitted to represent the University in any extracurricular activity (for example, intercollegiate athletics, sports clubs, traveling performance groups, competitive events, etc.), or run for or hold office in any Student or University organization that is allowed to use University facilities or receives University funds. The Director of Student Conduct will determine any applicable restrictions on a case-by-case basis.

- iii. The normal duration of the placement of the “XF” is twelve months. If unusual and compelling Mitigating Factors are presented, an abbreviated “XF” for six months may be considered. If serious Aggravating Factors are presented, the “XF” may be designated as a permanent notation on the Student’s transcript for the course or other academic exercise in question.
 - iv. The “XF” will be paired with an educational sanction to be completed by the Responding Party before the “XF” is eligible to be removed.
 - v. The grade of "XF" will be replaced with a grade of "F" following the completion of the sanction duration and the educational sanction. The "F" grade will remain on as the Student's grade for the course or other academic exercise permanently.
- b. Grade of “F” for the course: A grade of F may be imposed for the course or other academic exercise in which Academic Misconduct occurred. The grade of “F” factors into the determination of the Student’s grade point average, eligibility for course repeatability, and academic standing.
 - c. Letter grade reduction for the course: A Student may receive a full letter grade reduction for the course or other academic exercise in which Academic Misconduct occurred. This sanction is in addition to the sanction set forth in subparagraph (d) below.
 - d. Zero on the assignment(s): A Student may be given no credit for the assignment(s) in which Academic Misconduct occurred. The Instructor will factor the zero into the Student’s final grade in the course or other academic exercise (before application of the letter grade reduction in subparagraph (c) above, if applicable).
- B. Degree Revocation: rescinding a degree previously awarded by the University. A permanent notation will appear on the Student’s transcript. (Degree Revocation requires administrative review and approval of the Dean of Students.)
 - C. Expulsion: permanent separation of the Student from the University. A permanent notation will appear on the Student’s transcript. In addition, the Director of Student Conduct may also bar the Student from University premises. (Expulsion requires administrative review and approval by the Dean of Students, who may alter, defer, or withhold the Expulsion.)
 - D. Suspension: separation of the Student from the University for a specified period of time. A permanent notation will appear on the Student’s transcript. The Student cannot participate in any University-sponsored activity and may be barred from University premises during the period of Suspension. Suspended time will not count against any time limits required by the Graduate School for the completion of a degree. (Suspension requires administrative review and approval by the Dean of Students, who may alter, defer, or withhold the Suspension.)
 - E. Other sanctions: other sanctions may be imposed in addition to those specified in this section of the *Code*. Other sanctions may include educational or reflective experiences that encourage the Student to prevent repeated acts of Academic Misconduct or help the Student better understand how their Academic Misconduct affects the academic and professional communities of which the Student is a member.

VII. RESPONSIBILITY TO REPORT ACADEMIC MISCONDUCT

All members of the University community—Students, faculty, and staff—share the responsibility and authority to challenge and make known acts of apparent Academic Misconduct.

Prompt reporting to an Instructor or the Office of Student Conduct enhances the University’s ability to respond and address matters related to Academic Misconduct and to provide proper guidance and resolution to Students. The referral and resolution of reports of Academic Misconduct must be free of conflict of interest or bias and consistent for similar conduct and for all participants alleged to be involved and complicit in the conduct. Additionally, Instructors should be consistent with Students in which matters are addressed with further instruction and guidance and which matters are referred to as Academic Misconduct.

A. SELF-REFERRAL

1. Students who commit acts of Academic Misconduct may demonstrate their renewed commitment to academic integrity by reporting themselves in writing to the Office of Student Conduct. Students who elect to self-refer for Academic Misconduct are encouraged to utilize the Office of Student Conduct electronic referral [form found here](#) to detail the incident.
2. Students may not exercise the Self-Referral option more than once during their enrollment at the University.
3. Review of the Self-Referral
 - a. The Director of Student Conduct will notify the Instructor of the course or other academic exercise in which the incident occurred to consult on the matter.
 - b. Following a consult with the Instructor, the Director of Student Conduct will then convene a meeting with the Student to ensure that the self-referral provisions of this *Code* are followed and to determine whether the self-referral will be accepted.
 - c. The Director of Student Conduct will notify the Instructor of the course or other academic exercise in which the incident occurred of the meeting’s outcome, including whether the self-referral was accepted.
4. Recommendation
 - a. If an investigation by the Director of Student Conduct reveals that no member of the University had a suspicion of a self-referring Student’s act of Academic Misconduct and the Self-Referral is accepted, the Student will not be charged with Academic Misconduct or have a disciplinary record for the reported incident.
 - i. If the Student’s Self-Referral is accepted, the Student must successfully complete an educational sanction. In addition, at the discretion of the Instructor, the Student may have the grade for the work that resulted from the Academic Misconduct reduced to a zero, by one letter grade, or to an “F.”
 - b. If the Director of Student Conduct determines that Academic Misconduct was suspected at the time of the Student’s Self-Referral and admission, the matter will be resolved in accordance with the Resolution Procedures specified in this *Code*

for resolving Academic Misconduct allegations. If the Student is found responsible for Academic Misconduct, the Student's Self-Referral and admission may be considered a Mitigating Factor for purposes of sanctioning.

B. THIRD-PARTY REPORTING OF ACADEMIC MISCONDUCT

1. Any member of the University community who has witnessed an apparent act of Academic Misconduct, or who has information that reasonably leads to the conclusion that Academic Misconduct has occurred or has been attempted, has the responsibility to promptly inform the Office of Student Conduct.

2. Review of the Third-Party Report

a. The Director of Student Conduct determines whether a report of Academic Misconduct is supported by reasonable cause.

i. If the Director of Student Conduct determines that the report of the Academic Misconduct is supported by reasonable cause, the Office of Student Conduct will notify the Responding Party of the report and will offer the Responding Party an opportunity for a Preliminary Interview.

ii. If the Director of Student Conduct determines that the report of Academic Misconduct is not supported by reasonable cause, the matter is closed, and no indication of the report will be made on the Student's record.

b. Preliminary Interview

The purpose of the Preliminary Interview is to provide the Responding Party an opportunity to review the allegations and any supporting evidence that was provided to the Office of Student Conduct. The Responding Party may discuss the alleged incident; however, they are not required to do so. Relevant information shared during the Preliminary Interview may become part of the case file for future proceedings.

i. The Office of Student Conduct will review the resolution and adjudication procedures available under the *Code* with the Responding Party.

ii. The Office of Student Conduct will review the potential sanctions that may be imposed if the Responding Party is determined to be responsible for Academic Misconduct.

iii. The Office of Student Conduct will provide the Responding Party with a copy of this *Code* and a statement of procedural rights, which will include information about the right to be assisted by an Advocate, in alignment with this *Code*.

3. Notice of Resolution Options

a. The Office of Student Conduct will advise the Responding Party of the alleged Academic Misconduct violations and the range of Sanctions that might be imposed if the Responding Party is found responsible for a violation of this *Code*.

b. The Office of Student Conduct will advise the Responding Party of the Resolution

Procedures options based on the alleged Academic Misconduct.

- i. Reports of Academic Misconduct that might result in a Sanction of the grade “XF,” Suspension, Expulsion, or Degree Revocation have the right to an Honor Review, or may waive their right to an Honor Review and proceed to have their matter resolved by Informal Agreement or in a Disciplinary Conference or Disciplinary Conference Board.

Responding Parties who waive their right to an Honor Review and opt for an Informal Resolution, Disciplinary Conference or Disciplinary Conference Board are subject to the full range of Sanctions and the appeal restrictions provided in this *Code*.

- ii. Reports of Academic Misconduct that do not have the potential to result in a Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation are resolved by Informal Agreement or in a Disciplinary Conference or a Disciplinary Conference Board.

VIII. NOTIFICATION AND COMMUNICATIONS TO RESPONDING PARTIES

University email is the primary means by which the Office of Student Conduct communicates with Students. Students are responsible for reading all official communications delivered to the University email address and are advised to check their email regularly for University communications, including those from the Office of Student Conduct.

A Disciplinary Conference Board will be convened to resolve matters for Responding Parties who do not respond to communications from the Office of Student Conduct.

IX. STANDARD OF EVIDENCE FOR RESOLUTION PROCESSES

The clear and convincing standard of evidence is used to determine responsibility for *Code* violations. Clear and convincing evidence gives a reasonable certainty of the truth and means that based on the totality of the evidence, it is highly and substantially more probable than not that the violation occurred.

X. RESOLUTION PROCEDURES

The University has established informal and formal processes for resolving Academic Misconduct matters. Responding Parties will be treated with dignity and respect throughout the Resolution Procedures.

Student perspective is an important contribution to the resolution process. The Formal Resolution procedures include options for the participation of members of the University Student Judiciary, a diverse group of Students specifically trained in the content, processes, and procedures of this *Code* that operates under the direction of the Office of Student Conduct. Students selected for Disciplinary Conference Boards and Honor Boards are selected according to procedures developed by the Director of Student Conduct.

While the considerations and recommendations from the University Student Judiciary are important contributions to resolving misconduct matters, the final authority for interpreting the *Code* and its procedures is vested in the Office of Student Conduct.

XI. INFORMAL RESOLUTION

A. ACADEMIC DEFERRAL - MINOR ACT OF ACADEMIC MISCONDUCT BY AN UNDERGRADUATE STUDENT

The Director of Student Conduct may determine that the report of alleged misconduct by an undergraduate Responding Party describes an act of Academic Misconduct on an academic exercise the Instructor deems a minor assignment.

If the Director of Student Conduct, in consultation with the Instructor of the course in which the conduct is reported, determines that the report of Academic Misconduct by the undergraduate Responding Party constitutes a minor act of Academic Misconduct, the Instructor may request that the matter be resolved by Academic Deferral.

The Office of Student Conduct will notify the undergraduate Responding Party, via a Deferral Letter, of the report of Academic Misconduct and offer the undergraduate Responding Party resolution by Academic Deferral, without holding a Preliminary Interview or Formal Resolution process.

The Academic Deferral is limited to undergraduate Responding Parties. An undergraduate Responding Party who agrees to resolve a minor act of Academic Misconduct with an Academic Deferral receives no credit for the academic exercise related to the alleged Academic Misconduct and must successfully complete an educational sanction as described in the Deferral Letter.

1. The Deferral Letter advises the undergraduate Responding Party of the minor act of Academic Misconduct for which the Responding Party has been determined responsible and the educational sanction that must be completed in addition to receiving no credit for the academic exercise.

The Deferral Letter includes a copy of this *Code* and a statement of procedural rights that includes information about the right to be assisted by an Advocate or Advisor, provided in this *Code*.

2. The undergraduate Responding Party must acknowledge to the Office of Student Conduct receipt of the Deferral Letter and their affirmative acceptance of Academic Deferral within five (5) Days after the Deferral Letter is sent.

If the undergraduate Responding Party does not acknowledge receipt of the Deferral Letter and accept the offer to resolve the matter by Academic Deferral within five (5) Days, or if they decline the Deferral Letter offer, they cannot resolve the matter by Academic Deferral and must resolve the matter through another Resolution Procedure.

3. The determination of responsibility and Sanctions in the Deferral Letter become final upon receipt of the Responding Party's affirmative acceptance of the offer of Academic Deferral.
4. Once the educational sanction is complete, the matter is closed and removed from the Responding Party's disciplinary record.

B. INFORMAL AGREEMENT

If a Responding Party acknowledges responsibility for the reported Academic Misconduct, they may choose to resolve the matter informally without participating in a Formal

Resolution proceeding.

1. The Responding Party must acknowledge responsibility for the alleged Academic Misconduct.
2. In consultation with the Instructor of the course in which the alleged Academic Misconduct occurred, the Director of Student Conduct and the Responding Party shall reach an agreement on how the matter will be resolved, including the Sanction(s). If the Responding Party does not agree to the Sanction(s), then they may not resolve the matter via Informal Agreement and the matter must be resolved via a Formal Resolution.
3. With an Informal Agreement, the Responding Party must agree to waive the option to participate in a Formal Resolution proceeding, including an Honor Review.
4. The Responding Party does not have a right to appeal the Informal Agreement and the Sanction(s).
5. The Reporting Party or the Instructor may not appeal an Informal Agreement.

XII. FORMAL RESOLUTION

1. Responding Parties who chose to resolve a matter through a Formal Resolution Procedure may be assisted by an Advisor, if retained by the Responding Party, and an Advocate and accompanied by a Support Person.

As a general practice, Formal Resolution procedures will not be delayed due to the unavailability of an Advisor, Advocate, or Support Person.

2. Witnesses
 - a. The Responding Party may have witnesses provide factual information in a Formal Resolution proceeding. It is the responsibility of the party requesting the presence of a witness to ensure that the witness appears.
 - b. Witness Unavailability: Notifications of a witness' inability to appear must be submitted in writing to the Director of Student Conduct.

As a general practice, Formal Resolution procedures will not be delayed due to the unavailability of a witness.

University Students and employees are expected to comply with requests to serve as a witness unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.

- c. Witness Written Statements: Because the appearance of a witness is of greater value than a written statement, the latter is discouraged and should not be used unless the witness cannot or reasonably should not be expected to appear. Any written statement must be dated and signed, and witnessed by a staff member in the Office of Student Conduct or a person designated by the Director of Student Conduct.

A. DISCIPLINARY CONFERENCE WITH THE DIRECTOR OF STUDENT CONDUCT

1. An Academic Misconduct matter may be resolved by a Disciplinary Conference with the Director of Student Conduct if:

- (a) the alleged act of Academic Misconduct would not normally result in a grade of “XF,” Suspension or Expulsion, as defined by the *Code of Academic Integrity*;
or
 - (b) the Responding Party faces a potential Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation and waives the right to an Honor Review or a Disciplinary Conference Board.
- 2. The Director of Student Conduct reserves the right to refer complex or contested matters to a Disciplinary Conference Board.
- 3. A Responding Party who is permitted to resolve an Academic Misconduct matter in a Disciplinary Conference is accorded the following procedural protections:
 - a. At least three (3) Days advance written notice of the scheduled Disciplinary Conference.
 - i. If a Responding Party fails to attend their scheduled Disciplinary Conference, a response of not responsible will be considered on behalf of that Responding Party, and the scheduled Disciplinary Conference will proceed in their absence.
 - b. Written notice of charges at least three (3) Days prior to the scheduled Disciplinary Conference.
 - c. Reasonable access to the case file prior to and during the Disciplinary Conference.
 - d. An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.
 - e. The option to be assisted by an Advisor, who may be an attorney retained by the Responding Party, and an Advocate and accompanied by a Support Person.
- 4. Director of Student Conduct Determinations
 - a. The Director of Student Conduct will consider all of the information before them to determine whether the Responding Party is responsible for Academic Misconduct or an attempt thereof.
 - b. The Responding Party may be found responsible for Academic Misconduct or an attempt thereof if the Director of Student Conduct determines that such a conclusion is supported by clear and convincing evidence.
 - c. If the Director of Student Conduct finds that there is no clear and convincing evidence that the Responding Party is responsible for Academic Misconduct or an attempt thereof, the Director will dismiss the charge of Academic Misconduct.
- 5. Sanctioning Determination: If the Director of Student Conduct finds that the Responding Party is responsible for Academic Misconduct, the Director may receive sanctioning recommendations from the Instructor, academic program director, and the Responding Party before determining an appropriate Sanction.
- 6. Outcome Notification: The Responding Party will be notified in writing of the Disciplinary Conference outcome and Sanction determination. If an appeal is permissible pursuant to subparagraph (7) below, the Director of Student Conduct will provide a written report of their responsibility determination and Sanction, including stating the Aggravating Factors and Mitigating Factors that were considered, if any.

7. Appeal
 - a. The Responding Party may appeal, as provided in the Appeals section of this Code, an outcome that results in a permanent grade of “XF,” Suspension, Expulsion, or Degree Revocation.
 - b. The Reporting Party and the Instructor cannot appeal a final determination.

B. DISCIPLINARY CONFERENCE BOARD

1. Disciplinary Conference Boards provide an expedited and timely procedure for resolving an Academic Conduct matter with Student peer input. A Disciplinary Conference Board consists of two Students from the University Student Judiciary and a staff member from the Office of Student Conduct.
2. Request from the Responding Party

A Responding Party may request that an Academic Misconduct matter be resolved using a Disciplinary Conference Board if:

 - a. the alleged act of Academic Misconduct would not normally result in a Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation; or
 - b. the Responding Party faces a potential Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation and waives their right to an Honor Review.
3. The Director of Student Conduct determines whether a Disciplinary Conference Board can be used to resolve the matter.

The Director of Student Conduct reserves the right to refer complex or contested matters to an Honor Review.
4. Referred Matters: Matters involving Responding Parties who do not respond to notices from the Office of Student Conduct will be resolved by a Disciplinary Conference Board.
5. A Responding Party who is permitted to resolve an Academic Misconduct matter through a Disciplinary Conference Board is accorded the following procedural protections:
 - a. At least three (3) Days advance written notice of the scheduled Disciplinary Conference Board meeting.
 - i. If a Responding Party fails to attend their scheduled Disciplinary Conference Board meeting, a response of not responsible will be considered on behalf of that Responding Party, and the scheduled Disciplinary Conference Board meeting will proceed in their absence.
 - b. Written notice of charges at least three (3) Days prior to the scheduled Disciplinary Conference Board meeting.
 - c. Reasonable access to the case file prior to and during the Disciplinary Conference Board meeting.
 - d. An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.

- e. The option to be assisted by an Advisor, who may be an attorney retained by the Responding Party, and an Advocate and accompanied by a Support Person.
 - f. The ability to appeal the outcome of the Disciplinary Conference Board if a Sanction of a permanent “XF,” Suspension, Expulsion, or Degree Revocation is imposed.
 - g. The Responding Party may waive any of these protections by providing notification to the Director of Student Conduct prior to the start of the Disciplinary Conference Board meeting.
6. Disciplinary Conference Board Determinations
- a. The Disciplinary Conference Board will consider all of the information before them to determine whether the Responding Party is responsible for Academic Misconduct or an attempt thereof.
 - b. The Responding Party may be found responsible for Academic Misconduct or an attempt thereof if a majority of the Disciplinary Conference Board determines that such a conclusion is supported by clear and convincing evidence.
 - c. If a majority of the Disciplinary Conference Board does not find that there is clear and convincing evidence that the Responding Party is responsible for Academic Misconduct or an attempt thereof, the Disciplinary Conference Board will dismiss the charge of Academic Misconduct, and the matter is concluded.
 - d. Sanctioning: If the Disciplinary Conference Board finds that the Responding Party is responsible for Academic Misconduct, the Board may receive sanctioning recommendations from the Instructor, academic program director, and the Responding Party before determining an appropriate Sanction.
 - e. Outcome Notification: The Disciplinary Conference Board will inform the Responding Party, the Instructor, and the Director of Student Conduct of its responsibility determination and imposed Sanction. If an appeal is permissible pursuant to subparagraph (7) below, the Disciplinary Conference Board will provide a written report of its responsibility determination and Sanction, if appropriate, including stating the Aggravating Factors and Mitigating Factors that were considered, if any.
7. Appeal
- a. A Responding Party may appeal, as provided in the Appeals section of this *Code*, an outcome that results in a grade of a permanent “XF,” Suspension, Expulsion, or Degree Revocation.
 - b. The Reporting Party and the Instructor cannot appeal a final determination.

C. HONOR REVIEW

The purpose of an Honor Review is to explore and investigate the incident giving rise to the allegation of Academic Misconduct and to reach an informed conclusion as to whether or not Academic Misconduct occurred. It is the responsibility of all persons at an Honor Review to assist in a thorough and honest exposition of all related facts.

An Honor Review is a confidential investigation. It requires a deliberative and candid

atmosphere, free from distraction. As such, Honor Reviews are not open to the public or others interested in the matter. The Honor Board may conduct its private deliberations at such times and places as it deems appropriate.

Honor Reviews are conducted by an Honor Board convened by the Student Honor Council, which is a branch of the University Student Judiciary.

1. Right to an Honor Review

- a. Responding Parties who face a potential Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation have the right to an Honor Review.
- b. Responding Parties do not have a right to an Honor Review in matters that do not have the potential to result in a Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation.
- c. Responding Parties who resolve matters via an Informal Resolution, Disciplinary Conference, or Disciplinary Conference Board waive their right to an Honor Review.

2. Honor Board Composition

Normally, an Honor Board consists of up to six (6) members: three (3) to five (5) voting members and one (1) non-voting Presiding Officer. Honor Boards are selected as follows:

a. Voting Members:

- i. Two (2) to three (3) Student Honor Council members will be selected by the Office of Student Conduct. If the Responding Party is a graduate Student, then at least one (1) member will be a graduate Student.
- ii. One (1) to two (2) faculty or staff members will be selected by the Office of Student Conduct. If the Responding Party is a graduate Student, the Honor Board will include a faculty member who teaches graduate courses.

- b. Presiding Officer: The Presiding Officer may be a University Student, faculty, or staff member and will be selected by the Director of Student Conduct.

3. Honor Boards may be advised by a University staff member as designated by the Director of Student Conduct. A Board advisor is a non-voting member of the Board and has all the privileges of Board members, including the ability to comment on questions of procedure and on the relevance of evidence, and will otherwise assist in the administration of the Honor Review.

4. Procedural Protections for a Responding Party

A Responding Party who proceeds with resolving an Academic Misconduct matter in an Honor Review is accorded the following procedural protections:

- a. At least five (5) Days advance written notice of the date, time, and location for the Honor Review.

If a Responding Party fails to attend their scheduled Honor Review, a response of not responsible will be considered on behalf of that Responding Party, and the scheduled Honor Review will proceed in their absence.

- b. At least five (5) Days prior to the scheduled Honor Review, written notice of the

Formal Charge prepared by the Office of Student Conduct that reasonably advises the Responding Party of the alleged violations and the acts and circumstances that will be considered by the Honor Board to allow the Responding Party to contribute to the Honor Review in a meaningful way.

The Formal Charge may be modified as the discussion in the Honor Review proceeds, as long as the Responding Party is provided notice of the modification and a reasonable opportunity to prepare a response. Recesses or postponements may be granted by the Presiding Officer as needed to allow the Responding Party to review a modified charge and prepare a response.

- c. Reasonable access to the case file prior to and during the Honor Review.
- d. An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.
- e. The option to be assisted by an Advisor, who may be an attorney retained by the Responding Party, and an Advocate and accompanied by a Support Person.

5. Honor Review Proceedings

An Honor Review is not a criminal or civil legal proceeding. It is not modeled on these adversarial systems, nor does it serve the same functions. It is not a court or tribunal. Rather, it is an academic process unique to the community of scholars that comprise a university. Formal rules of evidence are not applicable to Honor Review proceedings.

a. Notification of Alleged Academic Misconduct

The Office of Student Conduct will prepare a Formal Charge of Academic Misconduct and send it to the Responding Party and the Honor Board with appropriate written notice.

b. Role and Authority of the Presiding Officer

- i. The Presiding Officer exercises impartial control over the Honor Review to achieve an equitable, orderly, timely, and efficient process.
- ii. The Presiding Officer is authorized to make all decisions and rulings that are necessary and proper to achieve that end, including final decisions related to scheduling and to the inclusion of information in the record.
- iii. The Presiding Officer will admit all evidence, meaning documents, other information and witnesses, into consideration that reasonable persons would accept as relevant, significant, and important to the issues being decided in the matter. Unnecessarily repetitious, irrelevant, or prejudicial evidence may be excluded at the discretion of the Presiding Officer.
- iv. If in the judgment of the Presiding Officer there is reasonable cause to question the impartiality of an Honor Board member, the Presiding Officer will inform the Director of Student Conduct, who will reconstitute the Honor Board.
- v. The Presiding Officer may direct witnesses to appear upon the motion of any Honor Board member or at the request of the Community Advocate or the Responding Party.

- vi. The Presiding Officer may exclude witnesses from the Honor Review except during the time they are providing information to the Board.
 - vii. The Presiding Officer has the discretion to remove any person who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer.
 - viii. The Presiding Officer may modify procedural guidelines when necessary.
- c. Honor Review Procedures
- An Honor Review normally is conducted in the following manner:
- i. Both parties have an opportunity to share any relevant information, analysis, or arguments.
 - ii. The Community Advocate will summarize the matter before the Honor Board first, followed by a summary presented by the Responding Party (or their Advocate).
 - iii. The Community Advocate will present and question witnesses, and offer documents or other materials relevant to the matter. The Responding Party (or their Advocate) will then present and question witnesses, and offer documents or other materials relevant to the matter. The Community Advocate, the Responding Party (or their Advocate), and all members of the Honor Board may question any witness appearing before the Board.
 - iv. The members of the Honor Board may ask the Reporting Party, the Community Advocate, or the Responding Party any relevant questions. The Honor Board members may also request any additional material or the appearance of other witnesses, as appropriate.
 - v. The Community Advocate may make a brief closing statement, followed by a brief closing statement by the Responding Party (or their Advocate).
- d. Honor Board Determinations
- i. The Honor Board will meet privately to consider all the information before them to determine whether the Responding Party is responsible for Academic Misconduct or an attempt thereof.
 - ii. Responsible or Not Responsible Determination
 - (a) If a majority of the Honor Board does not find that there is clear and convincing evidence that the Responding Party is responsible for Academic Misconduct or an attempt thereof, the Honor Board will dismiss the charge of Academic Misconduct, and the matter is concluded.
 - (b) The Honor Board shall find the Responding Party responsible for Academic Misconduct or an attempt thereof if, by a majority vote of the Honor Board members, it determines that such a conclusion is supported by clear and convincing evidence. In such an event, Sanction recommendations will be collected from both parties.
 - iii. Sanction Recommendation: If the Honor Board finds the Responding Party is

responsible for Academic Misconduct, the Community Advocate and the Responding Party (or their Advocate) may recommend an appropriate Sanction. Pertinent documents or other material may be submitted for the Honor Board's consideration, including information related to Aggravating and Mitigating Factors. The Honor Board will then meet privately to develop a recommendation regarding the Sanction by a majority vote.

- iv. Board Outcome Notification: The Presiding Officer will provide the Office of Student Conduct with a written report of the Honor Board's responsibility determination and Sanction recommendation, if appropriate, including stating the Aggravating Factors and Mitigating Factors that were considered.

e. Final Sanction Notification

Based on the Honor Board determining the Responding Party is responsible for Academic Misconduct or an attempt thereof and consideration of the Honor Board's Sanction recommendation, the Director of Student Conduct will impose an appropriate Sanction.

The Office of Student Conduct will notify the Responding Party of the imposed Sanction.

f. Appeal

- i. A Responding Party who is found responsible may appeal the responsibility determination and imposed Sanction as provided in the Appeals section of this *Code*.
- ii. The Reporting Party and the Instructor cannot appeal a final determination.

XIII. APPEALS

Appeals are not intended to allow for a second review of the facts of the matter and determination of whether the Responding Party is responsible for Academic Misconduct. A review of the matter will be prompt and narrowly tailored to the stated grounds for appeal. In most cases, appeal reviews and considerations are confined to a review of the written record and the submissions in support of or against the appeal. In all matters, deference shall be given to the determinations of the lower board.

1. Submission of Appeal and Response to the Appeal

- a. A Responding Party may appeal the determination of responsibility and the Sanction if:

- (1) The Responding Party receives a Sanction of a permanent grade of "XF," Suspension, Expulsion, or Degree Revocation following a Disciplinary Conference or Disciplinary Conference Board proceeding; or
- (2) The Responding Party was found responsible and subject to a Sanction following an Honor Review proceeding.

The Reporting Party and the Instructor cannot appeal a final determination or sanction.

- b. An appeal must be submitted in writing within five (5) Days from the date of the letter providing the Responding Party notice of the final determination and sanction. At the discretion of the Director of Student Conduct, extensions may be granted with written permission in extenuating circumstances.
- c. If the Responding Party does not submit an appeal, the responsibility determination and Sanctions become final five (5) Days from the date of the Office of Student Conduct's written notice.

2. Grounds for an Appeal are limited to:

- a. Substantial Procedural Error: Procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Responding Party notice or a fair opportunity to be heard. Deviations from procedures that were not so substantial as to deny a Responding Party notice or a fair opportunity to be heard will not be a basis for granting an appeal.
- b. Disproportionate Sanctioning: The Sanction is substantially disproportionate to the offense, which means it is far in excess of what is reasonable given the facts or circumstances of the violation.
- c. Arbitrary and Capricious Decision: An arbitrary and capricious decision is a decision without a rational basis or unsupported by any evidence in the record.
- d. New Evidence: New and significant relevant information has become available which a reasonably diligent person could not have discovered before or during the original proceeding.
 - i. When the basis of the appeal is new evidence, the appellate body will determine whether the information is new and was unavailable at the time of the Honor Review, Disciplinary Conference Board, or Disciplinary Conference. If the appellate body determines that the information is not new and was available at the time, the appeal will be denied.
 - ii. If the information is determined to be new and unavailable at the time of the Honor Review, Disciplinary Conference Board, or Disciplinary Conference, the appellate body will consider whether the new information could have changed the outcome of the original Honor Review, Disciplinary Conference Board, or Disciplinary Conference.
 - iii. If it is determined that the outcome could have been impacted by the new evidence, the case will be sent back to the original Honor Board or Disciplinary Conference Board, as applicable, for further review.
- e. Unanticipated Disparate Impact of the Sanction: The Sanction has the unanticipated disparate impact on a Responding Party that exceeded the intention of the imposed Sanction.

3. Appeal Screening

- a. Appeals will be screened by the Office of Student Conduct, and only appeals that meet a Ground for an Appeal provided in this *Code* will be forwarded to the appropriate appellate body for review.

- b. The Responding Party will have three (3) Days to correct an appeal submission if they are advised that the initial submission does not state a sufficient Ground for an Appeal.
- 4. Response from the Office of Student Conduct

Upon receipt of the Responding Party's appeal, the Office of Student Conduct will provide a response to the appeal within five (5) Days.
- 5. Review of the Appeal
 - a. Appeals of decisions resulting in a permanent grade of "XF," Suspension, Expulsion, or Degree Revocation will be decided by the University Senate Student Conduct Committee Ad Hoc Board, which is comprised of three members from the Student Conduct Committee, including at least one Student.
 - b. Appeals of decisions resulting in sanctions other than a permanent grade of "XF," Suspension, Expulsion, or Degree Revocation will be decided by the Appellate Board, which is a branch of the University Student Judiciary and is comprised of Students.
- 6. The appellate body will consider the appeal and may:
 - a. Affirm the Decision and the Sanction imposed;
 - b. Affirm the Decision and reduce, but not eliminate, the Sanction;
 - c. Remand the matter to a new Honor Review, Disciplinary Conference Board, or Disciplinary Conference, as applicable, if there were procedural or interpretation errors;
 - d. Remand the matter to the original Honor Review, Disciplinary Conference Board, or Disciplinary Conference, as applicable, in accordance with the procedures outlined under "New Evidence;" or
 - e. Dismiss the matter if the Decision is determined to be arbitrary and capricious.
- 7. Decisions of the appellate bodies are not subject to further appeal. Decisions altering the responsibility determination of the Honor Review, Disciplinary Conference Board, or Disciplinary Conference or the imposed Sanction will be accompanied by a brief written report explaining the appellate body's decision.
- 8. The Sanction of Suspension or Expulsion requires review and approval by the Dean of Students. The Dean of Students may alter, defer, or withhold a Sanction of Suspension or Expulsion.

XIV. DISCIPLINARY RECORDS

- 1. Responding Parties found responsible for violations of the *Code of Academic Integrity* will have a disciplinary record. Disciplinary records are maintained by the Office of Student Conduct for a period of three (3) years from the date of the matter being closed. Disciplinary records may be retained for longer periods of time or permanently, if specified in the Sanction. Disciplinary records of Responding Parties with a Sanction of the grade of "XF" as a permanent notation on a Responding Party's transcript, Suspension or Expulsion will be retained permanently unless otherwise specified.
- 2. Responding Parties may petition the Office of Student Conduct to void their

disciplinary record early, for good cause. Factors to be considered in the review of such petitions include:

- a. The conduct of the Responding Party subsequent to the violation; and
 - b. The nature of the violation and the severity of any damage, injury, or harm resulting from it.
3. Disciplinary records retained for less than ninety (90) calendar days or designated as “permanent” should not be voided without unusual and compelling justification.
 4. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee, which will consider the appeal using the grounds for appeal outlined in this *Code*. A Responding Party must submit their appeal in writing within five (5) Days from the letter providing notice of the original denial of petition decision.
 5. In situations with unusual and compelling justification, the Director of Student Conduct has discretionary authority to alter, defer, or withhold a Sanction that has been previously imposed pursuant to the provisions of this *Code*, except the Director may not impose a stricter Sanction than was previously imposed pursuant to this authority. The Director of Student Conduct shall consult with the Dean of Students in cases of Suspension or Expulsion and may consult with other University administrators as appropriate in all cases. There shall be no right to appeal a denial of a request to alter, defer, or withhold a Sanction under this provision.



V-1.00(B) UNIVERSITY OF MARYLAND CODE OF STUDENT CONDUCT

(Approved by the Board of Regents January 25, 1980; amended September 4, 1990; December 18, 2001; April 22, 2004; November 18, 2005; April 5, 2006; March 10, 2011; January 17, 2012; February 20, 2013; May 9, 2013; technical amendments approved by the President September 2, 2015; amended effective January 1, 2018)

This *Code* does not apply to matters of student academic integrity. The policy and procedures document applicable to student academic integrity is III-1.00(A) University of Maryland Code of Academic Integrity at <https://policies.umd.edu/academic-affairs/university-of-maryland-code-of-academic-integrity>.

This *Code* does not apply to student sexual harassment and other sexual misconduct. The policy and procedures document applicable to student sexual harassment and other sexual misconduct is VI-1.60(A) University of Maryland Policy & Procedures on Sexual Harassment and Other Sexual Misconduct at <https://policies.umd.edu/general-administration/university-of-maryland-policy-and-procedures-on-sexual-harassment-and-other-sexual-misconduct>.

I. INTRODUCTION

The *Code of Student Conduct (Code)* was created to ensure the safety and security of the University community. The *Code*, administered by the Office of Student Conduct, seeks to balance the rights and responsibilities of all individuals within the community and uphold the integrity and values of the University of Maryland. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for their actions. The *Code* outlines behaviors that are inconsistent with University standards and expectations and sets forth applicable procedures and potential Sanctions governing *Code* violations.

II. APPLICABILITY

- A. This *Code* covers conduct by a Student, Student Group, or Student Organization that occurs:
1. on University premises; or
 2. at University-sponsored activities; or
 3. not on University premises, if:
 - i. the conduct would constitute a violation of this *Code* had it occurred on University premises; *and*
 - ii. the Director of Student Conduct determines that the conduct affects the safety of the University community or the orderly operation of the University.

B. This *Code* applies to all covered conduct that occurred on or after August 28, 2023.

Where the date of the alleged conduct precedes August 28, 2023, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this *Code*, however, will be used to resolve all Referrals made on or after August 28, 2023, regardless of when the alleged incident(s) occurred.

C. Office of Student Conduct

The Office of Student Conduct and its Director are charged with the administration of the *Code of Student Conduct* and its processes. References in this *Code* to the Director of Student Conduct include the Director and designees. The Director of Student Conduct grants at their discretion to the Office of Rights and Responsibilities the authority to administer matters involving this *Code* that occur in or around the residence halls and/or on-campus University-affiliated housing owned by, leased from, operated in cooperation with, or supervised by the University. The responsibilities of the Office of Student Conduct include:

1. Providing official and final interpretation of the *Code*;
2. Accepting reports of alleged Prohibited Conduct;
3. Determining the appropriate alleged policy violation(s) to be filed in accordance with this *Code*;
4. Administering the process and procedures for investigating and resolving alleged *Code* violations;
5. Supervising, training, and advising all conduct boards;
6. Maintaining all Student disciplinary records;
7. Administering certain duties as set forth in [VI-1.60\(A\) University of Maryland Policy & Procedures on Sexual Harassment and Other Sexual Misconduct](#) and [VI-1.00\(B\) University of Maryland Non-Discrimination Policy and Procedures](#) as related to allegations against Students; and
8. Administering No Contact Orders.

D. Referral to Another University Process

Reports of Student, Student Group, or Student Organization conduct made to the Office of Student Conduct may violate other University policies, and the report may be referred to another University process and/or office in accordance with applicable University policies and procedures.

Responding Parties found responsible for Prohibited Conduct under this *Code* may additionally be subject to program review for continued participation in their academic and/or University-sponsored scholarship programs, including but not limited to a graduate assistantship.

III. DEFINITIONS

When used in the context of this *Code*, the terms below mean the following:

- A. "Advisor" means a person chosen by a Responding Party to assist the Responding Party. The Advisor may be an attorney. The Responding Party is responsible for paying any expenses incurred by retaining an Advisor. The Advisor may be present at any meeting

or proceeding to provide advice and consultation to the Responding Party. The Advisor shall not be an active participant in any meeting or proceeding, but if necessary, the Responding Party may request a break in order to speak privately with an Advisor. The Advisor may not speak for the Responding party, serve as a witness, provide evidence, delay or otherwise interfere with the University's resolution process.

- B. "Advocate" means a registered, University degree-seeking Student designated to assist a Responding Party. The role of an Advocate includes:
 - a. Providing confidential advice to the Responding Party.
 - b. Making brief opening and closing statements.
 - c. Questioning parties and witnesses, including Reporting Parties, pursuant to the applicable procedures.
 - d. Following a determination of responsibility, the Advocate may make recommendations regarding Sanctions, if appropriate.
- C. "Aggravating Factor" means a factor that may be considered in determining Sanctions. Aggravating Factors may include, but are not limited to, the degree of premeditation and/or planning on the part of the Responding Party's behavior, the nature of the violation, the severity of any resulting damage, injury, or harm, providing false information in the resolution process, and the past disciplinary record of the Responding Party.
- D. "Community Advocate" means a registered, University degree-seeking Student who is trained to assist or represent the Reporting Party and present disciplinary matters at Student Conduct Board hearings. Their responsibilities include providing brief opening and closing statements, presenting evidence, and other duties as requested by a Student Conduct Board. The Community Advocate performs their responsibilities under the oversight of the Office of Student Conduct.
- E. "Days" means business weekdays when the University is not closed.
- F. "Knowingly" means consciously engaging in specific conduct, regardless of whether the individual understood the conduct was a violation of the *Code*.
- G. "Mitigating Factor" means a factor that may be considered in determining Sanctions. A Mitigating Factor is present either at the time the violation occurred, or after the violation when a Responding Party engages in substantial activities to increase their knowledge or prevent future violations. Mitigating Factors include the steps the Responding Party has taken to address their behavior.
- H. "Referral" means a report, complaint, or allegation of Prohibited Conduct against a Student, Student Group, or Student Organization.
- I. "Reporting Party" means an individual(s) who has(have) referred a Student, Student Group, Student Organization, or incident to the Office of Student Conduct based on an alleged violation of the *Code*
- J. "Responding Party" means a Student, Student Group, or Student Organization alleged to have committed a violation of this *Code*.
- K. "Student" means a person enrolled, registered, or auditing courses at the University on a full-time or part-time basis or a person who may not be enrolled but has a continuing

academic relationship with the University.

- L. “Student Group” means a number of persons who are associated with each other but who do not have status as an officially registered Student Organization.
- M. “Student Organization” means a group of persons who are associated with each other and who have complied with University requirements for Student Organization registration.
- N. “Support Person” means a person chosen by a Responding Party to provide emotional and logistical support. A Support Person cannot be an active participant or witness in the resolution process.
- O. “University” means the University of Maryland, College Park.
- P. “University-sponsored activity” means any activity on or off campus which is initiated, aided, authorized, or supervised by the University.
- Q. “University premises” means buildings or grounds owned, leased, operated, controlled, or managed by the University.

IV. NO CONTACT ORDERS

The Director of Student Conduct has authority to implement, modify, and terminate No Contact Orders against Students, regardless of whether a Referral of Prohibited Conduct is made under this *Code*, and consistent with all other applicable University policies and procedures. The Director of Student Conduct may consult with other University officials regarding No Contact Orders. No Contact Orders are typically mutual between two or more individuals and are designed to prevent individuals from engaging in direct or indirect communication with each other. They are typically non-punitive in nature and are not considered a Sanction, unless ordered otherwise. No Contact Orders are effective immediately without prior notice to Students whenever there is evidence that the continued interaction of the Student with other particular members of the University community poses a substantial threat to themselves or others, or to the stability and continuation of normal University operations including but not limited to individuals’ educational or work environments. No Contact Orders may, but are not required to be, implemented as an Interim Measure under this *Code*. No Contact Orders may remain in place following the conclusion of any relevant University proceeding. Violations of No Contact Orders may constitute a violation of this *Code*.

V. STUDENT RIGHTS AND RESPONSIBILITIES

A. Standards of Conduct

When Students choose to enroll at the University of Maryland, they accept the rights and responsibilities of membership in the University community both on and off campus. Students at the University of Maryland are expected to uphold the values of the University by conducting themselves in accordance with University policies and procedures.

B. Student Rights

The Office of Student Conduct provides a fair and balanced University process for resolving allegations of Student Prohibited Conduct. Students will be treated fairly and with dignity and respect without regard to race, color, sex, gender identity or expression, sexual orientation,

marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected status, as outlined in the University's non-discrimination policies.

The focus of the Student Conduct Review Process is to resolve allegations of Student Prohibited Conduct. Students have the right to be notified of the allegations and specific policies they are alleged to have violated, to have access to the information underlying the allegation(s), and to have an opportunity to respond.

C. Student Responsibilities

1. Balancing Students' rights with their responsibilities as members of the University community is imperative to creating mature and engaged citizens. All Students are expected to understand and follow University policies and procedures as well as to comply with applicable federal, state, and local laws. Due to the high expectations the University has of its community members, responsibilities set forth in University policies may exceed federal, state, or local requirements.
2. University email is the primary means the Office of Student Conduct uses to communicate with Students. Students are responsible for reading all official communications delivered to their University email address and are advised to check their email regularly for University communications, including those from the Office of Student Conduct.

VI. STANDARD OF EVIDENCE

The preponderance of the evidence standard will be used to determine responsibility for Code violations. Preponderance of the evidence means that based on the totality of the information presented, it is more likely than not that the violation occurred. Sanctions are imposed according to the nature and severity of the violation.

VII. PROHIBITED CONDUCT

This list of "Prohibited Conduct" is provided to inform Students, Student Groups, and Student Organizations of behaviors that are not permitted. The list should be read broadly and is not designed to define Prohibited Conduct in exhaustive terms. Attempts to commit acts prohibited by this *Code* may be reviewed and sanctioned to the same extent as completed violations.

a. Offenses Against Persons

1. Intentionally or recklessly causing physical harm to any person, or intentionally or recklessly causing reasonable expectation of such harm.
2. Engaging in hazing activities as prohibited by [V-1.00\(K\) University of Maryland Policy and Procedures on Hazing](#).
3. Intentionally and substantially interfering with the lawful freedom of expression of others. (Demonstrations, rallies, leafleting, and equivalent activity are addressed by [VI-4.10\(A\) University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces](#), Appendix A: Guidelines for Expressive Activity.)

b. Alcohol and Other Drug Offenses

“Controlled substance” and “illegal drugs” are defined by Maryland and federal law.

1. Unauthorized distribution of any controlled substance or illegal drug, or the production, manufacture, or possession of any controlled substance or illegal drug for purposes of unauthorized distribution.
2. Unauthorized use, production, manufacture, or possession of any controlled substance or illegal drug.
3. Providing alcohol or alcoholic beverages to a person under the legal age of consumption or possession.
4. The illegal or unauthorized consumption, possession, or sale of alcohol or alcoholic beverages.
5. Operating a motor vehicle while intoxicated or impaired by alcohol or other drugs.

c. Property Offenses

1. Theft of property, services, or resources, or the unauthorized use of services to which one is not entitled.
2. Knowingly possessing stolen property.
3. Intentionally or recklessly destroying, damaging, vandalizing, tampering with, or defacing University property or the property of others.
4. Trespassing on or the unauthorized use of facilities, property, or resources.

d. Community Offenses

1. Unauthorized on-campus or illegal off-campus use, possession, or storage of any weapon or explosive. The term “weapon” includes any object or substance designed to inflict a wound, cause injury, or incapacitate, including but not limited to, all firearms, pellet guns, switchblade knives, and knives with blades five (5) or more inches in length.
2. Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergencies.
3. Rioting, assault, theft, vandalism, fire setting, or other serious misconduct
 - i. related to a University-sponsored event, occurring on- or off-campus, that results in harm to persons or property; or
 - ii. which otherwise poses a threat to the stability of the campus or campus community.

Such conduct may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law.

4. Engaging in disorderly or disruptive action that interferes with University or community activities, including but not limited to studying, teaching, research, and University administration.
5. Intentionally or recklessly misusing or damaging fire safety equipment.
6. Unauthorized setting of fires on University premises.
7. Unauthorized use or possession of fireworks.
8. Public urination or defecation.

e. Offenses Against University Operations

1. Intentionally furnishing false information to the University or law enforcement officials acting in performance of their duties.
2. Making, possessing, providing, or using any forged, altered, or falsified University document.
3. Failure to comply with a directive of University officials, including law enforcement officials acting in the performance of their duties.
4. Knowingly violating the terms of any Sanctions imposed in accordance with this *Code* or by the Office of Student Conduct in accordance with other University policies.

f. Other Offenses

1. Conviction, a plea of no contest, acceptance of responsibility or acceptance of punishments in state or federal court for a crime (other than a minor traffic offense) not otherwise prohibited by this *Code*.
2. Making, possessing, providing, or using any forged, altered, or falsified instrument of identification.
3. Violation of published University regulations or policies that do not have governing resolution procedures, including but not limited to, rules addressing conduct in the residence halls, use of vehicles, campus demonstrations, misuse of identification cards, acceptable use of technology resources, and access to University resources.

VIII. SANCTIONS

Students found responsible for Prohibited Conduct under this *Code* are subject to Sanctions. The aims of Sanctions are to protect the campus community, deter future offenses, promote individual accountability, and enhance ethical development. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for one's actions. However, the University is not designed nor equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or others.

A. The following Sanctions may be imposed by the Director of Student Conduct for violations of the *Code*:

1. Expulsion: permanent separation of the Student from the University. A permanent notation will appear on the Student's transcript. The Student may also be barred from University premises. (Expulsion requires administrative review and approval by the Dean of Students who may alter, defer, or withhold the Expulsion.)
2. Suspension: separation of the Student from the University for a specified period of time. A permanent notation will appear on the Student's transcript. The Student shall not participate in any University-sponsored activity and may be barred from University premises during the period of Suspension. Suspended time will not count against any time limits required by the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Dean of Students who may alter, defer, or withhold the Suspension.)

3. Disciplinary Probation: a designated period of time in which the Student may be prohibited from representing the University in any extracurricular activity or from running for or holding office in any Student Organization or University organization, or a Student Group or Student Organization may face restrictions. Additional restrictions or conditions may also be imposed.
 4. Disciplinary Warning: written notice to the Responding Party that further Prohibited Conduct may result in more severe disciplinary action.
 5. Educational Assignments: a sanction that may be imposed in addition to those specified above with the intent of providing the Responding Party with learning, assistive, or growth opportunities, as well as restoring any harm caused to the community. Alcohol or other drug education, research or reflective assignments, community service, values/ethics-based activities, or other sanctions may be assigned.
 6. Other Sanctions: other outcomes may be imposed in addition to those specified above. For example, Students may be subject to University housing termination for Prohibited Conduct that occurs in the residence halls. Likewise, Responding Parties may be subject to restrictions or denial of driving privileges for Prohibited Conduct involving the use or registration of motor vehicles. Responding Parties may be required to pay fines or to make payments to the University or to other persons, groups, or organizations as restitution for damages incurred as a result of a violation of this *Code*. Student Groups or Student Organizations may be subject to social moratorium (prohibited from hosting, sponsoring, or attending events where alcohol is present), or other relevant restrictions and sanctions as determined by the Director of Student Conduct.
- B. Repeated or aggravated violations of any section of this *Code* may also result in Suspension or Expulsion in the imposition of lesser Sanctions as deemed appropriate.
- C. Consistent with V-8.00 University System of Maryland Policy on Event-Related Student Misconduct, any decision to impose a sanction less than Suspension or Expulsion for event-related Prohibited Conduct as prohibited by Section VII.d.3 of this *Code* must be supported by written findings signed by the Vice President for Student Affairs. A Student suspended under this section shall not be admitted to any other institution in the University of Maryland System during the term of the Suspension. A Student expelled under this section shall not be admitted to any other institution in the University of Maryland System for at least one year from the effective date of the Expulsion.
- D. The University considers Prohibited Conduct motivated in whole or in part because of an individual or group characteristic or status, or the perception of an individual or group characteristic or status, protected by the University's non-discrimination policies to be an Aggravating Factor, which may subject the Responding Party to a more severe Sanction than would be imposed in the absence of such motivation.

IX. STUDENT CONDUCT REVIEW PROCESS

- A. This section provides general information and an overview of the Student Conduct Review Process. Not all cases are the same, and allegations differ in their severity and complexity. However, the Office of Student Conduct endeavors to treat similar facts and circumstances consistently.
- B. Certain conduct may constitute both a violation of law and a violation of this *Code*. Therefore, Students may be accountable to both criminal authorities and the University as a result of the same conduct or incident. The University's Student Conduct Review Process differs from legal civil or criminal proceedings. Disciplinary action at the University will normally move forward before or during criminal proceedings and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

The same conduct may also result in civil litigation. Civil litigation is separate and independent from any University process under this *Code*, and the resolution of any civil legal action that does not involve the University by settlement or other means will not resolve a University action for violation of the *Code*.

C. Referral

1. Anyone may refer a Student, Student Group, or Student Organization suspected of violating this *Code* to the Office of Student Conduct. Written Referrals are preferred.

The Office of Student Conduct will review all Referrals for reasonable cause. This means the Office will review the allegations to determine whether the allegations, if substantiated, would amount to Prohibited Conduct in violation of the *Code*. If the Office of Student Conduct determines that reasonable cause exists, the Reporting Party should expect to be a participant and provide pertinent information in any future proceedings. In the absence of a determination that there is reasonable cause to proceed, the case may be dismissed.

2. There are no time restrictions on reporting potential *Code* violations to the Office of Student Conduct. However, individuals are encouraged to report incidents as soon as they occur so witnesses can be identified and important information and documents preserved, if there is a reasonable cause determination and the Office of Student Conduct determines to move forward.
3. A Reporting Party may remain anonymous; however, anonymity may limit the University's ability to investigate and respond to a Referral.
4. Retaliation against anyone for reporting an alleged violation of this *Code* is strictly prohibited, and persons who engage in retaliation will be considered for further disciplinary action.

D. Interim Measures

Based on the nature and circumstances of the Referral, the Director of Student Conduct, in

consultation with appropriate University administrators, may authorize Interim Measures to ensure the safety and well-being of the parties and others in the University community, as appropriate, including but not limited to the following:

1. Interim Suspension: The Director of Student Conduct may suspend a Student for an interim period pending the resolution of disciplinary proceedings. This Interim Suspension may become effective immediately without prior notice to the Student whenever there is evidence that the continued presence of the Student in the University community poses a significant threat to themselves or others, or to the stability and continuation of normal University operations. The Student will be offered an opportunity to meet with the Director of Student Conduct to review the reliability of the information within five (5) Days from the effective date of the Interim Suspension. However, there is no guarantee that the Student will be permitted to return to campus.
2. Cease and Desist: A Cease and Desist notice may be issued to Student Groups or Student Organizations whose continued operation poses a threat to the health and safety of the University community. Directives to Cease and Desist may be effective immediately without prior notice to the Student Group or Student Organization if there is evidence that the continued presence and operation of the Student Group or Student Organization poses a substantial threat to the health and safety of their members or others in the community (e.g., hazing allegation).
3. No Contact Orders: No Contact Orders may be implemented as an Interim Measure in accordance with Section IV of this *Code*.

E. Preliminary Interview

1. After determining reasonable cause exists, the Office of Student Conduct or the Office of Rights & Responsibilities will contact the Responding Party and request that they attend a Preliminary Interview. The purpose of the Preliminary Interview is to review the allegations with the Responding Party and to assist the Responding Party in understanding the Student Conduct Review Process. Responding Parties may discuss the alleged incident during the Preliminary Interview; however, they are not required to do so. Relevant information shared in a Preliminary Interview may become part of the case file for future proceedings.
2. The officers, leaders, or any identifiable spokespersons for the Student Group or Student Organization may be directed by the Director of Student Conduct to act on the Student Group or Student Organization's behalf as the Responding Party.
3. The Director of Student Conduct may initiate, defer, or dismiss allegations of Prohibited Conduct against a Responding Party regardless of whether they choose to attend or discuss the alleged incident during the Preliminary Interview. A deferral of disciplinary proceedings may not exceed a period of ninety (90) days,

and may be conditional.

F. Notice of Resolution Procedures

1. The Office of Student Conduct and/or Office of Rights and Responsibilities will review Referrals to determine whether the alleged Prohibited Conduct might result in Suspension or Expulsion from the University or University housing termination. Alleged Prohibited Conduct which results in or could have foreseeably resulted in significant injury to persons or damage to property, or which otherwise poses a substantial threat to the stability and continuation of normal University or University-sponsored activities, may result in a Student's Suspension or Expulsion or University housing termination.
2. The Office of Student Conduct will advise the Responding Party of the alleged Prohibited Conduct and the range of sanctions that might be imposed if the Responding Party is found responsible for the violation.
3. The Office of Student Conduct will advise the Responding Party of the Resolution Process options based on the alleged Prohibited Conduct.
 - i. Responding Parties who face potential Suspension, Expulsion, or University housing termination have the right to a hearing before the appropriate Student Conduct Board. The Responding Party may appeal a Student Conduct Board hearing outcome resulting in a determination of responsibility, regardless of the Sanction imposed.

Responding Parties who face potential Suspension, Expulsion, or University housing termination may waive their right to a Student Conduct Board hearing and proceed to have their case resolved in a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto), or in Alternative Resolution if applicable. Responding Parties who waive their right to a Student Conduct Board hearing remain subject to the full range of Sanctions. The Responding Party may appeal the Disciplinary Conference or Disciplinary Conference Board outcome only if a Sanction of Expulsion, Suspension, or University housing termination is imposed.

- ii. Responding Parties who do not face potential Suspension, Expulsion, or University housing termination do not have a right to a hearing before a Student Conduct Board. Such cases are resolved in a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto), or in Alternative Resolution if applicable. In these cases, all outcomes are considered final and may not be appealed.

G. Alternative Resolution Options

The Office of Student Conduct may develop Alternative Resolution options, which may include options such as restorative justice practices, mediation, or an informal resolution agreement. At the discretion of the Office of Student Conduct, the Responding Party may be permitted to have their case resolved in an Alternative Resolution option without participating

in a formal resolution proceeding through a Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board.

If an Alternative Resolution option is utilized and resolves the matter, the Responding Party waives the right to appeal the outcome, including any agreement, if applicable.

X. DISCIPLINARY CONFERENCE AND DISCIPLINARY CONFERENCE BOARD

1. A Disciplinary Conference is a resolution meeting between the Responding Party and the designee(s) assigned by the Director of Student Conduct who is (are) resolving the matter. Responding Parties participating in Disciplinary Conferences receive the following procedural protections:
 - a. At least three (3) Days advance written notice of the alleged *Code* violation(s) and the scheduled Disciplinary Conference;
 - b. Reasonable access to the case file prior to and during the Disciplinary Conference;
 - c. An opportunity to respond to the allegations and bring forward any documentation, witnesses, or information on their behalf; and
 - d. The option to be assisted by an Advocate or Advisor, and accompanied by a Support Person, of their choosing.
 - e. The Responding Party will be notified in writing of the outcome, including any Sanction determination, if applicable. If an appeal is permissible pursuant to subparagraph (3) below, a brief written report of the responsibility determination and Sanction, including any Aggravating Factors or Mitigating Factors that were considered, will be provided.
2. The Director of Student Conduct may refer complex or contested cases to a Disciplinary Conference Board for resolution. A Disciplinary Conference Board consists of two Students from the University Student Judiciary and a staff member from the Office of Student Conduct. All procedures applicable to Disciplinary Conferences will apply to Disciplinary Conference Board proceedings.

Following Disciplinary Conference Board proceedings, the Responding Party and the Office of Student Conduct will be notified in writing of the outcome, including any Sanction determination, if applicable. If an appeal is permissible pursuant to subparagraph (3) below, a brief written report of the responsibility determination and Sanction, including any Aggravating Factors or Mitigating Factors that were considered, will be provided.

3. Appeal
 - a. A Responding Party who is before a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto) because they are not facing potential Suspension, Expulsion, or University housing termination and therefore do not have a right to a Student Conduct Board hearing, may not appeal the outcome of the Disciplinary Conference or Disciplinary Conference Board. The Disciplinary Conference or Disciplinary Conference Board outcome is final.
 - b. A Responding Party who is facing potential Suspension, Expulsion, or University housing termination and opts for a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto) in lieu of a Student Conduct

Board hearing, may appeal the Disciplinary Conference or Disciplinary Conference Board outcome only if a Sanction of Expulsion, Suspension, or University housing termination is imposed.

- c. The Reporting Party cannot appeal the outcome.

XI. STUDENT CONDUCT BOARDS

In Student Conduct Board hearings, a designated panel of board members hears a case, determines facts, renders a decision, and recommends sanctions to the Office of Student Conduct. Student Conduct Boards have an integral role in the Student Conduct Review Process. The University Student Judiciary is a diverse group of Students specifically trained in the *Code* and matters related to the University's Student Conduct Board process. The University Student Judiciary operates under the direction of the Office of Student Conduct. Students selected for Student Conduct Boards are selected according to procedures developed by the Director of Student Conduct. Selected Students assume positions of responsibility in the University Student Judiciary for the express purpose of providing Student perspective as a part of the Student Conduct Review Process. Final authority for resolving matters under the *Code*, however, is vested in the Office of Student Conduct.

- a. Types of Student Conduct Boards
 1. Resident Board – A panel of three (3) Students from the University Student Judiciary and a non-voting Presiding Officer, that hears cases involving alleged violations of the *Code* when the incident occurs in or around the residence halls and/or on-campus University-affiliated housing owned by, leased from, operated in cooperation with, or supervised by the University.
 2. Central Board – A panel of three (3) Students of the University Student Judiciary and a non-voting Presiding Officer, that hears cases involving violations of this *Code* that are not referred to the Resident Board or resolved in a Disciplinary Conference or by a Disciplinary Conference Board.
 3. Ad-Hoc Board – A panel appointed at the discretion of the Director of Student Conduct when a Resident Board or the Central Board is unable to convene in a timely manner. An Ad-Hoc Board shall be comprised of three (3) members, one of whom may be the Presiding Officer who serves as a voting member, and include at least one Student.
- b. All Student Conduct Board hearings are facilitated by a Presiding Officer. The Presiding Officer is a member of the Board whose role is to exercise control over the proceedings for the purpose of time management and an orderly completion of the hearing. The Presiding Officer may be a trained member of the University Student Judiciary or a staff designee as selected by the Director of Student Conduct. In cases of the Central or Resident Board, the Presiding Officer is a non-voting member. In cases where there is an Ad-Hoc Board, the Presiding Officer serves as a voting member.
- c. All Student Conduct Boards may be advised by a University staff member as designated by the Director of Student Conduct. A Board Advisor is a non-voting member of the Board and has all the privileges of Board members, including the ability to comment on questions of procedure and on the relevance of evidence, and will otherwise assist in the administration of the hearing.

- d. University Student Judiciary members alleged to have violated this *Code*, a University policy, or with a criminal offense may be suspended from their University Student Judiciary positions by the Director of Student Conduct while allegations are pending. Students found responsible for *Code* violations or convicted of criminal offenses may be removed from further participation in the University Student Judiciary by the Director of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the University Student Judiciary.

XII. STUDENT CONDUCT BOARD HEARING PROCEDURES

1. The following procedural guidelines shall be applicable in Board hearings:
 - a. Responding Parties shall receive written notice of the specific alleged policy violation(s) and a hearing date at least five (5) Days in advance of the hearing.
Hearing dates are scheduled in consultation with the parties whenever possible.
 - b. Responding Parties will have reasonable access to their case file maintained in the Office of Student Conduct prior to their hearing.
 - c. Responding Parties who fail to appear at a hearing after proper notice will have a response of “no contest” to the allegations against them entered into the record on their behalf. An outcome determination may be made without the participation or presence of the Responding Party at a hearing.
 - d. All hearings are closed to the public.
 - e. Hearings may be recorded or transcribed by the Office of Student Conduct, and no other recordings will be permitted. Recordings and transcripts are maintained in the Office of Student Conduct for the purpose of permitting a review by appellate bodies and by staff members in the Office of Student Conduct.
 - f. Prior to the start of a hearing, any party may challenge a Student Conduct Board member’s participation based on a potential conflict of interest. Board members may be disqualified due to a conflict of interest upon a majority vote of the remaining members of the Board conducted by secret ballot or by the decision of the Director of Student Conduct. In the case of a tie among the remaining members of the Board, the issue will be referred to the Director of Student Conduct for decision.
 - g. Formal rules of evidence are not applicable to Student Conduct Board hearings. The Presiding Officer of each Student Conduct Board shall admit all evidence, meaning documents, other information, and witnesses, into consideration which reasonable persons would accept as relevant, significant, and important to the issues being decided in the case. Unnecessarily repetitious, irrelevant, or prejudicial information or witnesses may be excluded at the discretion of the Presiding Officer.
 - h. Responding Parties may be assisted by an Advisor and an Advocate, and accompanied by a Support Person.
As a general practice, Board hearings will not be delayed due to the unavailability of an Advocate, Advisor, or Support Person.
 - i. Both parties will be provided an opportunity to question witnesses who provide

information at hearings.

j. Student Conduct Board Deliberations

i) Student Conduct Board deliberations are private, and the parties are excluded.

ii) Responsible or Not Responsible Determination

(1) The Student Conduct Board shall find the Responding Party not responsible for Prohibited Conduct if, by a majority vote of the Board members, the Student Conduct Board determines that there is not a preponderance of the evidence to support a conclusion that the Prohibited Conduct occurred. The Board will make an outcome determination that the Responding Party was found not responsible, and the matter is concluded.

(2) The Student Conduct Board shall find the Responding Party responsible for Prohibited Conduct if, by a majority vote of the Board members, the Student Conduct Board determines that the preponderance of the evidence supports a conclusion that the Prohibited Conduct occurred.

(3) The parties will be informed of the Student Conduct Board's determination of responsibility. If there is a finding of responsibility, the parties will be given an opportunity to submit documentation or make statements concerning appropriate Sanctions.

iii) If there is a determination of responsibility, the Student Conduct Board shall hold a separate session to consider Sanction recommendations, during which it may consider Aggravating Factors and Mitigating Factors and documentation or statements provided by the parties. The past disciplinary record of the Responding Party will not be provided to the Student Conduct Board prior to a determination of responsibility but may be shared with the Student Conduct Board for its consideration for recommending a Sanction(s).

k. Final decisions of all Student Conduct Boards shall be by a majority vote of the members present and voting. A tie vote on a determination of responsibility for a *Code* violation will result in a finding of "not responsible."

l. Final decisions of all Student Conduct Boards, including the determination of responsibility and Sanction recommendation, if applicable, will be accompanied by a brief written report provided to the Office of Student Conduct. The brief written report will include any Aggravating Factors or Mitigating Factors that were considered.

2. Final Outcome Notification

Based on the Student Conduct Board determining the Responding Party is responsible for Prohibited Conduct and consideration of the Board's Sanction recommendation, the Director of Student Conduct will impose an appropriate Sanction.

The Office of Student Conduct will notify the Responding Party in writing of the final outcome, including the imposed Sanction and a copy of the written report of the Student Conduct Board.

3. Appeal

a. A Responding Party who is found responsible by a Student Conduct Board may appeal the responsibility determination and imposed Sanction as provided in the Appeals section of this *Code*, regardless of the Sanction imposed.

- b. The Reporting Party cannot appeal a final outcome determination.

4. Witnesses

- a. The Presiding Officer of any Board may direct a witness to appear before the Board upon the request of any Student Conduct Board member, at the request of either party, or at the request of the Board Advisor. Directives for witnesses to appear must be approved by the Director of Student Conduct. University Students and employees are expected to comply with a request to appear before a Student Conduct Board unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.
- b. If the Director of Student Conduct determines that a fair hearing cannot be held without the testimony of a particular witness and after good faith attempts are made to notify the witness, if the witness either fails to or refuses to appear, the hearing will be postponed until the witness agrees to appear or the allegations will be dismissed.
 - i. A witness who is unable to attend the hearing, may submit a signed statement to the Office of Student Conduct prior to the hearing. Statements will not be admitted into the proceedings unless verified by the witness in the presence of a staff member in the Office of Student Conduct or a person designated by the Director of Student Conduct.
- c. Witnesses will be asked to sign an ‘Honesty Statement’ affirming that the information they present during the hearing will be truthful and accurate. Students who knowingly provide false information may be presented with an alleged policy violation under this *Code*.
- d. Prospective witnesses, other than the Responding Party and the Reporting Party, may be excluded from the hearing during the testimony of other witnesses.
- e. Witnesses should expect to be questioned by the Reporting Party, Responding Party, the respective Advocates, and Board members (including Board Advisor, if applicable) during hearing proceedings.

XIII. APPEALS

Appeals are not intended to allow for a second review of the facts of the matter and determination whether the Responding Party is responsible for Prohibited Conduct. A review of the matter on appeal will be prompt and narrowly tailored to the stated Grounds for an Appeal outlined below. Mere dissatisfaction with the responsibility and sanction outcome is not a valid basis for appeal. In most cases, appeal reviews and considerations are confined to a review of the written record and the submissions in support of or against the appeal. In all matters, deference shall be given to the determinations of the Student Conduct Board, Disciplinary Conference Board, or Disciplinary Conference, as applicable.

A. Submission of an Appeal

1. A Responding Party may appeal the determination of responsibility and/or the Sanction imposed if:
 - a. The Responding Party had a hearing with a Student Conduct Board; or
 - b. The Responding Party had a Disciplinary Conference or Disciplinary

Conference Board and received a Sanction of Suspension, Expulsion, or University housing termination.

2. An appeal must be submitted in writing within five (5) Days from the date of the Office of Student Conduct's written notice of the final outcome. Appeals submitted after five (5) Days shall be denied. At the discretion of the Director of Student Conduct, extensions may be granted with written permission in extenuating circumstances. The Director of Student Conduct has the discretion to defer the imposition of Sanctions pending any appeal.
3. If the Responding Party does not submit an appeal, the responsibility determination and Sanctions become final five (5) Days from the date of the Office of Student Conduct's written notice.

B. Grounds for an Appeal shall be limited to:

a. Substantial Procedural Error

Procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Responding Party notice or a fair opportunity to be heard. Deviations from procedures that were not so substantial as to deny a Responding Party notice or a fair opportunity to be heard will not be a basis for granting an appeal.

b. Disproportionate Sanction

The Sanction is substantially disproportionate to the offense, which means it is far in excess of what is reasonable given the facts or the circumstances of the violation.

c. Arbitrary and Capricious

An arbitrary and capricious decision is a decision without a rational basis or that is not supported by any evidence in the record.

d. New Evidence

New and significant relevant information has become available which a reasonably diligent person could not have discovered before or during the original Student Conduct Board, Disciplinary Conference Board, or Disciplinary Conference proceeding.

- i. When the basis of the appeal is new evidence, the appellate body will determine whether the information is new and was unavailable at the time of the proceeding. If the appellate body determines that the information is not new and was available at the time, the appeal will be denied.
- ii. If the information is determined to be new and unavailable at the time of the proceeding, the appellate body will consider whether the new information could have changed the outcome of the original proceeding.
- iii. If it is determined that the outcome could have been impacted by the new evidence, the case will be sent back to the original Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board, as applicable, for further review.

- e. Unanticipated Disparate Impact of the Sanction: The Sanction has an unanticipated disparate impact on a Responding Party that exceeded the intention of the imposed Sanction.

C. Appeal Screening

- a. Appeals will be screened by the Director Office of Student Conduct, and only those appeals that meet the Grounds for an Appeal provided in this *Code* will be forwarded to the appropriate appellate body for review.
- b. The Responding Party will have three (3) Days to correct an appeals submission if they are advised that the initial submission does not state sufficient Grounds for an Appeal.

D. Response from the Office of Student Conduct

Upon receipt of the Responding Party's appeal, the Office of Student Conduct will provide a response to the appeal within five (5) Days.

E. Review of the Appeal

- a. Appeals of decisions resulting in Suspension or Expulsion will be decided by the University Senate Student Conduct Committee Appellate Body, which is composed of three members from the Student Conduct Committee including at least one Student.
- b. Appeals of decisions resulting in sanctions other than Suspension or Expulsion will be decided by the Appellate Board, which is a branch of the University Student Judiciary composed of three Students.

F. The appellate body will consider the appeal and may:

- a. Affirm the Decision and the Sanction outcome(s) imposed;
- b. Affirm the Decision and reduce, but not eliminate, the Sanction outcome(s) imposed;
- c. Remand the case to a new Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board, if there was substantial procedural error;
- d. Remand the case to the original Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board in accordance with procedures outlined under "New Evidence"; or
- e. Dismiss the case if the decision is determined to be arbitrary and capricious.

G. Sanctions of Expulsions or Suspensions affirmed by the Senate Student Conduct Committee Appellate Body require administrative review and approval by the Dean of Students who may alter, defer, or withhold the Expulsion or Suspension. Sanctions other than Expulsions or Suspensions affirmed by the Appellate Board require administrative review and approval by the Director of Student Conduct who may alter, defer or withhold the Sanction.

XIV. DISCIPLINARY RECORDS

- A. Students, Student Groups, and Student Organizations found responsible for violations of this *Code* will have a disciplinary record. Disciplinary records are maintained by the Office of Student Conduct for a period of three (3) years from the date of the letter providing notice of

the final outcome and disciplinary action. Disciplinary records may be retained for longer periods of time or permanently, if specified in the Sanction. Disciplinary records of Students, Student Groups, and Student Organizations with a sanction of Suspension or Expulsion will be retained permanently unless otherwise specified.

- B. Students may petition the Office of Student Conduct to void their disciplinary record early, for good cause. Students are eligible to petition to void their disciplinary record six (6) months from the date of the letter providing notice of final disciplinary action if the following criteria are met:
 - 1. all Sanctions have been satisfactorily completed; and
 - 2. the Student must not have any new or pending disciplinary issues.
- C. Factors to be considered in review of such petitions include but are not limited to:
 - 1. Review and assessment of a completed submission of a “Petition to Void Disciplinary Record,” which should include the Student’s learning and growth since the time of the incident;
 - 2. the conduct of the Student subsequent to the Prohibited Conduct; and
 - 3. the nature of the Prohibited Conduct and the severity of any resulting damage, injury, or harm.
- D. Disciplinary records retained for less than ninety (90) calendar days or designated as “permanent” shall not be voided without unusual and compelling justification.
- E. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee Appellate Body, which will consider the appeal using the Grounds for an Appeal outlined in the Appeals section of this *Code*. Such an appeal must be submitted in writing within five (5) Days from the date of the letter providing notice of the original denial of the petition.
- F. In situations with unusual and compelling justification, the Director of Student Conduct has discretionary authority to alter, defer, or withhold a Sanction that has been previously imposed pursuant to the provisions of this *Code*, except the Director may not impose a stricter Sanction than was previously imposed pursuant to this authority. The Director of Student Conduct shall consult with the Dean of Students in cases of Suspension or Expulsion and may consult with other University administrators as appropriate in all cases. There shall be no right to appeal a denial of a request to alter, defer, or withhold a Sanction under this provision.



**Review of the Student Codes of Conduct
(Senate Document #21-22-22)
Student Conduct Committee | Chair: Suzanne Ashour-Bailey**

The Senate Executive Committee (SEC) and Senate Chair Williams request that the Student Conduct Committee review issues associated with the University of Maryland Code of Academic Integrity (III-1.00[A]) and the University of Maryland Code of Student Conduct (V-1.00[B]) (“Codes”) raised by student leaders and the Office of Student Conduct.

The Student Conduct Committee should:

1. Review the University of Maryland Code of Academic Integrity ([III-1.00\[A\]](#)).
2. Review the University of Maryland Code of Student Conduct ([V-1.00\[B\]](#)).
3. Review the proposal entitled, “Proposal to Amend the Code of Academic Integrity and the Code of Student Conduct to Incorporate ‘Other Exceptional Circumstances’” ([Senate Document #21-22-17](#)).
4. Review the proposal entitled, “Proposal for Changes to the Codes of Student Conduct and Academic Integrity” ([Senate Document #21-22-18](#)).
5. Review student code policies at peer and other Big 10 institutions.
6. Consult with the proposer and student representatives involved in the development of the proposal on the “Other Exceptional Circumstances” provision.
7. Consult with the Director of the Office of Student Conduct.
8. Consult with representatives of the Office of Rights and Responsibilities.
9. Consult with representatives of the Undergraduate Student Legal Aid Office.
10. Consult with representatives of the Graduate Student Legal Aid Office.
11. Consult with representatives of the University Student Judiciary (USJ).
12. Consult with representatives of the Academic Integrity Liaisons.
13. Consult with representatives of the Student Government Association (SGA).
14. Consult with representatives of the Graduate Student Government (GSG).
15. Consider whether a new provision for “Other Exceptional Circumstances” is necessary and should be incorporated into both student Codes as suggested in the proposal associated with [Senate Document #21-22-17](#).
16. Consider whether alignment and consistency across the two student Codes is needed, and whether terminology in the Codes is accessible and understandable to student users.
17. Consider whether the hearing board procedures should be revised to: (a) expedite and streamline the overall process, (b) better describe the disciplinary meeting process, and (c) focus on the educative nature of the process as suggested in the proposal associated with [Senate Document #21-22-18](#).

18. Consider whether the appeals processes in the student *Codes* should include an initial assessment as suggested in the proposal associated with [Senate Document #21-22-18](#).
19. Consider whether the available sanctions in the student *Codes* should be modified as suggested in the proposal associated with [Senate Document #21-22-18](#).
20. Consider whether the approval authority for dismissal-level sanctions should be shifted from the Vice President for Student Affairs to the new Dean of Students role.
21. Consider whether revised or additional options for achieving a resolution should be available for specific types of cases.
22. Consider whether the Code of Academic Integrity should include a separate resolution option for minor incidents that focuses more on student learning and on clarifying academic integrity expectations for students.
23. Consider whether the definition of the “normal sanction” designation of the grade of “XF” in the Code of Academic Integrity should be refined to align with best practices in the field of student conduct.
24. Consider whether the Code of Academic Integrity should be revised to provide greater flexibility in applying the limiting factors of the “XF”.
25. Consult with a representative of the Office of General Counsel on any proposed revisions to the policies.
26. If appropriate, recommend whether the policies should be revised and submit recommended revisions.

We ask that you submit a report to the Senate Office no later than **March 4, 2022**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, reka@umd.edu.

Written Statement for the Student Conduct Committee 1/13/23

The Student Conduct Review Coalition (SCRC) submits this statement in support of the *Other Exceptional Circumstances Clause*. SCRC consists of Student Legal Aid Office (SLAO) Student Advocates, University Student Judiciary (USJ) Hearing Board Members, USJ Presiding Officers, USJ Community Advocates, and members of the USJ Executive Board. SCRC aims to continually improve the student conduct adjudication process by advocating for more equitable treatment for marginalized or underrepresented communities, championing students rights in the conduct process, promoting accountability and transparency within the conduct process, and securing the resources necessary to meet these ends.

SCRC provided the University Senate with the *Other Exceptional Circumstances Clause* proposal last year. This proposal seeks to address gaps in the current approach to determining an appropriate sanction in the student adjudication process. While the existing process provides an extensive consideration of intangible factors, such as student learning, it does not provide the opportunity to consider tangible consequences, such as loss of student health insurance, complete loss of shelter, or student deportation.

Within the conduct process, mitigating factors are considered after a student is found responsible during the consideration of sanctions. The *Code's* current language and the adjudicating board's interpretations of mitigating factors in the course of misconduct hearings are narrowly tailored and do not allow for the examination of grossly disproportionate secondary implications of a sanction for students at the University of Maryland. The existing policy does not allow for the consideration of indirect consequences that will occur as a result of a sanction. While these indirect effects do not create

additional consequences for the “normal” University of Maryland student, the impact can be severe for students with exceptional personal circumstances and goes against the University’s promise to “elevate the quality and accessibility of undergraduate education” and “expand the ethnic and economic diversity of [its] graduate students.”

To better understand how this clause would work, we would like to provide an example when this proposal would come into play within the conduct process. For example, if an international student committed a *Code of Student Conduct* violation and was referred to the Office of Student Conduct, where after their preliminary interview, the student’s case is brought to the University Student Judiciary for adjudication. After the fact finding portion of the hearing, the student is determined to be responsible for the violation. The *Other Exceptional Circumstances Clause* does not apply to the fact finding or determination of responsibility portions of the hearing. After the student is found responsible, the complaining and responding parties can address any aggravating or mitigating factors from the case and provide the board with a recommendation for sanctioning. It is only at this time that the *Other Exceptional Circumstances Clause* becomes relevant.

In this scenario, if the Community Advocate recommends that the student is suspended for 6 months (1 semester) this puts the respondent’s student visa status in jeopardy. If they are suspended for a semester, they will lose their student visa status and be deported to their country of origin. As the *Codes* are written now, the board may not consider this as a mitigating circumstance to diminish the sanction on the student. In this case, suspension places an exceptional burden on this student that other students facing suspension do not experience, and is grossly disproportionate to their act of misconduct. With the *Other Exceptional Circumstances Clause*, the University Student Judiciary board

can discuss alternate sanctions for the student that do not result in their deportation. The Board is not allowing the student to serve no sanction, but rather offers routes for alternative educational or other punitive sanctions that do not place a disproportionate burden on that student from their peers. This is one example of where this proposal is applicable, and the language of this clause allows the Office of Student Conduct and the trained board members and Presiding Officers of the University Student Judiciary to consider such factors when the circumstances arise. The purpose of this proposal is not to “let students off the hook” or halt holding students responsible for misconduct, but rather to address underlying exceptional challenges that are placed on certain students when being sanctioned. Thank you for listening and considering our policy. We welcome any follow up questions, and can also be reached by studentconductreviewcoalition@gmail.com.

Sincerely,

Katy Clug and Bella Grant

SCRC Chairs

**Senate Student Conduct Committee
Review of Code of Academic Integrity and Code of Student Conduct
Guiding Principles**

- The *Codes* should provide campus community members with awareness and guidance on student conduct expectations, processes for addressing violations, and potential consequences for violations.
- The educational objectives of the *Codes* should be enhanced.
- The processes for addressing violations of the Codes should be streamlined and handled expeditiously to provide resolution so students may move forward and staffing resources may be committed to addressing other significant matters.
 - For minor misconduct, initial screenings should be available to allow early assessments and possible resolution of alleged violations.
 - Resolution options incorporating Restorative Justice practices should also be made available at the discretion of the Director of Student Conduct.
- The processes for addressing alleged violations should ensure that Respondents are adequately informed of the charges they face with sufficient notice before they participate in an investigation and the adjudication process.
- Sanctions for violations based on similar conduct under similar circumstances should be consistent, whether addressed through Instructor intervention, initial assessment, informal resolution, or adjudication.
 - Instructors should provide clear guidance on
 - What constitutes academic misconduct in the course, and
 - What work is a major assignment subject to sanctions under the *Code of Academic Integrity*.
- It is important for students to be aware of potential sanctions for violations, but sanction options also should permit flexibility to be responsive to specific circumstances.
- Principles of equity should be taken into account when considering the circumstances leading to a violation and the conditions and factors affecting the responsible party. This consideration is addressed by assessing aggravating and mitigating factors when a sanction recommendation is made.
- Undue hardship based on the unique circumstances of a Respondent is an appropriate consideration as a ground for appeal based on disproportionate sanction.

Student Conduct Committee Review of Code of Academic Integrity and Code of Student Conduct Overview of Proposed Revisions

Code of Academic Integrity

- Permit Honor Reviews and Appeals only for cases where transcript notation is a possible sanction, e.g., major assignment infractions.
- Honor Board *recommends* sanction to OSC instead of determining sanction.
- “XF” should be a *typical* sanction instead of a normal sanction for high-value assignments.
- Limiting factors of “XF” will continue as provided in the *Code*. There should not be greater flexibility.
- Discontinue the Complainant's (usually the Instructor) option to appeal sanctions. (This option is not available in the Code of Student Conduct.)

Code of Student Conduct

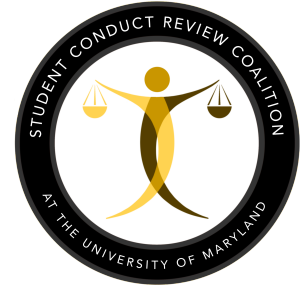
- Add restorative practices as resolution options.
- Clarify notification provisions to Respondents when violations under consideration are amended.
- Allow consideration of “other exceptional circumstances” during an appeal based on an unintended disproportionate impact of sanctions.
- Vest dismissal approval with the Dean of Students instead of the Vice President for Student Affairs.
- Provide greater flexibility as to limiting factors of Disciplinary Probation.

STUDENT CONDUCT REVIEW COALITION

Endorsement of an altered version of the *Other Exceptional*

Circumstances Clause

2/19/23



The Student Conduct Review Coalition (SCRC) submits this statement in support of the *Other Exceptional Circumstances Clause*. SCRC consists of Student Legal Aid Office (SLAO) Student Advocates, University Student Judiciary (USJ) Hearing Board Members, USJ Presiding Officers, USJ Community Advocates, and members of the USJ Executive Board. SCRC aims to continually improve the student conduct adjudication process by advocating for more equitable treatment for marginalized or underrepresented communities, championing students rights in the conduct process, promoting accountability and transparency within the conduct process, and securing the resources necessary to meet these ends.

SCRC provided the University Senate with the *Other Exceptional Circumstances Clause* proposal last year. This proposal seeks to address gaps in the current approach to determining an appropriate sanction in the student adjudication process. While the existing process provides an extensive consideration of intangible factors, such as student learning, it does not provide the opportunity to consider tangible, devastating consequences, such as loss of student health insurance, complete loss of shelter, or student deportation.

Within the conduct process, mitigating factors are considered after a student is found responsible during the consideration of sanctions. The *Code's* current language and the adjudicating

board's interpretations of mitigating factors in the course of misconduct hearings are narrowly tailored and do not allow for the examination of grossly disproportionate secondary implications of a sanction for students at the University of Maryland. The existing policy does not allow for the consideration of indirect consequences that will occur as a result of a sanction. While these indirect effects do not create additional consequences for the "normal" University of Maryland student, the impact can be severe for students with exceptional personal circumstances and goes against the University's promise to "elevate the quality and accessibility of undergraduate education" and "expand the ethnic and economic diversity of [its] graduate students."

From our discussions with the student conduct committee, we see that they understand our proposal, its goals and its potential. Furthermore, we've discussed altering the proposal so it is a part of the appeals process, as opposed to during the hearing. As the Student Conduct Review Coalition, we are amenable at this time to endorse this alteration of our initial proposal. We do, however, have two small additions to make to the proposed *Code* changes from the *Other Exceptional Circumstances Clause* in this altered format:

1. Create a new, formal option under the grounds for appeal for students who would be grossly and disproportionately affected by the sanction they were given due to an exceptional circumstance..
2. Include recommendation of a suspension withheld, meetings with Office of Student Conduct staff, and a fitting educational sanction as a recommended alternative sanction in the place of a 6 month suspension, for example. This is to show the committee, and entire senate body that the goal of this proposal is in no way to take away meaningful sanctions, including punitive

ones such as suspension, but rather is to address the disproportionate impact faced by a small population of the student body. By providing this alternative sanction, SCRC aims to suggest a sanction that would be equivalent to the “regular” sanction imposed, but that does not grossly or disproportionately affect the student at hand.

Thank you for your time, consideration, and understanding. We look forward to continuing our work together to make the student conduct process more fair and equitable for all students. We welcome any follow up questions, and can also be reached by studentconductreviewcoalition@gmail.com.

Sincerely,

Katy Clugg & Bella Grant

SCRC Co-Chairs

Katherine Clugg Annabelle Grant