

Unified Code of Graduate Student Academic Conduct

INTRODUCTION

The integrity of Tulane University is based on the absolute honesty of the entire University community in all academic endeavors. As part of the Tulane University community, graduate students have certain responsibilities regarding work that forms the basis for the evaluation of their academic achievement. Students are expected to be familiar with these responsibilities at all times. No member of the University Community should tolerate any form of academic dishonesty because the scholarly community of the University depends on the willingness of both instructors and students to uphold this Unified Code of Graduate Student Academic Conduct. When a violation of the Code is observed, it is the duty of every member of the University's academic community who has evidence of the violation to take action. Students should take steps to uphold the Code by reporting any suspected offense to the instructor or the Dean of their School. Students should not, under any circumstances, tolerate any form of academic dishonesty.

In all work submitted for academic credit, graduate students are expected to represent themselves honestly. The presence of a student's name on any work submitted in completion of an academic assignment is considered to be an assurance that the work and ideas are the result of the student's own intellectual effort, stated in his or her own words, and produced independently, unless clear and explicit acknowledgment of the sources for the work and ideas is included (with the use of quotation marks when quoting someone else's words). This principle applies, but is not limited to, to papers, tests, homework assignments, artistic productions, laboratory reports, computer programs, and other academic assignments.

All new graduate students in the Schools shall have access to a copy of this Code before the start of their first semester. Lack of familiarity with the Code or with the precise application of its principles to any specific instance is not an excuse for noncompliance.

ARTICLE I: DEFINITIONS

The terms below are used throughout this document and are defined as follows:

1. “**Accused Student**” means any graduate student accused of violating the Code.
2. “**Appellate Panel**” means any person or persons from the Honor Board authorized by the Dean’s Designee to consider an appeal either of an Honor Board Hearing Panel’s determination or, of the sanctions imposed in a particular situation.
3. “**Chairperson**” means the Chair of an Honor Board Hearing Panel or Appellate Panel. The Chairperson must be a faculty officer of the Honor Board, and is appointed from all Honor Board officers by the Dean’s Designee.
4. “**Code**” means this Unified Code of Graduate Student Academic Conduct.
5. “**Dean’s Designee**” means a School Official authorized by the Dean to coordinate Honor Board proceedings and impose sanctions upon any student(s) found to have violated the Code. In most cases, the Designee will be an Associate Dean of the School.
6. “**School Official**” means any person employed by a School to perform administrative or professional responsibilities.
7. “**Complainant**” means any person who submits a charge alleging that a student violated the Code.
8. “**Dean**” means the Dean of the School in which the Accused Student is enrolled.
9. “**Faculty**” means those engaged in teaching and research appointed to appropriate faculty status by the Board of Administrators of the University in accordance with the existing constitutions of the various divisions of the University. For purposes of Honor Board continuity, “faculty” is limited here to regular appointments, either part- or full-time, either tenure- or non-tenure track, but does not include special appointments.
10. “**Graduate Student**” means all persons enrolled at Tulane University pursuing post-baccalaureate studies on either a “for credit” or on an “audit” basis, and on either a full-time or part-time basis, including Research Dissertation and Masters. This includes, but is not limited to, students pursuing the eM.B.A., M.B.A., M.A., M.ARCHII, M.ACCT., M.F.A., M.FIN.,

- M.L.A., M.P.S., M.S., M.S.W., and Ph.D. degrees. “Graduate Students” also includes persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with Tulane, or who have been notified of their acceptance for admission are considered “students.”
11. “**Honor Board**” means those persons who may from time to time be asked to serve on an Honor Board Panel. The Honor Board shall consist of approximately forty (40) graduate students and twenty-five (25) faculty members from the Schools. It shall be a goal to select representation proportional to enrollment from the Schools (as defined below) whenever possible. The Dean shall have the right to nominate, suspend, or remove any member of the Honor Board from his or her School.
 12. “**Honor Board Officer**” means a faculty or graduate student member of the Honor Board elected by their corresponding Honor Board colleagues to provide training to new Honor Board members and, in the case of faculty honor board officers, serve as chairs for Honor Board panel hearings.
 13. “**Honor Board Hearing Panel**” means any person or persons authorized by the Dean’s Designee to determine in a particular situation whether a student has violated the Code and to recommend sanctions that may be imposed when a Code violation has been committed.
 14. “**Instructor**” means any person who conducts classroom or teaching activities for Tulane University.
 15. “**Member of the University Community**” means any person who is a student, Faculty, School Official, or any other person employed by Tulane University. A person’s status shall be determined by the Dean’s Designee.
 16. “**Schools**” means the Schools of Architecture, Business, Continuing Studies, Liberal Arts, Medicine, Science and Engineering, and Social Work.
 17. “**Tulane University**” or “**University**” here means collectively the Schools of Architecture, Business, Continuing Studies, Liberal Arts, Medicine, Science and Engineering, and Social Work.

ARTICLE II: CODE AUTHORITY

1. The Dean's Designee shall determine the composition of Honor Board Hearing Panels and Appellate Panels in a manner consistent with provisions of the Code, as well as which Honor Board Panel and Appellate Board Panel shall be authorized to hear each matter.
2. The Dean's Designee shall develop procedures for the conduct of Honor Board Hearing Panels and Appellate Panel hearings that are not inconsistent with provisions of the Code.
3. Decisions made by an Honor Board Panel and/or Dean's Designee shall be final, pending the normal appeal process as outlined in the Code.
4. Allegations of harassment shall be addressed under Tulane University's harassment policy (http://www.tulane.edu/~fachand/Part_10--University-wide_Policies.htm). Allegations of research fraud shall be addressed under Tulane University's fraud in research policy (http://www.tulane.edu/~fachand/Fraud_in_Research.htm). All other policies regarding student life; e.g., alcohol policy, are covered under the Code of Student Conduct (<http://studentaffairs.tulane.edu/judicial/CodeofStudentConduct.pdf>).
5. Members of the Honor Board shall elect one officer from each School on an annual basis, and shall work with the Schools to provide training on Honor Board membership requirements, rules and regulations to Honor Board members.

ARTICLE III: PROSCRIBED ACADEMIC CONDUCT

1. Jurisdiction of the Unified Code of Graduate Student Academic Conduct

The Code shall apply to academic conduct of each student from the time of application for admission through the actual awarding of a degree, even though academic conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, and even if the academic conduct is not discovered until after a degree is awarded. The Code shall also apply to a student's academic conduct even if the student withdraws from school while a disciplinary matter is pending.

2. Violations of the Unified Code of Graduate Student Academic Conduct

Any student behavior that has the effect of interfering with education, pursuit of knowledge, and/or a fair evaluation of a student's performance is considered a violation of the Code's proscribed academic conduct. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in this Code. The following are defined as academic conduct violations under the code:

- i. **Cheating** -- Giving, receiving, or using, or attempting to give, receive, or use unauthorized assistance, information, or study aids in academic work, or preventing or attempting to prevent another from using authorized assistance, information, or study aids. Consulting with any persons other than the course professor and teaching assistants regarding a take-home examination between the time the exam is distributed and the time it is submitted by the student for grading. Students should assume the exam is closed book; they may not consult books, notes, or any other reference material unless explicitly permitted to do so by the instructor of the course.
- ii. **Plagiarism** -- Unacknowledged or falsely acknowledged presentation of another person's ideas, expressions, or original research as one's own work. Such an act often gives the reader the impression that the student has written or thought something that he or she has in fact borrowed from another. Any paraphrasing or quotation must be appropriately acknowledged. Plagiarism also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. Please consult any of the [available references](#) on acknowledging sources in academic work for more information on documenting sources.
- iii. **Fabrication** -- Submission of contrived or altered information in any academic exercise.
- iv. **False Information** -- Furnishing false information to any University official, instructor, or University office relating to any academic assignment or academic issue.

- v. **Unauthorized collaboration** -- Collaboration not explicitly allowed by the instructor to obtain credit for examinations or course assignments.
- vi. **Multiple submission** -- Presentation of a paper or other work for credit in two distinct courses without prior approval by both instructors.
- vii. **Sabotage** -- Destroying or damaging another student's work, or otherwise preventing such work from receiving fair graded assessment.
- viii. **Unfair advantage** -- Any behavior disallowed by an instructor that gives an advantage over other fellow students in an academic exercise.
- ix. **Facilitation of academic dishonesty** -- Knowingly helping or attempting to help another student violate any provision of the Code.
- x. **Tampering with academic records** -- Misrepresenting, tampering with, or attempting to tamper with any portion of a student's academic record.
- xi. **Improper disclosure** -- Failure of an Honor Board member, witness or participant in an Honor Board hearing to maintain strict confidentiality concerning the identity of students accused of Honor Code violations.

Article IV: RESPONSIBILITIES

1. Instructors

All instructors shall foster an environment which encourages adherence to the principles of honesty and integrity. Each instructor shall give specific directions concerning the nature of examinations and assignments, stating, for example, when collaboration is permissible.

Each instructor shall be familiar with the principles and procedures of the Code. He or she shall report all suspected violations so that, for example, repeat offenders can be detected. Each instructor shall also appear and testify when called upon to do so by the Honor Board. Failure to do so will be considered a violation of the Code, absent compelling reasons for failure to appear and testify when called upon by the Honor Board.

2. Students

As with similar Honor Codes at their former undergraduate institutions, all graduate students are expected to adhere to the principles of the Code. All academic work must be the result of the student's own efforts, except when collaboration has been explicitly allowed. If a student is unsure how a particular assignment is affected by the Code, it is his or her responsibility to consult the Instructor. This applies not only to the student's own behavior, but also to the behavior of others.

ARTICLE V: REPORTING VIOLATIONS AND PREPARING FOR A HEARING

1. Reporting Suspected Violations

Any member of the University community may file charges against a student for violations of the Code. A charge shall be prepared in writing and directed to the Dean of the Accused Student's School. Any charge should be submitted as soon as possible after the Complainant becomes aware of the relevant events or challenged actions and/or complained of actions, preferably within five (5) working days of the alleged violation.

2. Copy of the Charges

If a violation of the Code is suspected, the Dean will appoint a designee (Dean's Designee) who will provide the Accused Student with a copy of the formal charge in writing: the nature and occasion of the alleged violation, the name of the Complainant, copies of the documents pertinent to the allegation and a copy of the code within five (5) working days or as soon as is practical.

3. Dean's Designee's Initial Review

If alleged violation of the Code has been reported, the Dean's Designee shall review the charge to confirm that the charge being made falls within the scope of this Code and that all documents have been prepared according to its provisions. This review should generally take place within two (2) working days of the Dean's Designee's receipt of the charge when feasible.

If, in the considered opinion of the Dean's Designee, the charge is improper and should not be taken to a hearing, that decision should generally, when feasible, be communicated to the Accused Student and Complainant within five (5) working days, the latter of whom retains the

right to have the Dean's Designee's decision reviewed by the Dean.

4. Accused Student's Review

If the charge is brought to a hearing, the Accused Student will be allowed five (5) working days to prepare his or her case; an extension to this period may be granted by the Dean's Designee, if deemed necessary.

5. Administrative Disposition

If the Accused Student (or Accused Students) in the case informs the Dean's Designee that she or he plans to plead guilty, the Accused Student may waive the hearing and the penalty for violating the Code will be a grade of WF on the relevant course and one semester of honor board probation, assigned by the Dean's Designee. The Accused Student must also sign a statement acknowledging the violation and the penalty, and in the case of a Code violation involving multiple students, the signed statement will become part of the record in the hearing for any of the other students that do not plead guilty. A student may elect this option only if he or she has no prior convictions and if the violation, in the opinion of the Dean's Designee, would not likely result in suspension from the University if the student were to appear before a Hearing Panel. Administrative disposition of the case will appear on the Accused Student's record as a violation of the Code.

6. Witnesses

The Honor Board Panel Chairperson shall consult with the Complainant and the Accused Student, if necessary, to ascertain what witnesses should be called in the Hearing, to make sure that all concerned understand the workings of the Code.

7. Right to an Advisor

The Accused Student has the right to be assisted by an advisor of his or her choice (to be selected from a list of faculty familiar with the workings of the Honor Code). The Dean's Designee can provide the Accused Student with a list of potential advisors. The Dean's Designee may not act as the Accused Student's advisor. The advisor may not have an attorney-client relationship with the person advised. The Accused Student is responsible for presenting his or her own information, and therefore, an advisor is not permitted to speak or to participate directly in any Honor Board hearing. A student who selects an advisor should insure that the advisor's schedule allows attendance at the scheduled date and time of the hearing because

delays will not normally be allowed due to the scheduling conflicts of an advisor.

8. Students with Physical Impairments

An Accused Student with a physical impairment that may impact her or his ability to effectively participate in a Hearing or Appellate Panel; e.g., hearing impairment, may request additional assistance through the Dean's Designee. The Dean's Designee, in consultation with the Manager for Disabilities Services at the Center Educational Resources & Counseling (ERC), will determine the appropriate accommodations, if any.

ARTICLE VI: COMPOSITION AND JURISDICTION OF THE HONOR BOARD AND HEARING PANELS

1. Composition of the Honor Board

The Honor Board is composed of persons selected by the procedure below who may from time to time be asked to serve on an Honor Board Panel. The Honor Board shall consist of approximately forty (40) graduate students and twenty-five (25) faculty from the Schools. It shall be a goal to select representation proportional to enrollment from the Schools (as defined below) whenever possible. The Dean shall have the right to nominate, suspend, or remove any member of the Honor Board from his or her School.

2. Selecting New Members and Officers of the Honor Board

a. Selection of Graduate Students

- i. New graduate student members of the Honor Board shall be appointed by the Dean in consultation with the relevant graduate student governing body in each School. The Sr. Vice President for Academic Affairs or his/her designee will determine the number of graduate students members needed from each School at the beginning of each fall term on a proportional enrollment basis of the participating schools for that academic year.
- ii. No student who has been convicted of a violation of the Code may serve in the Honor Board.

b. Selection of Student Officers

One graduate student member of the Honor Board from each participating School shall serve a one-year term as an officer of the Honor Board. Selection of the officers will be made each spring by vote of the continuing members of the Honor Board. The officers of the Honor Board may convene the Honor Board to review procedures, conduct training and/or for other official business.

c. Selection of Faculty Members

Faculty members of the Honor Board shall be chosen by the Dean of their schools and will serve two-year terms. The Sr. Vice President for Academic Affairs or his/her designee will determine the number of faculty members needed from each School at the beginning of each fall term on a proportional enrollment basis of the participating schools for that academic year.

d. Selection of Faculty Member Officers

One faculty member of the Honor Board from each participating School shall serve a one-year term as an officer of the board. Faculty members of the Honor Board shall elect one officer from each School on an annual basis, and shall work with the Schools to provide training to Honor Board members. The officers of the Honor Board may convene the Honor Board to review procedures, conduct training and/or for other official business.

3. Composition of Honor Board Hearing Panels

Panels shall be constituted from five (5) members of the Honor Board - three graduate students and two faculty. One of the three student representatives must be an officer of the Honor Board, and at least one must be from the Accused Student's school (the officer may be from the Accused Student's school). Similarly, at least one of the faculty members must be an officer of the Honor Board, and at least one must be from the Accused Student's school. The faculty member who is an officer of the Honor Board shall serve as the Chairperson. The Honor Board Hearing Panel shall hear cases and determine the guilt or innocence of the Accused Student(s), and shall recommend appropriate penalties for implementation by the Dean's Designee.

4. Honor Board Hearing Panel Voting Rights

Students and faculty are voting members of the Honor Board Hearing Panel and have one (1) vote each.

ARTICLE VII: HONOR BOARD PANEL HEARINGS

1. Purpose of Hearings

The purpose of the hearing is to provide the graduate student with an opportunity to be heard and to supply the Honor Board Hearing Panel with the relevant information necessary to reach a decision. It should be noted that a hearing is not a legal procedure and as such, formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code proceedings. Polygraph tests are not admissible as evidence.

2. Hearing Date

The Honor Board will make every effort to process cases in a timely manner. The Chairperson will convene an Honor Board Hearing Panel to review the charges brought against the student. Every effort will be made to convene that hearing within ten (10) working days after the Accused Student has been apprised of the charges in writing.

3. End of the Semester Offenses

If the offense is reported at the end of the semester and an officer and a sufficient number of board members with appropriate representation from the student's school are unavailable to hear a case, the Dean's Designee may form an ad hoc panel composed of three faculty members (one from the student's school) and two students. If the case must be heard by an ad hoc panel, it will be heard as soon as possible and generally not later than fourteen working days after the end of final exams when feasible, unless the accused student asks to have the matter deferred until the beginning of next semester. If more than one student is accused in the same case and at least one of the Accused Students desires to postpone the hearing, it shall be deferred until the beginning of the next semester, unless any of the Accused Students is expected to graduate before the hearing is to take place. In either event, the hearing will generally take place within the ten (10) day period stipulated, when feasible.

4. Failure to Appear

If an Accused Student, having been duly notified, does not appear before

an Honor Board Hearing Panel, the information in support of the charges shall be presented and the hearing shall proceed.

5. Testimony

If a person is called before an Honor Board Hearing Panel, the person is obligated to be completely honest because the charges against the Accused Student can result in suspension or expulsion from the University. It is every member of the University community's duty to ensure that the principles of the Code are upheld and that the procedures are properly followed.

6. Procedures for Honor Board Hearing Panel

- a. Honor Board hearings shall be conducted in private.
- b. The Chairperson shall preside over each Honor Board Hearing Panel. He or she shall see that an audio recording is made of all testimony. The Chairperson shall notify all participants of the date and time of the hearing within five working days after the Accused Student has been notified, when feasible. The Chairperson shall submit a written report of the hearing, accompanied by an audio recording of all testimony and a copy of all evidence presented, to the Dean generally within two working days after the hearing.
- c. There shall be a single record, such as an audio recording, of all Honor Board Hearings. Deliberations of an Honor Board Panel shall not be recorded. The record shall be the property of the School. The record shall be retained by the School only until all appeals have been exhausted or a determination has otherwise become final, or such longer period as may be required by law, rule or regulation.
- d. The Accused Student has the right to be assisted by an advisor of his or her choice (to be selected from a list of faculty familiar with the workings of the Honor Code). The Dean's Designee can provide the Accused Student with a list of potential advisors. The advisor must be a member of the University community and may not have an attorney-client relationship with the person advised. The Dean's Designee may not act as the Accused Student's advisor. The Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Honor Board Panel Hearing. A student who selects an advisor should insure that the advisor's schedule allows attendance at the scheduled date and time of the

Honor Board Hearing Panel because delays will not normally be allowed due to the scheduling conflicts of an advisor.

- e. Pertinent records, documents, and written statements may be accepted as information for consideration by an Honor Board Hearing Panel at the discretion of the Chairperson.
- f. All procedural questions are subject to the final decision of the Chairperson of the Honor Board Hearing Panel. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code proceedings.
- g. At the beginning of the hearing, the Chairperson shall read the charges against the Accused Student. Normally the complainant will give testimony first, followed by supporting witnesses, followed by the Accused Student and supporting witnesses, and then by other witnesses, if any. Any of the preceding may be recalled for further testimony if clarification is necessary. The Chairperson shall inform the Accused Student and any witnesses of the following before testimony begins:
 - i. False testimony given in a hearing is a violation of the Unified Code of Graduate Student Academic Conduct.
 - ii. All testimony given in an Honor Board hearing is to be held in the strictest confidence.
 - iii. All witnesses must be called to give substantive testimony rather than character testimony.
- h. The Accused Student may make a statement before the Honor Board, examine or dispute any evidence, make no statement, or decline to respond to any questions.
- i. The Complainant, the Accused Student, and any witnesses will be brought before the Hearing Panel independently and separately of one another to give testimony. If the Complainant and/or Accused Student in the hearing cannot be present, written testimony will be accepted.
- j. After hearing all evidence and witnesses in the case, the Honor Board Hearing Panel will vote to determine the guilt or innocence of the student based on whether it is more likely than not that the Accused Student violated the Code; a (simple) majority is necessary for a finding of guilty. All members of the Honor Board Panel vote and abstentions will be counted as votes of not guilty. No member of the Honor Board Hearing Panel will be allowed to

vote unless he or she has been present to hear all the evidence in the case.

- k. If the Accused Student is judged not guilty, there will be no report of the case on his or her college record.
- l. If the Accused Student is found guilty of violating the Code, the Honor Board Hearing Panel will recommend sanctions.

7. Sanctions

Sanctions for violations of the Code are imposed on the basis of the infraction and any history of repeated violations by the student. In all cases of findings of guilt, the offense is noted permanently in the academic record of the student. The appropriate sanctions to be recommended by the Honor Board Hearing Panel to the Dean's Designee for a guilty verdict may include:

- a. Probation, signifying that a student is not in good standing for a specified length of time and a student cannot graduate while on probation.
- b. Lowering of a grade to zero, for an assignment or test; the Honor Board may stipulate that if a student chooses to withdraw from a course after receiving a grade sanction for an Honor Code violation, the student's record will reflect a grade of "WF" for the course in which the sanction was assessed.
- c. A grade of "WF" in a course;
- d. Suspension from the University for a period of time;
- e. Expulsion from the University.
- f. Admission to or a degree awarded by any School within Tulane University may be revoked for violation of the Code.
- g. More than one of the sanctions listed above may be imposed for any single violation.

Students should be aware that infractions of the Unified Code of Graduate Student Academic Conduct usually warrant a grade of a "WF" for the course and Honor Board probation of two semesters for a first offense. Students should also be aware that he/she may not be allowed to continue in the graduate program after receiving the "WF," since Quality of Work

Requirements for graduate students stipulate that one B- grade is cause for probation, and one grade below that is cause for dismissal. A conviction for a second offense warrants, and typically results in, expulsion from the University. In addition, the University reserves the right to withhold institutional support from a student's application for study at another institution if violations of the Code are noted in the student's academic record.

8. The Dean's Designee shall review all pertinent materials. If the Dean's Designee disagrees with the recommended sanction, he or she must provide the Hearing Panel with the reasons for disagreement. The Dean's Designee, having reviewed all pertinent information, shall notify in writing the student, the faculty, and the Chair of the Hearing Panel of his or her decision within three working days after receipt of the hearing panel's report.

ARTICLE VIII: DUTIES OF THE SCHOOL

1. Records

- a. The School shall maintain and retain a permanent record of all honor board convictions involving her or his students for as long as may be required by law, rules or regulations. The record shall include a copy of all evidence submitted to the hearing panel, the report of the Chairperson to the Dean's Designee, and the Dean's Designee's final action. Copies of the latter two documents shall be maintained in separate, permanent records of the Honor Board. The recording of the hearing should be preserved only until all appeals have been exhausted or such longer period as may be required by law, rule or regulation.
- b. From the permanent record, the Dean's Designee shall note in the school records any conviction and the sanction imposed. This information shall be available only to that student unless the student waives his or her right of exclusive access under the provisions of the Family Educational Rights and Privacy Act.
- c. Access to the audio recording and other information concerning a case during the process of adjudication shall be reserved for members of the Honor Board Panel or, if necessary, the Appeal Panel. The right to borrow these materials or copies of them from the school's records shall be restricted to the Honor Board panel Chairperson, the Dean and Dean's Designee, and the Honor Board officer chairing the Appeal Panel. The original or one copy of all

documents shall remain in the school's records at all times.

ARTICLE IX: APPEALS

1. Appeal Process

- a. A student may appeal a decision of the Honor Board Hearing Panel or the Dean's Designee on one or more of the following grounds: procedural error, new evidence, and/or inappropriateness of sanction.
 - i. **Procedural error** is defined as any violation of the procedures stated in this Code.
 - ii. **New evidence** is defined as testimony or documentation not previously introduced that is directly relevant to the charges heard during the hearing and which merits consideration in light of its potential effect upon the outcome.
 - iii. **Inappropriateness of sanction** means the sanction is excessive for the violation of the Code.
- b. An accused student who wishes to request an appeal of a decision of the Honor Board Hearing Panel may do so by notifying in writing the Dean's Designee within seven (7) working days after being notified of the Dean's Designee's decision, except when the appeal is on the basis of new evidence, in which case more time may be granted by the Dean's Designee. Students requesting an appeal on the basis of new evidence may, with the permission of the Dean's Designee, listen to a copy of the audio recording of the original hearing in the presence of an officer of the Honor Board. Access to the recording will not be provided to any other individual.
- c. The appeal document must be in writing and must provide evidence of procedural error, excessive sanction, and/or new evidence.

2. Appellate Panel

- a. The Dean's Designee shall convene a panel of three members of the Honor Board to form an Appellate Panel to review the student's request for appeal, including an officer of the board, who will serve as the Appellate Panel Chairperson, and one other student and one faculty of the board where the student and faculty can be from any School.
- b. No member who heard the original case may serve on the Appellate Panel. If this Panel of three decides that an appeal

should be granted, this panel will conduct the appeal hearing as soon as possible.

- c. The review panel may uphold the original decision, alter the sanction, or set the decision aside and refer the case back to the Honor Board for a new hearing

3. Appellate Board Hearing Procedures

- a. An appellate hearing is not a retrial, but rather a careful examination of points raised in a letter of appeal and is conducted in private.
- b. Persons other than the three-member Appellate Panel who may be present during an appellate hearing include:
 - i. the Accused Student, who may state his or her reasons for appeal;
 - ii. material witnesses, who may appear if the accused is presenting new evidence;
 - iii. the Chairperson of the hearing panel that originally heard the case who shall summarize the case as heard by the panel and address the grounds for the appeal, and;
 - iv. additional appointees consistent with Article V, Section 8.
- c. The Complainant in the original case should generally not be present, unless the accused presents new evidence, either through witness testimony and/or documentation.
- d. All information presented or discussed at an Appellate Panel hearing shall be confidential.
- e. All members of the Appellate Panel present for the appellate hearing shall receive a copy of all pertinent information and a copy of the student's document of appeal.
- f. The Appellate Panel Chairperson shall ensure that an audio recording is made of all testimony and placed in the school's files. The record shall be the property of the School. The record shall be retained by the School only until either all appeals have been exhausted, or a determination has otherwise become final, or such longer period as may be required by law, rule or regulation.
- g. An Accused Student shall present his or her document of appeal and may call material witnesses if new evidence is submitted.

- h. The Appellate Panel Chairperson shall inform the accused student and any witnesses of the following before testimony begins.
 - i. False testimony given in a hearing is a violation of the Code.
 - ii. All testimony given in a hearing is to be held in the strictest confidence.
 - iii. All witnesses must be called to give substantive testimony rather than as character witness testimony.
- i. Pertinent records, documents, and written statements may be accepted as information for consideration by an Appellate Panel at the discretion of the Chairperson.
- j. All procedural questions are subject to the final decision of the Chairperson of the Appellate Panel. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code proceedings.
- k. The Appellate Panel shall deliberate in private and decisions of the Appellate Panel shall be by majority vote.

4. Appellate Decision

The Appellate Panel may uphold the hearing panel's decision, alter the sanction, or set the decision aside and return the case to the honor board for a new hearing. This decision shall be communicated in writing to the Dean's Designee and the presiding officer of the Honor Board Hearing Panel that originally heard the case within one (1) working day. The Dean's Designee shall inform the student of the decision within (3) working days of receipt of notification by the Chair. If the decision is made to uphold the original decision and sanction, the matter shall be considered final and binding upon all involved.

5. Records

All printed material distributed during the appellate hearing shall be collected by the Appellate Panel Chairperson who shall deposit one copy of the printed materials and audio recording in the school's files. A copy of the report of the Appellate Panel and the action of the Dean's Designee shall be included in the records of the Honor Board.

6. Attending Classes During the Appellate Process

Students may continue to attend classes during the appeal process. In the most serious cases, involving expulsion from the University, if the original verdict is upheld under appeal, then no academic credit can be earned for the semester in which the student was notified by the Dean's Designee of the expulsion, nor for any further semester into which the appeal process might continue. If the decision to expel the student is upheld, he or she will be eligible for a tuition refund only for the semester(s) during which the appeal was ongoing.

7. Students Exonerated

Students exonerated as the result of the appeal process will have the original honor code verdict removed from his or her college record and any institutional financial aid that had been withdrawn as a result of the conviction will be retroactively reinstated.

AMENDMENTS AND REVISIONS

These regulations may be amended or revised with the written approval of the Graduate Studies Student Association and the graduate faculties of the Schools.