

Proposed addition to sections of SR 6.4 to clarify the rules pertaining to the stand of proof when adjudicating student offences.

Background: (reference the Ombud report to the Senate)

After defining the standard of proof, then all reference to findings in S.R. 6.4 will include "standard of proof". So below includes the proposed additional text throughout S.R. 6.4, after defining the standard of proof in the definition section.

6.4.0 Definitions

For purposes of this Section 6.4:

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J. The preponderance of the evidence standard shall be the "Standard of Proof" applied by each decision maker when determining whether a student has committed an academic offense.

6.4.3 Initial Determination

A. By the Instructor and Chair

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- 2. Finding.** The instructor shall consider the evidence and the student's response and shall decide, based on the standard of proof, whether the student committed an academic offense. Any such finding shall be made within 7 days after the meeting with the student, unless the student consents in writing to an extension of this time. However, if the student fails to respond to the invitation to meet within the deadline or fails to attend a meeting that was agreed upon by all parties, the instructor may make a finding immediately thereafter.

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B. By the Dean

- 1. Cases Requiring Action by a Dean.** A dean may be required to take action in a case of an academic offense in the following circumstances:

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(c) A student enrolled in the dean's college is accused of an offense, either with respect to a course in which the student is not enrolled, or in academic work outside of a course (for example, an honors project or dissertation, a graduate examination, a thesis or dissertation, or a formally submitted thesis or dissertation proposal). In this case, the procedure outlined in paragraphs 6.4.3.A.1, 6.4.3.A.2, and 6.4.3.A.4 above shall be followed, except that the dean assumes the roles of both instructor and chair. If the dean finds the student committed the offense, based on the standard of proof, the dean shall either decline to impose a penalty or shall

forward the case to the Provost recommending a penalty of suspension, dismissal, expulsion, or revocation of a degree. The student has the right to appeal any finding, even if no penalty is imposed, and any recommended penalty, pursuant to Section 6.4.4 below.

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C. By the Registrar

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1. Finding. The Registrar shall consider the evidence and the student's response and shall decide whether the student committed the alleged offense, based on the standard of proof. Any such finding shall be made within 7 days after the meeting with the student, unless the student consents in writing to an extension of this time. However, if the student fails to respond to the invitation to meet within the deadline or fails to attend a meeting that was agreed upon by all parties, the Registrar may make a finding immediately thereafter.

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6.4.4 Appeals to the University Appeals Board

A. Preliminary consideration by the Academic Ombud

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2. Merit of Appeal of Penalty for Minor Offense. If the student does not dispute the finding of a minor offense [as defined in paragraph 6.4.3.A.3.d], but the student desires to appeal the penalty on the basis that it is unduly harsh, the Academic Ombud shall decide whether the appeal has merit, based on the standard of proof. In making such a decision, the Academic Ombud should proceed with deference to the instructor's traditional autonomy and authority over the course.

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B. To the Appeals Board

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4. Scope of review

(a) Violation. The Appeals Board shall sit as a fact-finding body and determine whether or not the student cheated, plagiarized, or falsified or misused academic records from such evidence as is brought before the Board (including testimony under oath, written statements, exhibits, and a view of the classroom

where the cheating occurred if this be an issue). The Board may call witnesses on its own initiative and may continue the hearing for this purpose. The Board shall find the student did not commit the offense unless a majority of members present decides otherwise, based on the standard of proof, and given the evidence provided.

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Current Benchmarks Identified by the University Review Committee

Institution	Document	Standard	Reference
Michigan State Univ.	Academic Freedom for Students at Michigan State Univ.	preponderance of the evidence	7. IV. D
Ohio State Univ.	Code of Student Conduct	preponderance of the evidence	FAQ
Univ. of Arizona	CODE OF ACADEMIC INTEGRITY	Preponderance of the evidence	p2
Univ. of California - Davis	The Student Disciplinary System at UC Davis	Preponderance of the evidence	p2
Univ. of Florida	4.042 Student Honor Code and Student Conduct Code	Preponderance of the evidence	
Univ. of Iowa	Student Judicial Procedure	preponderance of the evidence	item 9
Univ. of Michigan - Ann Arbor	Statement of Student Rights and Responsibilities	clear and convincing evidence	VI.2.C
Univ. of Minnesota - Twin Cities	Student Academic Integrity Misconduct Procedures	more likely than not (which is preponderance)	3.2.7.C
Univ. of Missouri - Columbia	Standard of Conduct	preponderance of the evidence	various
Univ. of North Carolina at Chapel Hill	Instrument of Student Judicial Governance	clear and convincing (mainly) and preponderance of the evidence	various
Univ. of Wisconsin - Madison	Student Academic Misconduct Policy & Procedures	both, depends on severity of the case	various