

Makeup and Procedures of the Academic Misconduct Appeals Committee (AMAC)

Preamble

A student is expected to discuss any disagreement over a grade or allegations of academic misconduct first with the instructor of record and then with the program manager. Only after failing to reach an amicable settlement can a student file an appeal.

A student may lodge an appeal to the Academic Misconduct Appeals Committee (AMAC) in respect of the following academic decisions: allegations of cheating, plagiarism, unauthorized collaboration, and any other forms of academic dishonesty and deception. A student may also file a grade appeal as well as contest classroom procedures such as failure to follow a course syllabus. Before lodging an appeal, the student should have followed the initial procedure of obtaining signature(s) of the faculty member and program manager.

Filing an Appeal

An appeal must be in writing, must set out the grounds for the appeal and should include supporting material, such as previous correspondence and a description of the actions taken to resolve the matter.

The appeal should be addressed to the **Chairperson of the Academic Misconduct Appeals Committee.**

Consideration of Appeal

On receipt of a student appeal, the AMAC Chairperson takes the following action:

- Advise the student of the appeals process
- Notify the members of the Appeals Committee of a pending appeal and schedule a hearing within ten (10) working days
- Accept documentation from both sides of the case and provide equal access to the participants within twenty-four (24) hours of the hearing.

Response to Student

On receipt of an appeal, the student will be sent a letter of acknowledgement. Advice concerning the outcome of the appeal will normally be provided within four (4) weeks of receipt of appeal. Students will be notified of any unforeseen delays in finalizing consideration of an appeal

Makeup of the Committee

The Academic Misconduct Appeals Committee shall be composed of five (5) members. Two members shall be full time faculty, one of whom will serve as the committee's; chairperson: another member will be from the associate faculty. Both full time faculty and associate faculty will each select an alternate in case of schedule conflicts or

recusals. The faculty members, who will be chosen at the first fall faculty/associate faculty meeting, will serve staggered three year terms. The final two members will be students nominated by Associated Student Government (ASG) along with an alternate. In addition, a representative of the Office of Student Services is invited to serve as an ex-officio, non-voting member of the committee.

Hearing Procedures

AMAC will establish internal procedures consistent with the Student Code of Conduct. Hearings shall be conducted as follows:

- Hearings shall be conducted within a reasonable time (within 10 working days) after the Committee's receipt of the complaint
- At least one (1) working day prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the document(s) to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.

The parties have a right to be accompanied by any person as an advisor, excluding legal counsel, who will be permitted to attend, but not directly participate in the proceedings. Hearing procedures are as follows:

- Hearings shall be closed to anyone not directly involved in the hearing
- The hearing, except for Committee deliberations and votes, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions
- The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) members, including at least one (1) student. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing
- At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's internal procedures
- The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant
- The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence
- If the complaining or responding party fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations on the basis of such testimony and evidence

- The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the Vice President for Academic Affairs within ten (10) working days after the conclusion of the hearing.

Actions of the Appeals Committee

Upon considering the student's appeal, the Appeals Committee may take any one of the following actions:

- Dismiss the appeal, upholding the academic decision in its original form
- Uphold the appeal and change the academic decision
- Find that the appeal presented by the appellant constitutes sufficient justification to require additional action to the original academic decision (for example set another examination)
- Request further information from the disputants and set another hearing
- If a majority of the Committee members find, by a preponderance of the evidence, that the responding student committed academic misconduct, the Committee may recommend any behavioral sanction it deems appropriate given the entire circumstances of the case, including but not limited to a written reprimand, the imposition of an appropriate grade or academic sanction, probation, suspension, or dismissal from the University.

Confidentiality

All documentation relating to student appeals and all AMAC deliberations are confidential and shall be disclosed only to those persons who have a right to the information by virtue of their role in the appeals process.

Appeals Report

The outcome of the Academic Misconduct Appeals Committee's deliberations will be a report setting out the appeal decision, the modifications to the original academic decision where appropriate, and the reasons for the decision. The report is provided to the parties involved, another copy is retained by AMAC, and one copy to the Vice President for Academic Affairs.

Finality of Appeal

Review and Decision by the Vice President for Academic Affairs

The Vice President for Academic Affairs shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the Vice President shall, within ten (10) working days, take one of the following actions:

- Accept the Committee's findings and recommendations
- Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the vice president, or designee, a second report of its findings and recommendations relating to the specific matters referred by the vice president for further consideration

- Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The Vice President may impose a greater or lesser sanction than recommended by the Committee.

Written notification of the Vice President's decision shall be communicated to the parties concerned within ten (10) working days of receipt of the recommendation. The Vice President's decision is final unless appealed to the President within ten (10) working days of receipt of the decision.

Appeal to President

Within ten (10) working days of receipt of the Vice President's decision, any party may appeal the decision by filing a written notice of appeal with the President and delivering a copy to the other party. The other party may file a response to the appeal with the President within five (5) working days of receipt of the appeal.

In the case of an appeal

The President shall consider the appeal and the response and may solicit whatever counsel and advice the President deems appropriate to arrive at a final decision. After receiving the appeal and response, the President shall, within ten (10) working days take one of the following actions:

- Accept the decision of the Vice President for Academic Affairs
- Return the report to the Vice President requesting that he/she clarify specific matters, materials, and issues, and forward to the President a second report of his/her decision relating to the specific matters referred by the President for further explanation
- Reject all or parts of the Vice President's decision, stating reasons and actions for either imposing a greater or lesser sanction than determined by the Vice President
- Written notification of the President's decision and the basis for that decision shall be communicated to the parties concerned within ten (10) working days after receipt of the appeal, or within twenty (20) working days after receipt of the appeal if an ad hoc committee is formed
- ***The decision of the President is final.***

Note: Any faculty member can submit proposals for amending these procedures or AMAC makeup through a letter to AMAC and a vote of 60% at the next faculty meeting. The AMAC can amend hearing procedures only through a vote of 4 out of 5 members.