

ACADEMIC INTEGRITY CODE HEARING GUIDELINES

The academic integrity hearing seeks to preserve the concept of a collegial academic review process; it is a lay procedure and legal rules of procedure do not apply. While some familiarity with legal procedures may be helpful, the most critical ingredients of peer review are fairness, common sense, and good judgment.

1 Hearing Panel. The Hearing Panel shall consist of two students, two faculty, and a student chair. Student members, including the chair, shall be solicited from the Integrity Council unless circumstances reasonably require that they be chosen from elsewhere. Faculty members shall be OU employees with instructional titles (except that of Graduate Teaching Assistant) at the time of the hearing. The panel may be assisted by a non-voting faculty or staff person who shall exercise responsibility for the Panel in administrative matters, such as scheduling cases, establishing reasonable deadlines, notifying those involved of deadlines and decisions, and maintenance of records.

2 Confidentiality and disclosure. No aspect of a pending case, except for scheduling issues, should be discussed between the Inquiry Panel or its members and an Investigator or witness outside the presence of the Alleged Violator. If such communication occurs, it should be promptly disclosed to the Office of Academic Integrity Programs.

3 Preparation of evidence. Ordinarily at least seven days before the hearing, the Investigator and the Alleged Violator must provide all documents to be reviewed by the Panel plus a list of proposed witnesses, along with a description of the nature of the expected testimony. In order to maintain the integrity and value of the investigative process, any evidence proffered by the Alleged Violator must ordinarily have been subject to review by Investigators. Exception requests shall be considered by the Hearing Panel Chair. The Alleged Violator should provide the name of any advisor who will be present at the hearing.

4 Consolidation of hearings. The cases of all Alleged Violators involved in the same incident will ordinarily be heard in a single hearing. Separate incidents will ordinarily be considered in separate hearings unless the incidents involve a pattern or course of conduct. Alleged Violators may request separate hearings for cause. Requests must be made to the Office of Academic Integrity Programs no later than seven days before the scheduled hearing.

5 Default. An Alleged Violator who fails to respond within a reasonable time to scheduling efforts or the procedural requirements in Section 3, or who fails to appear at the hearing after proper notice will be deemed to have admitted responsibility for the misconduct. If the Alleged Violator fails to appear when the Hearing Panel has convened, the Panel may at its discretion continue to meet in order to review the evidence and recommend a penalty.

6 Purpose and conduct of the hearing. The focus of the inquiry shall be whether the Alleged Violator is responsible for an act of academic misconduct. A hearing is also available where an Alleged Violator has accepted responsibility but significant factual disputes remain as to the Violator's level of culpability, or where the Alleged Violator has accepted responsibility and requests a hearing only for an advisory opinion on the appropriate penalty when, as determined by the Office of Academic Integrity Programs, the nature of the offense is highly unusual. The Panel will consider the information and arguments presented, make findings of fact regarding matters in dispute, determine whether the student did engage in academic misconduct, and recommend an appropriate institutional penalty.

7 Role of the Chair. The Chair of the panel has the authority to consider evidence-related requests as provided above in Section 3, to preside at all hearings, and to keep order during

the hearing. Any person who disrupts the hearing or who fails to adhere to the rulings of the Chair may be excluded from the proceedings.

8 Closed hearing. Hearings will be closed to the public and shall be confidential, although an open hearing may be held at the discretion of the Panel with appropriate consent from all participants. Unless required as witnesses, the staff advisor provided for above in Section 1 may remain throughout the hearing to assist with the conduct of the hearing and the staff advisor to the Investigators may remain throughout the hearing to assist the Panel with its understanding of the Report.

9 Advisors. The Alleged Violator may be accompanied by one Advisor throughout the hearing. However, the role of the Advisor will be limited to advising the alleged violator. The Advisor will not be permitted to address the Panel or to speak for the alleged violator. The Advisor may not testify for the party. Procedural questions by the Advisor should ordinarily be made off the record.

10 Challenges to Panel Members. At the beginning of the hearing, the Alleged Violator may challenge any Panel member for cause. The remaining members of the hearing body shall decide the challenge by secret ballot. Challenges to the entire Panel shall be made to the Director. If recusal of any member is necessary, further proceedings will be determined in consultation with the Director. Hearings may be held with less than a full Panel as appropriate.

11 Evidence. Formal rules of evidence do not apply in proceedings before an Inquiry Panel. The Chair has the authority to rule on questions of the relevance of evidence and to exclude repetitious or irrelevant evidence; however, all matters should be admitted into evidence that reasonable persons would accept as substantiating. Character witnesses are not permitted. Polygraph tests are not permitted. Prior misconduct should not be used to establish the present alleged violation unless the past incident is clearly relevant to the current incident. Prior warnings regarding academic integrity may be used as evidence that the student is aware of standards of scholarly integrity. Inadvertent introduction of evidence deemed to be inadmissible shall ordinarily be cured by an instruction by the Chair to the panel.

12 Record. Hearings shall be audio-recorded. Recording should commence with the introduction of the persons present and should end after closing remarks but before deliberations commence. Relevant matters discussed off the record should ordinarily be summarized for the record once the hearing commences or re-commences. Inadvertent failure to obtain a complete recording is not grounds for dismissal except where a question of error cannot reasonably be resolved by other means such as interviewing panel members.

13 Presumption and burden of proof. Alleged violators are entitled to the presumption of innocence. Responsibility for violating the Code must be established by a preponderance of the evidence. "Preponderance" means it is more likely than not that misconduct occurred.

14 Witnesses. Prospective witnesses other than the Alleged Violator may be excluded from the hearing during the testimony of other witnesses. The Alleged Violator shall have reasonable opportunity to present questions for witnesses.

15 Questions of law and Code interpretation. Questions about the legality or justification of any Code provision or procedure should ordinarily be raised with the Director prior to the hearing. If questions arise in the hearing, they should be addressed to the Chair or referred to the Director or a designee.

16 Delay. The Chair may continue a hearing for good cause.

17 Deliberation. Following the hearing, the Panel shall deliberate in closed session, off the record, and make a finding as to the student's responsibility for the act of misconduct (except in those cases where responsibility is not an issue and the purpose of the hearing was merely to recommend an appropriate penalty). All persons shall be excluded during Panel deliberations after the hearing, except that policy questions may be addressed to an appropriate advisor. If the student is found responsible, the Panel will then consider evidence of prior acts of misconduct and reach a decision as to the recommended penalty. The Panel will provide a written report of its findings and recommendations to the Director.

18 Non-compliance with hearing guidelines. Technical departures from the hearing guidelines will not invalidate a decision, recommendations, or proceeding unless they have prevented a fair determination of the issues.

19 Remote participation. Where reasonably necessary, a hearing may be conducted by videoconference or by telephone.

20 Waiver and ad hoc procedures. The above procedural provisions may be waived by the Alleged Violator and alternative procedures may be approved by the Director for good cause.