

THE UNIVERSITY OF NORTH CAROLINA ASHEVILLE  
FACULTY SENATE

Senate Document Number 2520S  
Date of Senate Approval 03/05/20

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Statement of Faculty Senate Action:

**FWDC 1:** **Revise ([SD 2282](#)) Policy on Academic Misconduct  
Faculty Handbook [Section 8.3.2](#)**

**Effective Date:** Immediately

**Summary:** This document allows for the student to submit a response an instructor's charge *before* a hearing.

**Rationale:** The existing policy only allows for the instructor's charge to be forwarded to the committee. The revision allows for the student to submit a response to the charge. This permits greater balance in preliminary information. Further, having the basic perspectives from each party prior to the hearing allows the members of the AAB to more efficiently and carefully formulate questions for each party during the hearing time. Since it is usually very difficult to find a time for a quorum of the committee to meet, it is helpful to make the hearing time most efficient. Further, since it is important for the Board to deliberate thoughtfully and thoroughly, it is helpful to have the basics of both parties prior to the hearing.

**Revise 8.3.2 as follows**

Charges of Academic Misconduct

In the event that an instructor accuses a student of academic misconduct, the student has the right to a hearing to determine the question of fact. Pursuant to that determination, disciplinary action such as the lowering of a grade due to the alleged action will be held in abeyance. In determining the facts the burden of proof will be upon the instructor who makes the allegation.

Definition

Academic Misconduct is any act that constitutes cheating or plagiarism.

Procedures.

Step 1. The student shall request a hearing by conferring with the Faculty Conciliator within ten class days of the accusation. Failure to meet this time limit is taken as acknowledgment that the instructor's charge is true and any right to a later hearing is forfeited.

Step 2. The Faculty Conciliator will in writing request from the instructor a written statement of the charge, and the nature of the evidence upon which the charge rests. Upon receipt of this, the Conciliator may attempt to resolve the matter directly.

Step 3. If this appears to be inappropriate or is unsuccessful, the Conciliator forwards a copy of the instructor's charge to the student and to the Chair of the Academic Appeals Board (AAB).

Step 4. The Chair of the AAB will invite the student to provide a written response to the instructor's charge. The instructor's charge and the student's response will be provided to the AAB members attending the hearing prior to the meeting.

Step 4 5. The Chair of the AAB will convene the hearing no sooner than five class days or later than 10 class days after receipt of the statement of charges. At the closed hearing, the instructor as well as the student will be present. Witnesses for either party may be called in to present evidence. After the instructor has presented the charge and supporting evidence, the student has the opportunity to be heard and to present evidence and his explanation of what took place in the matter of academic misconduct.

Step 5 6. The AAB by a simple majority of those present shall determine the question of fact based upon the preponderance of evidence. The AAB Chair shall then notify in writing both parties to the Hearing. If it is found that the instructor has not prove the case against the student, the AAB should indicate in writing that any action taken by the instructor to lower the student's grade or otherwise punish the student on the basis of the original accusation would not be justified by the evidence. A statement of the AAB's findings shall be forwarded to the Office of the Registrar for inclusion in the student's file.

Step 6 7. If the AAB determines that this is a second offense or more by the student, it may recommend dismissal to the VCAA.