

Memorandum

To: Faculty Senate  
Seton Hall University

From: Dr. Larry A. Robinson  
Provost and Executive Vice President



Date: Nov. 13, 2015

Re: Academic Integrity Policy

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The Office of the Provost is in receipt of the revised Academic Integrity Policy which was approved by the Senate on October 16, 2015.

We accept these revisions and the policy as presented. This has been an extended process, and we appreciate the efforts of all who have worked to achieve this result.

# **Procedures for Academic Integrity**

## **Approved by the Faculty Senate on October 16, 2015 & the Provost on November 13, 2015**

### I. Introduction

Consistent with the mission of the University, Seton Hall Faculty and community members are expected to adhere to the highest ethical standards in scholarship and teaching. Breaches of integrity mar not only the individual, but the University as a whole. Thus, the University community bears the responsibility for maintaining adherence to principles of academic integrity.

In the interest of shared governance and decision-making between the University Administration and the faculty, the Faculty Senate has established policies and procedures to ensure faculty representation in all proceedings conducted by University Administration with respect to allegations of breach of academic integrity brought against faculty members. To this end, the Faculty Senate has appointed a standing Academic Integrity Committee to conduct proceedings and make recommendations regarding charges brought against any faculty member for breach of academic integrity.

The Committee is charged with conducting independent investigations and making recommendations to the Provost as to the soundness, validity and gravity of charges of breach of academic integrity brought against any faculty member. The Provost shall make decisions regarding sanctions and penalties to be imposed on any faculty member if allegations of breach of academic integrity are proven.

The Academic Integrity Committee is also charged with safeguarding the rights, dignity and privacy of all parties throughout all phases of the process of investigation, recommendation, and decision-making. The parallel roles of conducting an investigation and making recommendations to the administration, while at the same time protecting the charged faculty member's rights within the process, are complementary. The faculty body has two clear and related interests in this regard: responsibility for academic integrity, and dedication to a spirit of collegiality that includes a deep concern for the rights, dignity and privacy of fellow faculty members. Thus, while the committee rules on the veracity of charges of breach of academic integrity brought against any faculty member, it is also committed to carrying out all investigations with efficiency, confidentiality, impartiality and concern for the charged individual and his or her rights and dignity.

In addition, the Academic Integrity Committee is committed to protecting the rights of those who allege misconduct or contribute to an ensuing investigation. Any form of retaliation against, or coercion of, an individual who makes allegations, complains of a violation of this policy, or participates in an investigation, is strictly prohibited. Such forms of retaliation can lead to further disciplinary sanctions, independent of the allegations themselves.

## II. Definition of Academic Misconduct

All members of the University community are expected to observe high standards of academic integrity and ethical behavior in research, publication, peer review, and in supervision of student research. Academic misconduct is any practice or action by a member of the University community related to proposing, conducting, and publishing research that involves the following:

1. Fabrication is the invention of data, in part or whole, and may include the invention of data for a procedure that was followed but produced different data, the invention of data from a procedure that was never implemented, the willful reporting of analyses and summaries that are not based on genuine data, and other actions.
2. Plagiarism is the presentation of findings, assertions, or words as authored by the researcher when those findings, assertions or words originated with a different individual or individuals. Researchers give credit to the original sources of research material and make good faith efforts to determine if their findings, assertions, and words are original. The researcher is responsible to use accepted scientific tools to provide credit (such as citation, quotations, footnotes and references) and to employ them in a fashion that accurately conveys the degree of the researcher's authorship (for example, to distinguish acknowledging a precedent as the source of an idea or as the source of exact wording).
3. Collusion is defined as assistance provided to a colleague, or an attempt to assist any colleague, who is engaging in an act of academic dishonesty. This includes any attempt to conceal intentional acts of academic dishonesty on the part of a colleague and/or any attempt to provide false information in connection with any inquiry pertaining to academic integrity.
4. Falsification is the altering of data, analyses, and other research material in a way that does not represent the genuine results of the procedures. Falsification can also include the willful misrepresentation of the procedures used to collect the data in a way likely to mislead the consumer of the research material as to the reliability and import of the findings.
5. Evasion of, or intentional failure after notice by the University or Federal, State or other appropriate agency to comply with research or grant regulations or requirements, including but not limited to those applying to human subjects, laboratory animals, new drugs, radioactive materials, genetically altered organisms, and to safety;
6. In regard to students' contribution to faculty research, improper or inadequate mentoring and supervision of research assistants, and lack of acknowledgement of

student contribution to research. This also includes appropriation of student research by a faculty member.

7. Academic misconduct implies deception. Reasonable differences of interpretation or judgment, or honest error, do not constitute academic misconduct.

In considering charges of academic misconduct made against a faculty member, the Academic Integrity Committee recognizes that various offenses may be more or less serious. Also, charges brought against a faculty member may include multiple alleged offenses, which, if upheld, could be viewed as increasing the severity of the overall behavior.

### III. Procedure for Investigating Allegations of Academic Misconduct

In June, the Faculty Senate appoints five tenured faculty members representing at least three schools on the South Orange campus to sit on a standing committee to investigate and rule on allegations of breach of academic integrity. Members of this committee, as well as all other participants in the process, must maintain strict confidentiality with regard to proceedings, documents, and the identities of participants.

Investigations will be conducted according to the following procedures: [\* Additional or modified procedures may be required if accusations relate to federally-funded research covered by ORI regulations.]

#### A. Inquiry Phase

1. An allegation initially is reported to the Dean of the charged faculty member's college or school. The person bringing the allegation does not need to be a member of the Seton Hall University community. Within 30 business days the Dean appoints a panel of three impartial tenured (or, in the cases of schools/colleges without tenure, senior) faculty members from the college or school to conduct a preliminary investigation to evaluate the credibility of the allegation. Allegations cannot be brought anonymously. Frivolous or malicious allegations may be subject to disciplinary action.
2. Within 10 business days, the Dean notifies in writing the faculty member about whom allegations have been made that an investigation is underway, provides a clear statement of the allegation(s) and requests a written statement from the faculty member explaining his or her position with regard to the allegations. The role of the Dean is to initiate the process, not to assess the credibility of the allegation. The charged faculty member has 20 business days to respond in writing to the Dean about the allegations. The Dean shall forward this response to the appointed faculty panel. Also, the faculty member may at this point seek the guidance and assistance of his or her own faculty advocate.
3. The faculty panel appointed by the Dean rules on the credibility of the allegation within 20 business days of receiving the faculty member's

statement. If a majority of the faculty panel find the allegation(s) credible (considering the faculty member's response), they so inform the Dean in writing providing their rationale and including any supporting documents. The Dean issues a written summary detailing the alleged violations of academic integrity and forwards it, along with all supporting documents, to the Faculty Senate Academic Integrity Committee within ten business days after receiving the panel's ruling that the allegations appear credible. Simultaneously, the Dean shall also forward a copy of the complaint along with all supporting documents to the Provost and to the charged faculty member. Should the faculty panel not find the allegation to be credible, the matter shall be closed and no record relating to the allegation will be placed in the faculty member's official file. Notification of this action shall be made to the Provost, the Dean, the charged faculty member, and the accuser. The only record of the allegation, the supporting documents and the investigation shall be maintained in a confidential and secure manner by the Provost's office.

4. If the Dean is involved (as accuser or accused) in an allegation of a breach of academic integrity, the role of the dean in steps 1 through 3 shall be filled by the Provost.

## B. Investigation Phase

If the allegation is deemed credible the Faculty Senate Academic Integrity committee convenes. The Provost charges the committee to proceed with a formal investigation and reviews the process with the committee.

1. The Faculty Senate Academic Integrity Committee informs the charged faculty member in writing that it is conducting an independent investigation of the complaint and that the faculty member is invited, but not required, to appear before the committee to a) explain his or her position or b) receive guidance about his or her rights within the process and c) to have access in advance of the appearance a list of the principal evidence in the case. The faculty member also has the right to provide a written statement to explain his or her position to the committee. The charged faculty member may request to be accompanied by a faculty representative support person of his or her choosing to all meetings with the committee or with University representatives. No outside attorneys may be present.

2. In its investigation, the Committee looks at the complaint forwarded by the Dean, all supporting documents and any additional information it may deem necessary. Whenever possible, interviews should be conducted of all individuals involved either in making the allegations or against whom the allegations is made, as well as other individuals who might have information regarding key aspects of the allegations. The charged faculty member may request the presence of witnesses. If possible interviews should be recorded; complete summaries of these

interviews should be prepared and provided to the interviewed party for comment or revision, and are included as part of the investigatory file.

3. All deliberations of the committee take place only in person, and no electronic communication is to be used in any part of the substantive discourse. If the committee deems it necessary, the Chair may select and request of the Administration that an impartial expert or experts from outside the University who are familiar with the academic nature of the materials or data about which the allegations have been made be employed to evaluate the materials in question and report to the committee about their findings. After careful consideration of all documents and evaluations of the charged faculty member's action, the Committee will consider the allegation under investigation to be valid if a majority of members finds clear and convincing evidence (i.e., it is highly probable) that the charged faculty member's action falls under one of the criteria for academic misconduct as defined in Section II above. Conclusiveness is based on a) how closely the actual documents containing the alleged breach of academic integrity match the charges; b) consideration of testimony about the allegations within the particular field of study either from experts within or outside the committee; c) statements provided the committee by the charged faculty member about the allegations; and (d) and testimony of witnesses.

4. The Academic Integrity Committee formulates a statement modifying, upholding or rejecting the complaint and forwards it to the Provost, along with recommendations for appropriate action, within 120 business days from the date it first receives the complaint. However, the committee can request from the Senate an extension of an additional thirty days if it requires outside expertise to evaluate the complaint. If a majority of members of the committee determines that there has been no violation of academic integrity, the complaint is rejected and the Provost, the charged faculty member, and the accuser are so informed by letter. If the complaint is rejected the matter ends. A record of the decision and supporting documentation will be kept on file and confidential in the Provost's office. If the committee finds there has been a violation of academic integrity, it will rule on its severity in its letter to the Provost according to the criteria spelled out in Section II.

5. Upon receiving the committee's letter, the Provost will forward a written response to the charged faculty member communicating action with regard to the allegations. Such action may include a) exoneration, in which case all documents related to the allegations will be kept on file and confidential in the Provost's office; b) admonishment; c) suspension without pay for up to one semester; d) demotion in rank; e) non-renewal of contract for non-tenured faculty. Remedial action such as retraction, apology or correction may be required of the charged faculty member, and the Provost's action may be made conditional upon the faculty member undertaking that remedial action. Should the Provost consider dismissal of a tenured faculty member, this action would require a separate proceeding, covered in Faculty Guide 3.9(c).

6. The charged faculty member may appeal the decision of the Provost to the President of the University within 30 days of receiving the Provost's response. If possible the appeal should be concluded within 120 days.

SETON HALL UNIVERSITY FACULTY SENATE

Meeting of October 16, 2015

1:00 p.m.

Beck Rooms

9. Committee Motions

a. Executive Committee

i. Academic Integrity

a. *Motion*: To approve the inclusion of specific language related to retaliation and collusion to the academic integrity policy approved by the Faculty Senate on April 10, 2015.

i. **Rationale** for additions to the Academic Integrity Policy approved at the April 2015 meeting of the Faculty Senate.

ii. **Academic Integrity** approved April 2015 with suggested edits.

\* The motion was intensely discussed.

\* David Beneteau proposed an amendment to strike the language “the decision of an individual not to forward to the unit executive officer (i.e. Dean) any formal accusation that she or he receives.” The amendment was seconded by Benjamin Goldfrank. Strike the language.

3. Collusion is defined as assistance provided to a colleague, or an attempt to assist any colleague, who is engaging in an act of academic dishonesty. This includes, but is not limited to, any attempt to conceal intentional acts of academic dishonesty on the part of a colleague, ~~the decision of an individual not to forward to the unit executive officer (i.e. Dean) any formal accusation that she or he receives,~~ and/or any attempt to provide false information in connection with any inquiry pertaining to academic integrity.

\* **Vote**: The amendment was approved by voice vote.

Sean Harvey proposed amendment to strike “but is not limited to” from the language. The amendment was seconded by David Beneteau.

3. Collusion is defined as assistance provided to a colleague, or an attempt to assist any colleague, who is engaging in an act of academic dishonesty. This includes, ~~but is not limited to,~~ any attempt to conceal intentional acts of academic dishonesty on the part of a colleague, ~~the decision of an individual not to forward to the unit executive officer (i.e.~~



~~Dean) any formal accusation that she or he receives, and/or any attempt to provide false information in connection with any inquiry pertaining to academic integrity.~~

**Vote: The amendment was approved by voice vote.**

Jon Radwan proposed to change the language “is engaging” to “has been proven to have been engaging.” The amendment was seconded by Amar D. Amar.

3. Collusion is defined as assistance provided to a colleague, or an attempt to assist any colleague, who *has been proven to have been engaging* in an act of academic dishonesty. This includes, ~~but is not limited to,~~ any attempt to conceal intentional acts of academic dishonesty on the part of a colleague, ~~the decision of an individual not to forward to the unit executive officer (i.e. Dean) any formal accusation that she or he receives,~~ and/or any attempt to provide false information in connection with any inquiry pertaining to academic integrity.

**\* Vote: The vote failed with 10 yeas, 20 nays, and 1 abstention.**

Dr. Amar proposed to strike “or an attempt to assist any colleague” from the language. The amendment was seconded by Irene De Masi.

3. Collusion is defined as assistance provided to a colleague, ~~or an attempt to assist any colleague,~~ who is engaging in an act of academic dishonesty. This includes, ~~but is not limited to,~~ any attempt to conceal intentional acts of academic dishonesty on the part of a colleague, ~~the decision of an individual not to forward to the unit executive officer (i.e. Dean) any formal accusation that she or he receives,~~ and/or any attempt to provide false information in connection with any inquiry pertaining to academic integrity.

**\* Vote: The amendment failed by voice vote.**

**\* A Senator called the Question. This passed with a 2/3 majority.**

Vote on original motion with the two amendments:

3. Collusion is defined as assistance provided to a colleague, or an attempt to assist any colleague, who is engaging in an act of academic dishonesty. This includes, ~~but is not limited to,~~ any attempt to conceal intentional acts of academic dishonesty on the part of a colleague, ~~the decision of an individual not to forward to the unit executive officer (i.e. Dean) any formal accusation that she or he receives,~~ and/or any attempt to provide false information in connection with any inquiry pertaining to academic integrity.

**\* Vote: The motion passed with two amendments by voice vote.**

Rationale for additions to the Academic Integrity Policy approved at the April 2015 meeting of the Faculty Senate:

The additions are related to the issues of Collusion and Retaliation, and are embedded (in red) within the approved document. The proposed language pertaining to Retaliation may be found on page one, at the point in the document where the safeguarding of rights and privacy of all parties is addressed. The proposed language pertaining to Collusion has been incorporated on page two. This appears to be the most appropriate point in the Policy for such a reference, as it is where other forms of academic misconduct are listed and defined.

There is one additional change. The approved policy notes dismissals are addressed in the Faculty Guide under article 3.7 (c). It is actually article 3.8 that addresses dismissals.

Motion: To approve the inclusion of specific language related to retaliation and collusion to the academic integrity policy approved by the Faculty Senate on April 10, 2015.

**Procedures for Academic Integrity**  
**April 6, 2011 with Feb. 12, 2014, Oct. 23, 2014, Dec. 19, 2014**  
**January 16, 2015 edits and Approved by the Senate on April**  
**10, 2015**

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witnesses. If possible interviews should be recorded; complete summaries of these interviews should be prepared and provided to the interviewed party for comment or revision, and are included as part of the investigatory file.

3. All deliberations of the committee take place only in person, and no electronic communication is to be used in any part of the substantive discourse. If the committee deems it necessary, the Chair may select and request of the Administration that an impartial expert or experts from outside the University who are familiar with the academic nature of the materials or data about which the allegations have been made be employed to evaluate the materials in question and report to the committee about their findings. After careful consideration of all documents and evaluations of the charged faculty member's action, the Committee will consider the allegation under investigation to be valid if a majority of members finds clear and convincing evidence (i.e., it is highly probable) that the charged faculty member's action falls under one of the criteria for academic misconduct as defined in Section II above. Conclusiveness is based on a) how closely the actual documents containing the alleged breach of academic integrity match the charges; b) consideration of testimony about the allegations within the particular field of study either from experts within or outside the committee; c) statements provided the committee by the charged faculty member about the allegations; and (d) and testimony of witnesses.

4. The Academic Integrity Committee formulates a statement modifying, upholding or rejecting the complaint and forwards it to the Provost, along with recommendations for appropriate action, within 120 business days from the date it first receives the complaint. However, the committee can request from the Senate an extension of an additional thirty days if it requires outside expertise to evaluate the complaint. If a majority of members of the committee determines that there has been no violation of academic integrity, the complaint is rejected and the Provost, the charged faculty member, and the accuser are so informed by letter. If the complaint is rejected the matter ends. A record of the decision and supporting documentation will be kept on file and confidential in the Provost's office. If the committee finds there has been a violation of academic integrity, it will rule on its severity in its letter to the Provost according to the criteria spelled out in Section II.

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dismissal of a tenured faculty member, this action would require a separate proceeding, covered in Faculty Guide 3.7(c).

**Comment [CC1]:** Article 3.8 addresses faculty dismissals, not article 3.7.

6. The charged faculty member may appeal the decision of the Provost to the President of the University within 30 days of receiving the Provost's response. If possible the appeal should be concluded within 120 days.