

November 2017

To: The Senate Executive Committee

From: Academic Standards, Regulations, and Admissions Committee  
[Submitted by Robert Schwartz, ASRAC Co-chair]

Re: President Barchi's Response to Senate Resolutions on Revisions to the Rutgers Academic Integrity Policy

At its meeting of January 20, 2017, the Senate adopted a resolution proposed by ASRAC in its response to Charge S-1609 on revision of the Rutgers academic integrity policy. The resolution endorsed six recommendations (listed in the resolution) and asked the Rutgers Administration to begin implementation of those recommendations expeditiously for reasons stated in the accompanying report. The text of the full resolution is appended.

In his response of October 11, 2017, President Barchi accepted recommendation number one in principle, stating that "I agree that it will be optimal for the University to have a single academic integrity policy that will apply to all schools and colleges of the University, including the professional schools in RBHS." He did not respond to any of the more specific recommendations but focused instead on the recent letter of guidance from Secretary of Education Betsy DeVos withdrawing the Office of Civil Rights' Dear Colleague letter of 2011, which advised that the standard of proof for allegations of student-on-student sexual violence should be preponderance of evidence rather than a stricter standard such as clear and convincing evidence or beyond a reasonable doubt. In her letter of guidance Secretary DeVos also indicated that the Department of Education is developing new regulations for implementing Title IX's prohibition against sexual violence and suggested that it is likely that the regulations will require the standard of proof to be the same for all types of violations of an institution's code of student conduct. Since currently the Rutgers standard of proof for academic integrity violations is clear and convincing evidence while the standard of proof for all other violations of the code of student conduct, including sexual violence, is preponderance of evidence, the President apparently has decided that Rutgers should not begin the process of revising the academic integrity policy until the new requirement for the standard of proof is promulgated.

ASRAC finds the President's response disappointing and requests the Executive Committee to ask President Barchi to reconsider his decision to delay the much-needed process of revising the AI Policy as well as to respond more fully to the Senate's recommendations. Our reasons for opposing the delay are as follows.

1. Prior to 2011, the standard of proof for all alleged violations of the code of student conduct and the academic integrity policy was clear and convincing evidence. As a result of the Office of Civil Rights' Dear Colleague letter, the standard was changed to preponderance of evidence for nonacademic conduct violations but not for violations of academic integrity. Given Secretary DeVos' widely quoted recent comments, the new regulations may well require Rutgers to go back to using clear and convincing evidence as the standard for all alleged violations of the code of student conduct. We doubt strongly, however, that the standard of proof will have to be changed in the academic integrity policy.

2. The standard of proof is only one of many issues to be considered in revising the academic integrity policy and related procedures in light of the merger with units of the former UMDNJ. We see no compelling reason why we shouldn't address the other issues without waiting to make sure that clear and convincing evidence can remain the standard of proof. In the unlikely event that we have to change the standard of proof, the change will have little effect on other aspects of the academic integrity policy.
3. In September 2013, the Rutgers academic integrity policy was changed by adding a footnote stating in effect that the policy applies to all units of legacy Rutgers, including the Ernest Mario School of Pharmacy and the College of Nursing (now part of the School of Nursing), but that "at this time" it does not apply to legacy UMDNJ units, which should continue to follow the former UMDNJ policy *Student Rights, Responsibilities, and Disciplinary Procedures*. As noted in the ASRAC report, the fact that this clearly stopgap fix to the policy is still in place four years after the merger is embarrassing and inconsistent with the high priority the University places on academic integrity.

If the Executive Committee agrees to ASRAC's request to ask President Barchi to reconsider his response to the Senate's recommendations in this matter, we will be happy to prepare a draft of the letter to the President from the Executive Committee.

## **Resolution**

*Whereas*, the Senate Academic Standards, Regulations, and Admissions Committee has carefully considered possible revisions to the Rutgers Academic Integrity Policy in light of the merger with units of the former UMDNJ, and made a number of recommendations in this regard,

*Whereas*, the University Senate has considered the Committee’s recommendations and found them to be sound and in the best interests of Rutgers University,

*Therefore be it resolved that* the Rutgers University Senate endorses the recommendations below and asks the Rutgers Administration to implement them, and

*Be it further resolved that* the Senate asks the Administration to begin the implementation process expeditiously by (i) appointing, in consultation with the Senate, a new University-wide *ad-hoc* academic integrity committee charged with drafting a new academic integrity policy for all of Rutgers and (ii) beginning the approval process for the proposed interim academic integrity policy by sending the draft policy to the four chancellors for their consideration, in consultation with their deans.

## **Recommendations**

1. That Rutgers University develop a single academic integrity policy that will apply to all schools and colleges of the University, including the professional schools in RBHS and elsewhere.
2. That the Rutgers central administration, in consultation with the University Senate, appoint an *ad hoc* Rutgers-wide academic integrity committee to draft such an academic integrity policy for all of Rutgers and to determine the extent to which the associated disciplinary procedures should be different for different types of schools in order best to serve the needs of all Rutgers schools and colleges while insuring that every Rutgers student accused of a violation of academic integrity receives the same fair and equitable treatment and is accorded the same level of due process.
3. That the new “AI Committee” consist primarily of faculty and students, with representation from the University Senate, the Chancellor’s offices, the Office of Legal Counsel, and staff members charged with administering the academic integrity policy. In particular, two members of ASRAC should be appointed to this new AI Committee.
4. That the draft academic integrity policy given in the Appendix, which is very similar to the policy tentatively endorsed by the former reconciliation committee, be adopted as an Interim Rutgers Academic Integrity Policy, once the required approvals from the full University Senate and the four Chancellors in consultation with their deans have been obtained.<sup>1,2</sup>
5. That under the Interim Rutgers Academic Integrity Policy, the disciplinary procedures to be followed in legacy UMDNJ schools will be those given in *Student Rights, Responsibilities, and Disciplinary Procedures* with the two changes given on pp. 3 and 4 above, while the procedures

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<sup>1</sup> The requirement that major changes to the Academic Integrity Policy be approved by the University Senate and the four chancellors in consultation with their deans, comes from section V of the current Rutgers Academic Integrity Policy.

<sup>2</sup> Any major changes to the draft policy requested by the Chancellors must be approved by the University Senate.

to be followed in schools that were not part of UMDNJ will be those given in the document *Procedures for Reporting and Adjudicating Alleged Violations of Academic Integrity*. The latter document combines the procedures from Appendices B and C of the current Rutgers Academic Integrity Policy into a single stand-alone document without making any substantive changes to those procedures<sup>3</sup>.

6. That the Rutgers Administration launch a major campaign to educate faculty, students, and staff about the academic integrity policy and procedures, including prominently displaying a link to the Academic Integrity Policy and to the relevant disciplinary procedures on the Camden, Newark, New Brunswick, and RBHS home pages.

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<sup>3</sup> This document was approved by ASRAC. Since it makes only minor (editorial) changes to the current procedures, it does not require approval by the whole Senate.