Guidance for Implementing Student Conduct Appeal Panels at UMass Boston

This guidance supports the implementation of Section II, Items 4 and 5, of the UMass Boston Student Code of Conduct, Appendix B (dated September 5, 2018).

4. The student may submit an appeal in writing to the Provost/Vice Chancellor for Academic Affairs, copying the Office of the Vice Chancellor of Student Affairs, within (10) ten business days of the AVP/Dean’s imposition of university sanctions or (10) ten business days of the expiration of the period of time available to the AVP/Dean to impose such sanctions, whichever comes first. The Provost/Vice Chancellor of Academic Affairs will convene an Appeal Panel, consisting of 3 to 4 faculty members and 2 students from the standing membership of the Joint Discipline and Grievance Committee, and instruct the panel to review the case by convening a hearing. At this hearing the panel will, at minimum, interview and question the student and faculty member. The Provost/Vice Chancellor of Academic Affairs will appoint a member of the panel to serve as the Chair.

5. Within (10) ten business days after completion of its hearing and review, the panel will make a report of its findings and recommendations to the Provost/Vice Chancellor for Academic Affairs. Within (5) five business days of receiving this report, the Provost/Vice Chancellor for Academic Affairs will uphold, reverse, or modify the faculty member’s and AVP/Dean’s decisions. Modifications may include any of the sanctions listed in Part IV. F. 8 and 9 of the Student Code of Conduct. The decision of the Provost/Vice Chancellor for Academic Affairs is the final university disposition of the matter and is not subject to further appeal except in cases of expulsion. Students may appeal an expulsion to the Chancellor within 10 business days of the Provost/Vice Chancellor for Academic Affairs’ decision to expel.

Inclusive Excellence and Restorative Justice

UMass Boston places a strong emphasis on restorative justice (Zehr, 2015) as part of a broader effort to embrace inclusive excellence (Williams, Berger, & McClendon, 2005). Restorative justice has been defined as “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (p. 37, Zehr, 2015). Restorative justice in the academic integrity process is intended to “promote inclusivity, engagement, and active citizenship, which are all fundamental principles of any democratic society” (p. 447, Kara & MacAlister, 2010). The purpose of this guidance is to orient the appeal panel hearings toward supporting students and faculty toward the general outcomes of inclusive excellence, which include strengthening ethical awareness, contributing to students’ intellectual and social development, and promoting organizational learning.

The restorative justice process involves a set of three primary stakeholders who focus on how best to repair the harm done by an offense. The three primary stakeholders are the harmed party, the responsible party who committed the offense, and the broader community. These stakeholder interests are represented in the appeal panel hearing by the faculty member in whose course the offense was taken, the student accused of the offense, and the panel that includes other students and faculty, respectively. The goal of the restorative justice process is to address the needs of each of these stakeholders: harmed parties obtain

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1 The restorative justice approach taken toward student conduct appeal hearings that is offered in this guidance has been influenced by a review of academic integrity processes presently in use at several other higher education institutions (Bunker Hill Community College, Skidmore College, University of California Los Angeles, University of California San Diego, and University of Denver) and evaluations of restorative justice approaches to student conduct processes at two universities (Karp & Sacks, 2014; Smith, 2018).
reparation, offenders take responsibility, and the broader community achieves reconciliation (McCold & Wachtel, 2001). Four principles of restorative justice apply to academic integrity (Karp, 2015):

- **Inclusive decision-making:** Restorative justice places decision-making in the hands of the people who care the most – offenders and harmed parties. These parties together create a sanctioning agreement.
- **Active accountability:** Restorative justice makes accountability active. Offenders take responsibility and make amends. They do not sit back and only be judged and sanctioned.
- **Repairing harm:** Restorative justice focuses on reparation and healing, reorienting from “How should the offender be punished?” to “How can the harmed parties and the community be restored?” This includes growth, learning, and development for all parties, including the offender.
- **Rebuilding trust:** Restorative justice rebuilds relationships so that offenders can be trusted again and harmed parties can again feel safe; this contributes to restabilizing the community. This involves dialogue and mutual understanding and then clearly articulated tasks and benchmarks that build confidence in the community as they are achieved.

### The Sanction Appeal Process

The student may appeal the sanction imposed by the faculty member or the AVP or both. The faculty member(s) present for the appeal hearing depends on the sanction(s) being appealed. Following the student’s submission of an appeal in writing to the Provost/Vice Chancellor for Academic Affairs, copying the Office of the Vice Chancellor of Student Affairs, and the possible imposition of university sanctions by the Associate Vice Provost (AVP) of Undergraduate Studies, the appeal panel process consists of five phases.

1. The Provost or a designate of the Provost (e.g., Associate Provost) organizes an Appeal Panel whose constitution is specified in the Student Code of Conduct excerpt quoted above.
2. The Provost or designate meets individually with each of the three stakeholders in the restorative justice process: the faculty member in whose course the offense was taken and/or the faculty member who imposed the sanction, the student accused of the offense, and the Chair, and possibly also other members of the Appeal Panel, who serve as representatives of the broader community.
3. The appeal hearing is chaired by the Chair of the Appeal Panel and takes place with all three stakeholders present during the entire hearing. The Student Code of Conduct requirements are upheld through interviews of, and questions asked by the Appeal Panel members to, the student and the faculty member. A designate of the Provost (e.g., Associate Provost) may observe the hearing to take notes to be shared with the Provost and may request clarifications during the hearing.
4. The panelists develop a report that is presented by the Chair of the Appeal Panel to the Provost, with CC to the Provost’s designate if there is one. This report is due within ten business days of the conclusion of the hearing, as specified in the Student Code of Conduct. The hearing includes the meeting of the appeal panel and may include an extended period, usually no longer than a week, if additional data are needed depending on information that emerges during the panel meeting. Any extension of the hearing time period is agreed to by all parties during the panel meeting and communicated either in writing to the Provost/designate or verbally if the Provost’s designate is present during the meeting.
5. Following receipt of the report from the Appeal Panel, the Provost then takes into consideration the recommendations of this report, along with additional evidence associated with the hearing, to render a decision, which is then communicated according to the Student Code of Conduct.

Prior to, during, and/or after the appeal hearing, the student, panel members, and the faculty member are encouraged to review the Student Code of Conduct, and to discuss this with the Provost or designate of the Provost. The student and the faculty member may both bring to the hearing any additional materials.
that they deem relevant to the appeal, and both will have the opportunity to present and discuss these at the hearing. The student is also permitted to bring one supporter to the hearing. The supporter must remain silent at the hearing but can consult privately with the student. The supporter can be anyone who the student wishes to invite. In the past, students have invited another student, a parent or family member, a religious leader, or another faculty member who knows the student.

The appeal hearing focuses on the “harms resulting from academic misconduct in a collaborative process that holds students accountable and collaboratively explores how harms can be repaired, as well as what needs to be put in place to avoid misconduct in the future” (Sopak, 2020). Academic integrity errors are teachable moments because they are “a failure within the teaching and learning environment” (Bertram Gallant, 2020, p. 57); likewise, they can be considered “an opportunity to teach professional standards and help students to understand the impact of their behaviour on communities” (ibid). The student, the faculty member, and panelists are encouraged to consider the following guidelines during the hearing (adapted from p. 58, Smith, 2018):

- Listen, seek to understand, and keep an open mind.
- Put yourself in the shoes of people who are historically marginalized in processes of accountability.
- Speak about how the incident has affected you personally – as an individual, as a community member, or both.
- Consider how the action has impacted the broader community.
- Provide input on how the impact from the situation can be addressed.
- Remember that our focus is on finding ways to address impact and create opportunity for growth, learning, and development for all three stakeholders.

The appeal hearing includes consideration of the sanctions imposed by the faculty member who originated the academic integrity charge, the additional sanctions, if any, imposed by the AVP of Undergraduate Studies, as well as other options for sanctions, in its review of the case and its recommendations to the Provost that are part of the Panel’s report. The appeal hearing centers on three aspects: student accountability, community impact and engagement, and opportunities for students and faculty to address behaviors and the situations that may foster them. The appeal hearing should address these aspects to sufficient extent that the panelists will have information they need to write their report. To accomplish this, the appeal hearing follows a process aligned with restorative justice principles:

1. State the offense (panel chair).
2. Voice the harm done by the offense (faculty member, then students on the panel, then faculty on the panel).
3. Initial response by the student (student).
4. Establish needs to be addressed for the harm to be repaired (all parties).
5. Discuss and develop a mutually acceptable outcome, and possibly alternative outcomes, to the sanction that is being appealed (all parties).
6. Propose reasonable arrangements for accountability of the outcome, and alternatives if proposed, that involve the student and harmed parties (all parties).
7. Clarify/specify the proposed (possibly alternative) outcome that has been agreed upon or, if there is not consensus, what the alternatives are for outcomes proposed (all parties).
8. Clarify next steps, including any extension of the time period of the hearing (panel chair).

The Appeal Panel is required to consider that the sanctions recommended must be determined “based on the nature, severity and impact” (p. 30, Student Code of Conduct, 2018) of the student’s actions, and that they should “be imposed in progressive levels” (ibid). Evidence (e.g., additional materials) provided prior to and during the hearing, as well as the content of the hearing itself (i.e., outcomes, tradeoffs, and accountability discussed), must be taken into consideration. Keeping in mind that the goal of the
restorative justice approach is to repair the harms created, in developing its report, the Appeal Panel has the authority to make recommendations that uphold, revise, or replace sanctions that were previously imposed. The full range of outcomes, both restorative and punitive, listed in section IV.H.7 of the Student Code of Conduct are available. When considering revising or replacing punitive sanctions, the Appeal Panel can consider a variety of outcomes that focus on reconciliation, resolution, and value added to the overall community, all of which are within allowable options in section IV.H.7 of the Student Code of Conduct. In the context of sanctions specified in UMass Boston’s Student Code of Conduct, examples of sanctions at other universities employing a restorative justice approach include:

- Community restitution project (e.g., development of educational resources about academic integrity for other students).
- Restitution (e.g., a letter of apology).
- Assessment (e.g., participation in designated educational programs or services).
- Withholding of diploma or awarding of degree otherwise earned until the completion of all sanctions and conditions imposed.

Following the conclusion of the hearing, the Appeal Panel follows the timeline in the Student Code of Conduct to develop and present a report to the Provost. The recommendations of the Appeal Panel (including alternative outcomes, if any) should be included in the report. The report should specify what the proposed outcome(s) is (are), tradeoffs associated with alternatives (if any) that were discussed, and arrangements for accountability. If there was not agreement on an outcome that the panel recommends to the Provost, this should be stated in the report.

References