

**ORIGINAL**

COURT OF CLAIMS  
OF OHIO

2013 NOV -4 PM 12:11

**IN THE COURT OF CLAIMS OF OHIO  
FRANKLIN COUNTY, OHIO**

Carolyn Pfeiffer-Fiala  
[REDACTED]  
Ravenna, OH 44266  
Plaintiff

vs.

Kent State University  
University Counsel  
Executive Offices  
2nd Floor Library  
PO Box 5190  
Kent, OH 44242

Defendant

CASE NO. **2013-00656**

*Refiled Case No. 2013 - 00363*

JUDGE

**COMPLAINT FOR BREACH OF  
CONTRACT; DEFAMATION;  
UNJUST ENRICHMENT;  
NEGLIGENT SUPERVISION**

Now comes Plaintiff, Ms. Carolyn Pfeiffer-Fiala, through counsel states the following:

**INFORMATION AND JURISDICTION**

1. Plaintiff, Ms. Carolyn Pfeiffer-Fiala, is a resident of the State of Ohio.
2. Defendant, Kent State University ("Kent State") is a public institute of higher learning located in the City of Kent, County of Portage, State of Ohio. Jurisdiction and venue are proper in the

**ON COMPUTER**

Court of Claims because Defendant is an instrumentality of the State of Ohio. This suit relates to claims against the State of Ohio in accordance with R.C. 2743.

3. From 2008 until 2013, Plaintiff was enrolled as graduate student at Kent State.

4. Plaintiff was a doctoral candidate (Ph.D) in education at Kent State. Over that period Plaintiff paid in excess of \$50,000 in fees, loans, and tuition towards the goal of obtaining a Ph.D. from Kent State.

5. While at Kent State, Plaintiff completed all requirements to satisfy the award of an Ed.S; this is otherwise known as an Education Specialist Degree.

6. Kristie Pretti-Frontzcak ("KPF") was at all times relevant employed by Kent State. Sanna Harjusola-Webb ("SHW") was at all times relevant employed by Kent State.

7. At all relevant times, KPF was primarily in charge of supervising Plaintiff's dissertation preparation and submission.

#### **Count One - Breach of Contract**

8. Plaintiff restates all the allegations in paragraphs 1-7 above as if fully rewritten here.

9. At all times relevant a contractual relationship with valuable consideration existed between Plaintiff and Kent State University, and the terms of which are set forth in, among other things, the school's handbooks, and written policies and procedures ("KSU Rules"). Additional terms of the contract can be found online from links and sublinks from Kent State's website:

[www.kent.edu](http://www.kent.edu).

10. In fall of 2012, defendant, acting through KPF, told plaintiff to submit a rough draft of Chapter One of plaintiff's dissertation for discussion on progress and content.

11. Plaintiff's Chapter One rough draft of the dissertation was a review of existing knowledge. The submittal was approximately 55 pages in length. The draft contained numerous citations to authority and original material.

12. Defendant knew that the dissertation to be submitted was merely a first draft submittal and that the draft was subject to revision, correction, and incompleteness.

13. Defendant chose to recklessly, negligently, or knowingly disregard this knowledge and allege plaintiff of plagiarism. Defendant's policy on plagiarism is attached as Exhibit A.

14. Defendant's plagiarism policy requires that an instructor fill out a "Cheating/Plagiarism Sanction Form" and that this form be sent to the office of student conduct. The office of student conduct is to forward this document to the student, the instructor's department chairperson or dean, and the dean for the college in which the student is enrolled.

15. Contrary to the defendant's policy, defendant never submitted this form and violated safeguards defendant's policies put in place for plaintiff.

16. The absence of the information in this form materially harmed plaintiff's defense of allegations against her and breached the contract between defendant and plaintiff.

17. Defendant questioned plaintiff again on this matter on a meeting on or about November 21, 2012.

18. Plaintiff explained to defendant that she knew that citations were incomplete in the draft; plaintiff was not taking credit, and that any citation omissions were inadvertent would be addressed in the editing process and subsequent iterations towards a final submission.

19. Defendant chose to knowingly, recklessly, or negligently disregard this knowledge and arbitrarily and/or maliciously accuse plaintiff of plagiarism even though both parties knew the document to be merely an incomplete first draft submission.

20. On or about December 5, 2012, defendant, through KPF and SHW, met again with plaintiff.

21. Defendant chose to elevate these allegations to an academic hearing panel (“AHP”).

21. Defendant then had a hearing of the allegations of plagiarism by the AHP on January 18, 2013.

22. At the AHP, plaintiff presented her evidence of her innocence to the AHP via testimony and exhibits. The AHP did not look at and ignored a majority of plaintiff’s evidentiary exhibits.

23. At the hearing Kent State knowingly, negligently, or recklessly failed to consider relevant exculpatory evidence on the plagiarism allegation.

24. Plaintiff appealed the decision to the defendant’s Provost but only received a one page response refusing to reconsider.

25. Plaintiff is out of administrative options with Kent State.

26. As a result of the defendant’s action, plaintiff was forced to withdraw from Kent State.

27. The above described actions of defendant caused plaintiff to suffer economic damage.

### **Count Two - Breach of Contract**

28. Plaintiff restates all the allegations in paragraphs 1-27 above as if fully rewritten here.

29. In fall of 2012, plaintiff requested an award of an Ed. S degree according to the procedures in KSU Rules. Defendant did not award the Ed. S in accordance with KSU Rules.

30. As a result of this breach, Plaintiff suffered economic damage.

### **Count Three - Negligent Supervision**

31. Plaintiff restates all the allegations in paragraphs 1-30 above as if fully rewritten here.

32. The defendant's graduate student handbook indicates that doctoral candidates need to ensure that citations are proper in the final version of a dissertation.

33. Defendant's graduate student handbook also suggests the hiring of an editor to assist with, amongst other things, proper citation.

34. The version of the dissertation submitted by plaintiff to defendant was a first draft and nowhere near a final submission.

35. Defendant knew that drafts of dissertations often have incomplete or incorrect citation because they are drafts documents.

36. Defendant, in its various colleges including the college of education, has accepted incomplete draft dissertations for review.

37. Defendant, through its faculty and instructors know that incomplete or erroneous citations are quite common in drafts; the result is that the document is corrected during editing not that that the student is accused of plagiarism.

38. Defendant's employee, KPF, chose to recklessly or negligently disregard this knowledge and allege plaintiff of plagiarism for a first draft submission.

39. Other graduate students making submissions to defendant both before and after have had similar citations issues in draft submissions and have not been punished in this matter.

40. Additionally, defendant's plagiarism policy allows faculty and students to remedy first time allegations with plagiarism school.

41. Defendant did not monitor KPF, defendant's employee, to ensure that she followed Kent Rules and KPF did not follow Kent Rules in accusing and punishing plaintiff.

42. Because defendant did not prevent KPF from ignoring Kent Rules, Plaintiff suffered economic damage of at least \$50,000.

#### **Count Four - Defamation**

43. Plaintiff restates all the allegations in paragraphs 1-42 above as if fully rewritten here.

44. Plaintiff appealed the AHP to the Provost's Office and received a one page response declining to reconsider the AHP's decision.

45. During and after the hearing defendant and/or the AHP stated that plaintiff had engaged in plagiarism.

46. During and after the hearing Kent State and/or the AHP wrote that Plaintiff had engaged in plagiarism.

47. The allegations of plagiarism are untrue.

48. Defendant knew or should of known they were untrue.

49. Defendant made written or spoken untrue statements harmfully describing Plaintiff's academic integrity.

50. Some of defendant's written or spoken accusations were made to various persons not related to investigation of Plaintiff or related to the AHP.

51. Plaintiff's reputation has suffered as a result of Defendant's statements and actions.

52. Kent State's allegations of plagiarism injured Plaintiff's ability to find work in the teaching profession.

53. Plaintiff's current and future employment prospects have suffered as a result of Defendant's statements and actions.

54. Plaintiff has suffered damages in excess of \$50,000 from lost job opportunities and damaged reputation as a result of defendant's conduct.

#### **Count Five – Unjust Enrichment**

55. Plaintiff restates all the allegations in paragraphs 1-54 above as if fully rewritten here.

56. Defendant received over \$50,000 from a combination of fees and/or tuition from plaintiff.

57. Defendant retained plaintiff's funds even though it unjustifiably prevented her from continuing her education at Kent State.

58. The skills and knowledge plaintiff acquired from defendant are unemployable without either a Ph.D or Ed.S from defendant.

59. Defendant refuses to allow plaintiff to complete her Ph.D or award her an Ed.S.

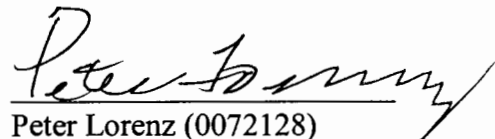
60. Due to Kent State's acts, Defendant has been unjustly enriched in approximately the amount of \$50,000.

**WHEREFORE**

Plaintiff prays for judgment against the Defendant:

- 1a. to be reinstated at Kent State; or
- 1b. to be awarded the Ed. S; and
2. for monetary damages in an amount in excess of \$25,000 plus all reasonable costs; and
3. interest; and
4. any other relief the Court deems just to compensate the Plaintiff for her injuries.

Respectfully submitted,



Peter Lorenz (0072128)  
250 S. Chestnut Street, Suite 23  
Ravenna, OH 44266  
330-296-8773  
330-296-3295 FAX  
attorneylorenz@yahoo.com



*Oliver Koo*

---

Oliver Koo (0085544)  
250 S. Chestnut Street, Suite 23  
Ravenna, OH 44266  
330-690-3670  
(F) 888-640-9976  
okoo@hotmail.com

## Policy Register

**Policy Details**

3 -01.8

**Administrative policy regarding student cheating and plagiarism**

- (A) Purpose. Students enrolled in the university, at all its campuses, are to perform their academic work according to standards set by faculty members, departments, schools and colleges of the university; and cheating and plagiarism constitute fraudulent misrepresentation for which no credit can be given and for which appropriate sanctions are warranted and will be applied.
- (B) Definitions. As used in this rule:
- (1) "Cheat" means intentionally to misrepresent the source, nature, or other conditions of academic work so as to accrue undeserved credit, or to cooperate with someone else in such misrepresentation. Such misrepresentations may, but need not necessarily, involve the work of others. As defined, cheating includes, but is not limited to:
- (a) Obtaining or retaining partial or whole copies of examination, tests or quizzes before these are distributed for student use;
  - (b) Using notes, textbooks or other information in examinations, tests and quizzes, except as expressly permitted;
  - (c) Obtaining confidential information about examinations, tests or quizzes other than that released by the instructor;
  - (d) Securing, giving or exchanging information during examinations;
  - (e) Presenting data or other material gathered by another person or group as one's own;
  - (f) Falsifying experimental data or information;
  - (g) Having another person take one's place for any academic performance without the specific knowledge and permission of the instructor;

- (h) Cooperating with another to do one or more of the above; and
  - (i) Using a substantial portion of a piece of work previously submitted for another course or program to meet the requirements of the present course or program without notifying the instructor to whom the work is presented.
  - (j) Presenting falsified information in order to postpone or avoid examinations, tests, quizzes, or other academic work.
- (2) "Plagiarize" means to take and present as one's own a material portion of the ideas or words of another or to present as one's own an idea or work derived from an existing source without full and proper credit to the source of the ideas, words, or works. As defined, plagiarize includes, but is not limited to:
- (a) The copying of words, sentences and paragraphs directly from the work of another without proper credit;
  - (b) The copying of illustrations, figures, photographs, drawings, models, or other visual and nonverbal materials, including recordings, of another without proper credit; and
  - (c) The presentation of work prepared by another in final or draft form as one's own without citing the source, such as the use of purchased research papers.
- (3) "Student" means any person admitted or enrolled at the university in any of its courses, programs, campuses or offerings, including, but not limited to, cooperative programs or offerings with other institutions for whom a record is made at the university by the registrar or which is submitted to the university for admission or transfer credit.
- (4) "Cooperation" means participation or assistance for the mutual benefit of both parties or the sole benefit of one party.
- (5) "Academic sanction" means any of the various sanctions specifically listed in this rule under paragraph (D) below.
- (6) "Instructor" means any person employed or appointed to teach in any course or program offering of the university, or a committee appointed to assess, evaluate, or grade a thesis, dissertation or work. Any decision by such a committee shall be by majority vote.

- (7) "Chairperson" means the chief administrative officer of a department, school, or program whose position is that of a first organizational level academic leader with a teaching faculty.
  - (8) "Dean" means the chief administrative officer of a regional campus, college or independent school or equivalent.
  - (9) "Department" means an academic unit headed by a chairperson or director.
  - (10) "College" means an academic unit headed by a dean and includes any independent school headed by a dean.
  - (11) "Independent College" means a college without subordinate departments or schools.
  - (12) "Regional campus" means any of the Kent State University system of community-oriented institutions.
  - (13) "Cheating/Plagiarism Sanction Form" means the form instructors fill out and distribute each time they impose a sanction on a student for cheating or plagiarism.
  - (14) "Plagiarism School Form" is the form signed by an instructor and student agreeing to a remedial, private session for a student sanctioned for plagiarism in return for a mitigation of the sanction.
- (C) Intent and scope of the policy.
- (1) In providing this policy, the university affirms that acts of cheating and plagiarism by students constitute a subversion of the goals of the institution, have no place in the university and are serious offenses to academic goals and objectives, as well as to the rights of fellow students.
  - (2) It is the intent of this policy to provide appropriate sanctions, to provide fair and realistic procedures for imposing those sanctions, to provide safeguards for any student suspected of cheating or plagiarism.
  - (3) This policy applies to all students of the university, graduate and undergraduate, full or part-time, whose conduct is of such a nature prohibited by the policy. Other offenses of a nonacademic nature are covered by the code of student conduct, rule 3342-4-02 of the Administrative Code and of this register.
  - (4) Ordinarily, students sanctioned under this policy may not seek to remove such

sanction by invoking their rights under other university policies (such as the administrative policies addressing student complaints found in rules 3342-4-02.3 or 3342-8-01.4 of this Administrative Code) but may appeal a finding of responsibility and/or the sanction according to section (F) of this rule.

(D) Sanctions.

- (1) Academic sanctions. The following academic sanctions are provided by this rule for offenses of cheating or plagiarism. Instructors are to use the cheating/plagiarism sanction form to indicate which one of the following sanctions is to be imposed on the student. Instructors must send that form to the office of student conduct. For Kent campus instructors the form will be sent by the office of student conduct to the student, the instructor's department chairperson or dean, and the dean for the college in which the student is enrolled. For regional campus instructors the form will be sent by the office of student conduct to the student, and to the regional campus dean.
  - (a) Coursework. The following academic sanctions are provided by this rule for offenses of cheating or plagiarism. In those cases the instructor may:
    - (i) Refuse to accept the work for credit; or
    - (ii) Assign a grade of "F" or zero for the project, test, paper, examination or other work in which the cheating or plagiarism took place; or
    - (iii) Assign a grade of "F" for the course in which the cheating or plagiarism took place; and/or;
    - (iv) Recommend to the department chair or regional campus dean that further action specified in paragraph (D)(1)(b) of this rule be taken. The department chairperson or regional campus dean shall determine whether or not to forward to the academic dean or to the vice president for the extended university a recommendation for further sanctions under paragraph (D)(1)(b) of this rule.
    - (v) For students who have not previously been sanctioned for plagiarism, if the instructor and student agree, Plagiarism School could be

provided as a means to mitigate the sanction (as described in section B(14) and G of this rule.)

- (b) Degree. The following academic sanctions are provided for acts of cheating or plagiarism which so permeate the student's work that the effect is to compromise the validity of a degree. Such occurrences may be related, but not limited to, professional or graduate work. Sanctions which can be invoked by the dean of the college in which the student is enrolled or by the associate vice president for the extended university include those provided in paragraph (D)(1) of this rule; and/or
- (i) Revocation or recommendation to decertify or not to certify; or
  - (ii) Rejection of the thesis, dissertation or work; or
  - (iii) Recommendation for revocation of a degree.
- (2) Other sanctions. If the instructor feels, or the department chair or director, or dean where appropriate, that the offense is of such nature that the academic sanctions are an insufficient remedy, or that they are not available, he or she may initiate additional procedures by referring the matter in its entirety to the academic hearing panel defined in section (I) of this rule, which can consider additional disciplinary sanctions. After the office of student conduct receives notification of a sanction via the cheating/plagiarism sanction form (D)(1) the academic hearing panel will conduct a hearing to determine if the academic sanction applied by the instructor as well as additional disciplinary sanctions it deems appropriate will be assessed against the student. The following sanctions can only be imposed by the academic hearing panel following a hearing as set forth in section (H) of this rule.
- (a) Disciplinary probation. This sanction is one that places the student in serious jeopardy with the university. This sanction is invoked for a specified period of time. Notification of sanctions will be made to appropriate university offices, including the student's academic college or school. Students on disciplinary probation: might be subject to automatic dismissal or suspension if found responsible of any act of misconduct, including violation of the terms of the disciplinary probation
    - (i) Might not be permitted to participate in an official non-curricular capacity such as intercollegiate athletics, intramurals, fine arts activities, or as an officer of a student organization, etc.

- (ii) Might be restricted from entering or remaining in selected campus buildings or in specified university facilities.
- 
- (b) Disciplinary suspension. This sanction is one of involuntary separation of the student from the university for a specified period of time. Notification of sanctions will be made to appropriate university offices, including the student's academic college or school. Students suspended:
    - (i) If a sanction grade was assigned, it should remain on the transcript.
    - (ii) Might be required to leave the land and/or premises of the university effective the date of suspension. Permission may be granted by the vice president for enrollment management and student affairs for entrance to university premises for a specified purpose and time.
  - (c) Disciplinary dismissal. This sanction is one of involuntary separation of the student from the university. Notification of sanctions will be made to appropriate university offices, including the student's academic college or school. Students dismissed:
    - (i) If a sanction grade was assigned, it should remain on the transcript.
    - (ii) Might be required to leave the land and/or premises of the university effective the date of dismissal. Permission may be granted by the vice president for enrollment management and student affairs for entrance of the student to university premises for a specified purpose and time.
    - (iii) Shall be reinstated only by the provost, who shall establish criteria for readmission.
  - (d) Additional sanctions. Additional sanctions are the prerogative of the AHP. They may be mandated as part of the sanctions listed above. Some options

that may be considered are as follows:

- (i) Counseling;
- (ii) No contact order
- (iii) Educative/rehabilitative program referral.
- (iv) Monetary penalty (not to exceed \$200).
- (v) Letter of apology
- (vi) Warning
- (vii) Persona Non Grata status
- (viii) Campus access restrictions
- (ix) Other as deemed appropriate through the disciplinary process

(E) Procedures for invoking sanctions.

- (1) Academic administrative procedures pertaining to paragraph (D)(1)(a) of this rule. In the event that an instructor determines that it is more probable than not that a student in a course or program under the instructor's supervision has presented work for university credit which involves an act of cheating, plagiarism or cooperation in either, then the instructor shall:
  - (a) Inform the student as soon as is practical of the belief that an act of cheating or plagiarism has occurred. If the student cannot be reached in a reasonable



period of time, the instructor may proceed with sanctions, notifying the student in writing as promptly as possible of the belief and the procedural steps the instructor has taken.

- (b) Provide the student an opportunity to explain orally, in writing, or both, why the student believes the evaluation of the facts is erroneous.
  - (c) If the explanation is deemed by the instructor to be inadequate or if no explanation is offered, the instructor may impose one of the academic sanctions listed in paragraph (D)(1)(a) of this rule. In addition, the instructor may refer the matter to the dean of the college, campus, or school in which the student is enrolled for imposition of academic sanctions listed in paragraph (D)(1)(b) of this rule.
  - (d) The instructor shall provide a copy of the cheating/plagiarism sanction form to the office of student conduct. That office will provide copies of the form to the student, the instructor's departmental chairperson, or, for independent colleges and regional campuses, the dean of the college or campus in which the instructor is assigned, the dean of the college or campus in which the student is enrolled, and the office of student conduct, listing the specific sanction assessed (as defined in paragraph (D)(1)(a) of this rule) and whether or not the instructor is recommending the imposition of academic sanctions listed in paragraph (D)(1)(b) of this rule to the appropriate dean (the dean of the college or campus in which the student is enrolled). The form also serves to inform the student of the right to appeal.
  - (e) The instructor shall keep the evidence of cheating or plagiarism in a secure place and provide it upon request to the department chair, independent college or campus dean, or the academic hearing panel. The instructor shall provide copies on request to the student at the student's expense.
  - (f) The instructor shall cooperate with academic and student conduct personnel in any appeal of the decision, and/or in adjudication of any disciplinary proceedings.
- (2) Academic administrative procedures pertaining to paragraph (D)(1)(b) of this rule.
- (a) With concurrence from the faculty member and the department chairperson, the academic dean or the associate vice president of the extended university may invoke sanctions specified in paragraph (D)(1)(b) of this rule.
  - (b) The recommendation for sanction, paragraph (D)(1)(b)(iii) of this rule, is made by the academic dean or the associate vice president for the extended university who forwards it to the provost, who must approve it and forward it to

the president, who must approve it and forward it to the board of trustees for approval.

- (3) Procedures pertaining to paragraph (D)(2) of this rule (non-academic, disciplinary sanctions).
  - (a) After receiving notification from the instructor that a sanction has been imposed and/or recommended in paragraph (E)(1)(d) of this rule, the Office of Student Conduct will check to see if a sanction invoked by this code was previously imposed on the student. If it is determined that the student was previously sanctioned and was not successful in removing the sanction through the appeal process defined in section F of this policy, the matter in its entirety will be referred to the academic hearing panel (AHP) (defined in (H) of this rule).
  - (b) The AHP will follow the process established in section (F) of this policy to determine if the academic sanctions imposed by the instructor and/or dean are upheld and/or if disciplinary sanctions should also be applied.
- (F) Academic appeals. All appeals for sanctions imposed as a result of this policy will be adjudicated by the academic hearing panel.
  - (1) An appeal of a sanction imposed by an instructor or a dean must be filed with the office of student conduct by the student within fifteen working days of receipt of the cheating/plagiarism sanction form.
    - (a) Hearing.
      - (i) The burden of establishing by a preponderance of the evidence that cheating or plagiarism occurred is on the person who claims the act took place.
      - (ii) The instructor shall provide documents, if any, in support of the decision and shall make a statement, orally, in writing, or both, of the facts and the basis for the decision.
      - (iii) The student may make a statement in writing, orally, or both.
      - (iv) Both the instructor and student may ask questions of the other at an appropriate time during the hearing.

- (v) Both may present witnesses.
  - (vi) Both have the right to hear all testimony and examine all evidence.
  - (vii) At the hearing, the student may be accompanied by one other person of his or her choice. That person may act as an advisor to the student, but may not participate in the hearing procedure in any manner whatsoever. No party may be represented by legal counsel.
- (G) Plagiarism School. As a means to address less severe cases of student plagiarism (acts that may be considered by the instructor to be unintentional), the instructor may request that the student attend a remedial, private session administered by University Libraries regarding acceptable ways to document research.
- (1) Plagiarism school will only be offered to students not previously sanctioned for plagiarism.
  - (2) Plagiarism school will only be offered if both the instructor, and student and representative from University Libraries (the plagiarism school instructor) agree by signing the "Plagiarism School Form." The instructor will indicate on the form how the sanction will be modified in favor of the student if the student completes all activities identified on the form.
  - (3) A student's successful completion of plagiarism school does not in any way change the process of reporting acts of cheating and plagiarism according to this policy.
  - (4) Upon successful completion of plagiarism school, University Libraries will notify the instructor so that he/she can mitigate the sanction as indicated in the form.
- (H) The academic hearing panel (AHP) is a special hearing panel established to decide cases resulting from either a referral for disciplinary sanctions from instructors, chairs, directors, or deans ((D)(2) of this rule), when an appeal of a sanction imposed by an instructor or a dean, or when a determination has been made that a student has previously been sanctioned for an act of academic dishonesty pursuant to this policy.
- (1) Composition. The panel shall be appointed by the Provost: a minimum of ten KSU Faculty, five having Graduate Faculty Status (staggered, serving terms of two years), a minimum of five current KSU Graduate Students (serving a one-year term), and a minimum of five current KSU Undergraduate Students (serving a one-year term). The

Provost will appoint one faculty member as chair at the beginning of each fiscal year.

- (2) **Charge.** For the purpose of holding a hearing, the chair will select a hearing committee of three AHP members (two faculty and one student). The committee selections should be based on graduate/undergraduate status (graduate faculty and student for cases involving an accused graduate student, undergraduate faculty and student for cases involving an accused undergraduate student) and be consistent with eligibility standards set in (H)(4) of this rule. The AHP will conduct hearings based on allegations of academic misconduct and determine if the accused student is in violation of this policy. Once the AHP has determined that a violation has been committed, the student will be assessed an academic sanction (as defined in section (D)(1) of this rule or as defined in section (D)(2) of this rule or a combination of both.) The severity of the offense and the student's overall behavior regarding academic honesty will determine the sanction(s) assessed against the student.
- (3) **Training.** Annual training will be offered in a joint effort by persons appointed by the provost and the vice president for enrollment management and student affairs, and convened by office of student conduct.
- (4) **Eligibility.** Faculty who are current instructors of the accused student, faculty of the instructor's department, and any student appointed to the AHP who shares a class, residence, or known affiliation with the accused student are not eligible to sit on the AHP hearing committee for that respective accused student.
- (5) **Records.** All AHP hearings are closed to the public and are recorded, minimally audio, using current technological equipment available (i.e. DVD). All technological recordings shall be destroyed in accordance with University recordkeeping protocol.
- (6) All matters pertaining to the conduct of the appeal hearing shall be under the sole authority of the academic hearing panel.

(I) Appeals.

- (1) Students, faculty, and deans may appeal the decisions of the hearing board or officers to the Provost. No additional appeal will be heard.
- (2) Appeals are limited to the following reasons:
  - (a) The decision is not in accordance with the evidence presented;
  - (b) The decision was reached through a procedure not in accordance with this rule;

- (c) New information is available which may suggest modification of the decision;
  - (d) Sanction(s) imposed were not appropriate for the conduct violation which the student was found responsible for;
- (3) An appeal must be in writing, must state clearly the rationale for the appeal and must be submitted within seven calendar days of the date of the decision.
- (J) This policy will be effective beginning with the Fall 2012 catalog year.

**Effective:** May 24, 2012

**Prior Effective Dates:** 11/4/1977, 12/24/1979, 1/6/1981, 6/11/1986, 4/20/1995, 7/5/1995, 5/9/1997, 3/7/2000, 6/1/2007, 8/21/2011, 5/31/2012

**Related Forms:**

Former Policy Effective until August 26, 2012.