



Charter of the University Student Judicial System

I. Purpose

The University of Pennsylvania, recognizing the need for a system and procedures to investigate and resolve alleged violations of its regulations, hereby establishes the University Student Judicial System. This system shall have jurisdiction only over students of the University. Alleged violations of the University regulations by faculty or staff shall be investigated and resolved through procedures established by the President and the Provost.

II. Staff

A. Judicial Administrator

1. The Secretary of the Corporation shall appoint a Judicial Administrator (JA), who shall administer the system. The JA shall serve at the pleasure of the Secretary.

B. Judicial Inquiry Officer

1. The Vice Provost for University Life shall appoint a Judicial Inquiry Officer (JIO) whose duties shall be as follows:

- (a) To investigate complaints filed against individuals under the regulations of the University;
- (b) To determine whether charges should be brought against an individual in the University Court;
- (c) To enter into an informal settlement with an individual or group against whom a complaint is filed;
- (d) To present evidence supporting charges in hearings before the University Court;
- (e) To recommend sanctions to be imposed or recommended by the University Court after a determination of guilt;
- (f) To provide requested advice and guidance to a respondent or to his or her advisor, if any;
- (g) To perform all other responsibilities specified in this Charter.

2. The JIO shall be a staff member of the University.

3. The JIO shall be appointed for a term of two years and may be reappointed. The JIO shall serve at the pleasure of the Vice Provost for University Life.

III. The University Court

A. Jurisdiction

1. There shall be one University-wide court of original jurisdiction, to be known as the University Court (hereafter "the Court"). Except as provided in paragraphs 2 and 3, it shall have exclusive original jurisdiction in all cases arising under regulations of the University involving students.

2. The Court shall have no jurisdiction in cases involving infractions of the Code of Academic Integrity by graduate students which lie within the original jurisdiction of a court or other decision-making body established by the school in which the student is enrolled.

3. Cases involving infractions of the University's parking regulations shall be heard by the Parking Violations Board.

B. Composition

1. The Court shall consist of fifteen undergraduate students and ten graduate students. Undergraduates shall serve for a period of two years, (with half selected each year) and graduates for a term of one year or until no longer in the status for which selected. The members of the Court shall be appointed through a process of random selection. No member of the University Court may simultaneously serve on the University Appeals Court. If a member of the Court ceases to be in good standing at the University, the JA shall remove him or her from the Court and another member of the same status shall be chosen to fill the remainder of the term in the same fashion as described above.

2. The Court shall sit in panels constituted as follows: In cases involving undergraduates, a panel of three undergraduates and two graduates shall be convened. In cases involving graduates, a panel of three graduates and two undergraduates shall be convened. The JA shall designate the Presiding Officer from the group of undergraduates when the respondent is an undergraduate and from the group of graduates when the respondent is a graduate.

3. If a panel member demonstrates a substantial lack of capacity to understand the proceedings before the Court or to participate in good faith in those proceedings, he or she may be removed from the Court by unanimous vote of all other panel members who participated in the most recent case in which he or she sat. Such action may be initiated by any participant in the proceedings. It may not be taken during a hearing, but any respondent found guilty by the panel on which a removed member sat shall be notified of the action of removal and shall be entitled to a new hearing on request made in writing within ten days to such notice.

C. Procedures

Except as provided in paragraph 3, the Court and its staff shall adhere to the following procedures:

1. Initiating Complaints

All complaints concerning violations of University regulations shall be made or referred to the JIO. A complaint may be filed by any person, either on an individual basis or on behalf of an organization, preferably in writing. If the complaint is not within the jurisdiction of the Court, the JIO shall notify the appropriate University officer. The JIO shall keep a record of all complaints received.

2. Inquiry and Informal Settlement

(a) Complaints within the jurisdiction of the Court shall be investigated by the JIO, who shall determine whether there is reasonable cause to believe that an offense has been committed and, if so, whether a satisfactory settlement of the matter can be achieved informally. The JIO may make charges of infractions which go beyond the scope of the complaint if the JIO discovers evidence of them in the course of investigating the complaint. Additional persons may be added as respondents by the JIO as a result of his or her investigation. The JIO shall send a written notice to a respondent no later than ten days after a complaint is filed, detailing the allegations in the complaint.

(b) Except as outlined in paragraph (c) below, or unless an informal settlement of the case has been agreed upon, a hearing shall be held as promptly as possible, but in no event more than ninety days after the JIO's written notice to the respondent of the complaint.

(c) Proceedings in the Court may go forward even when possible or pending administrative, civil or criminal proceedings arise out of the same or other events. The JIO, after consultation with the General Counsel, shall determine whether the University shall, in fact, proceed with charges against a respondent who also faces similar charges in an administrative, civil or criminal hearing.

(d) The determination of reasonable cause will ordinarily be made only after a preliminary investigation by the JIO. The JIO may interview such people as he or she thinks appropriate, including a prospective respondent, provided that any person interviewed is told that participation in such an interview is voluntary. No statement, written or oral, made by a prospective respondent to the JIO shall be admitted into evidence at any hearing which may be held in the matter.

(e) The JIO is empowered to propose and implement an informal settlement. Any informal settlement shall be discussed at a meeting of the JIO, the respondent and his or her advisor, if any. After being given one week to consider the settlement, if the respondent agrees to it, he or she shall sign a letter confirming the terms of settlement and waiving his or her right to a University Court hearing as well as the right of appeal. The settlement letter is to be in the form of an agreement between the University and the respondent and will specify that a violation of its terms by the respondent will result in imposition of specified sanctions. The JIO shall inform the JA of the outcome of each complaint.

(f) If a settlement is not agreed to and the JIO determines that further proceedings are warranted, the JIO shall file with the JA a written charge, citing the specific regulation alleged to have been violated, disclosing with reasonable particularity the nature of the offense alleged and listing the witnesses to be called and the documentary and other evidence to be introduced in support of the complaint and shall send a copy of the charge to the respondent. The JA shall convene a panel and set a time and place for the hearing, which shall be held not later than thirty days after the JIO's filing of the charge. Not less than ten days in advance of the scheduled hearing, the JA shall supply any respondent, by hand delivery or registered or certified mail, return receipt requested, with: (1) a copy of the written charge; (2) the names of the panel constituted to hear the case; (3) the time and place of the hearing; and (4) a copy of this Charter, and the regulations alleged to have been violated.

(g) Before the hearing the JIO shall meet with the respondent and his or her advisor, if any, to share information that will be presented at the hearing.

(h) Should the JIO determine that further proceedings are not warranted, he or she will so advise the JA in writing.

(i) The JIO shall present at the hearing all relevant evidence supporting the charge.

3. Cases Arising Under the Code of Academic Integrity

In cases arising under the Code of Academic Integrity:

(a) If the complaint is filed by someone other than an instructor in whose course an alleged violation occurred, the JA shall notify the instructor of the complaint no later than ten days after it is filed.

(b) The JIO shall, as in other cases, investigate the complaint and explore the possibility and desirability of an informal disposition of the case without a hearing.

4. Disqualification of Panel Members

(a) Members of the Court shall disqualify themselves from hearing a case if they believe, in good faith, that their capacity for making an objective judgment in the case is impaired. Members should not disqualify themselves for any other reason.

(b) A respondent may, by a petition in writing received by the JA not later than 48 hours in advance of the scheduled hearing date, object for specific cause to any panel member assigned to hear the case. If the JA accepts the challenge as valid, he or she may replace the challenged member with another member of the Court belonging to the same category. If the challenge is rejected, or if the respondent objects for specific cause to a replacement member, further challenge may be made at the outset of the hearing, in which case it shall be ruled upon by the Court.

(c) If disqualifications exhaust the pool of Court members in any category, more names shall be generated by the applicable procedure.

5. Advisors to the Respondent and to the Court

(a) A respondent may be assisted by an advisor who shall neither examine witnesses nor address the Court at hearings unless requested or authorized to do so by the Court. Any respondent who does not have an advisor and wishes to have one should so notify the JA. The JA shall assist the respondent in securing an advisor from an appropriate source. The JA shall maintain a pool of advisors to aid respondents.

(b) The Court or the JA may at any time seek the advice of the General Counsel.

6. Absence of the Respondent

If a respondent does not appear at the hearing, the case may be heard in the respondent's absence upon proof by the JA that the respondent received the required notice.

7. Arranging Hearings

All hearings shall be held in appropriate University facilities and shall be private unless the respondent requests an open hearing in writing to the JA. The JA may limit attendance to an open hearing so as to ensure fair and orderly proceedings.

8. Procedure at Hearings

(a) All hearings shall be conducted in such a manner as to permit the panel to achieve substantial justice. Participants and observers shall conduct themselves in accordance with these objectives.

(b) The respondent shall have the right to confront the witnesses against him or her and both the respondent and the JIO shall have the right to present and cross-examine witnesses.

9. Evidence

(a) Formal rules of evidence shall not apply. Evidence, including hearsay evidence, shall be admitted if it is relevant and not unduly repetitious, was lawfully obtained, and is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The JIO is not permitted to testify concerning statements made by non-respondents who were interviewed in the investigation.

(b) No evidence other than that received at the hearing shall be considered by the panel.

10. Decisions of the Panel

(a) The panel's deliberations shall be divided into two separate stages:

- (i) determination of guilt or innocence
- (ii) determination of sanction.

(b) A finding of guilt must be supported by a preponderance of the evidence.

(c) The JIO shall not report on the respondent's previous disciplinary record, or recommend a sanction, until guilt has been determined.

(d) All decisions shall require a majority vote of those sitting.

(e) The presiding officer shall present a written report of the Court's decision, including a statement of the Court's findings of fact, to the respondent, the JA, and the JIO no later than ten days after the hearing.

11. New Evidence

In cases where a decision of the Court is thought to be contradicted by newly-discovered evidence, the respondent may petition the Court for a new hearing before the body on the basis of evidence not presented to it initially. The panel which originally heard the case, or as

many members of that panel as may be available, shall rule on any such petition, taking into account (among any other factors deemed relevant) the reason for the failure to bring the evidence in question forward initially, the likelihood that the result may have been affected by the omission, and the time elapsed since the original hearing.

12. Recording Court Proceedings

Proceedings shall be taped. Tapes shall be retained by the JA for as long as the student is enrolled at the University and then shall be erased. They shall be available only to the JA, the JIO, respondents or their advisors and the General Counsel of the University.

13. Operation of the system

This charter and the regulations of the University shall be brought to the attention of the members of the University community at the beginning of each academic year by the President and Provost and shall be distributed to all students entering the University. All members of the university community shall be advised of any changes in this charter or the regulations of the University. For the purpose of calculating days, only the fall and spring class semesters shall be considered, except when a complaint is filed against a student enrolled in either of the summer sessions, in which case the summer class sessions also shall be considered.

IV. Sanctions

A. Available Sanctions

1. Upon finding a respondent guilty of an infraction, the Court may impose any reasonable sanction, including but not limited to one or more of the following: warning, reprimand, fines, restitution, disciplinary probation for a specified period, or withdrawal of privileges. The Court also may recommend to the appropriate University authority the following sanctions: indefinite probation (i.e., probation whenever and as long as the respondent is a full-time or part-time student at the University, term suspension (ordinarily not to exceed two years), indefinite suspension with no automatic right of readmission, or expulsion.

2. The same sanctions are available to the JIO in informal settlements, except that the JIO may not recommend term suspension, indefinite suspension or expulsion is an informal settlement.

3. After a determination of guilt, but before imposing a sanction, the panel shall be informed of any previous offense by and sanction imposed upon the respondent.

B. Enforcement

The JA shall enforce sanctions imposed by the Court, while the JIO shall enforce sanctions imposed by informal settlements. No sanctions shall be enforced until the appeals process is completed.

V. The University Appeals Court

A. Jurisdiction

There shall be a University-wide court of appellate jurisdiction, to be known as the University Appeals Court (hereafter "the Appeals Court"). It shall have jurisdiction to hear appeals from decisions of the Court by respondents on whom sanctions have been imposed.

B. Composition

The Appeals Court shall consist of two undergraduates and two graduates. It shall sit in a panel of two undergraduates and one graduate (chosen by the JA) when the respondent is an undergraduate, and in a panel of two graduates and one undergraduate (chosen by the JA) when the respondent is a graduate. The members of the Appeals Court shall be selected for a one-year term by the Steering Committee of the University Council. Two presiding officers shall be designated by the Steering Committee, one undergraduate for cases involving undergraduates and one graduate for cases involving graduates. The members of the Appeals Court shall be chosen from students who have served on the University Court.

C. Procedures

All appeals must be submitted to the JA in writing within ten days after the written decision being appealed is received by the respondent. The appeal must state in detail the specific grounds on which it is based. The JA shall convene the appropriate appeals court panel and set a time and place for the panel to meet, which shall be no more than ten days after the filing of an appeal. Appeals shall ordinarily be

decided on the basis of written submissions. However, upon written request of the JIO or the respondent or his or her advisor, if any, and at the discretion of the Appeals Court, the parties may be granted permission to present oral arguments. The Appeals Court shall present a written report of its decision no later than 30 days after the filing of an appeal.

D. Scope of Review

Findings of fact shall not be reconsidered on appeal. Appellate review shall be limited to procedural error, error in the interpretation or application of the relevant University regulations, and severity of the sanction or sanctions imposed or recommended. Upon finding such error, the Appeals Court shall set aside the judgment below and either enter its own judgment or remand the case for a new hearing or other appropriate proceedings.

E. Disqualification of Members

1. Members of the Appeals Court shall disqualify themselves from hearing a case if they believe, in good faith, that their capacity for making an objective judgment in the case is impaired. Members should not disqualify themselves for any other reason.

2. A respondent may, by a petition in writing received by the JA not later than 48 hours in advance of the scheduled hearing date, object for specific cause to any member assigned to hear the case. The validity of the challenge shall be determined by the Appeals Court. If it is determined that the challenged member should not participate, no replacement shall be designated.

VI. Confidentiality of Judicial Records and Proceedings

A. The identity of individuals in particular cases before the JIO, the University Court or the Appeals Court, and all files and testimony, are confidential. Only the respondent and his or her advisor, if any, the JIO, the JA and the General Counsel shall have access to the files and testimony. Complainants shall be informed of the resolution of complaints.

B. The only exception to the maintenance of complete confidentiality in judicial matters are the semester or extraordinary reports of the JA which shall contain no information that discloses the identity of individual parties or witnesses.

C. University guidelines concerning the confidentiality of student records in accordance with the Family Educational Rights and Privacy Act of 1974, as amended, shall be followed.

VII. Reports

The JA shall make public reports at the beginning of each semester and extraordinary reports on such occasions as necessary. The purpose of the semester reports is to inform the University community about the character and extent of the work of the Judicial System. These reports shall include information such as the overall number of cases handled during the preceding semester, general descriptions of the type of cases handled, the number of cases in each general category, the range of sanctions imposed, the numbers of determinations of guilt and innocence, etc. The report issued in September shall include data for the previous year as well as for the previous semester. Extraordinary reports shall inform the University community about the outcome of certain exceptional cases, as determined by the JA. Confidentiality shall be maintained as prescribed in Part VI above.

Code of Academic Integrity

The University of Pennsylvania hereby establishes the following Code of Academic Integrity:

A. All students are responsible for conducting themselves in the academic process with unquestionable integrity.

B. Instructors are responsible for conducting their courses so as to foster academic integrity.

C. Except as the instructor may otherwise specify, all quizzes, examinations, papers, exercises, oral presentations, and daily recitations are expected to be the student's own work. Violations of this Code —

that is, academic misconduct or dishonesty — include, but are not limited to, the following:

1. Copying from another student's paper during an examination or quiz;
2. Consulting unauthorized material during an examination or quiz;
3. Giving information to another student, or otherwise improperly colluding, during an examination or quiz;
4. Submitting a paper prepared by someone else, or preparing a paper for someone else to submit;
5. Submission of contrived or altered data with intent to mislead;
6. Deliberate misattribution of material to a source from which that material was not obtained;
7. Submission, without prior permission, of work previously submitted in similar or identical form in satisfaction of any other academic requirement at any institution.

D. Whenever possible, the instructor should specify what materials students may use during an examination. "Open book" or "take home" examinations or problems may be given, but rules for such work should be clearly stated by the instructor. Different examinations may be appropriate if all students do not take an examination at the same time. An instructor may establish special rules, such as requiring students to sit in alternate seats, or requiring that books and notebooks be left at a specified place.

- E. 1. An instructor who concludes that a student has committed a violation of this Code may provisionally assign the student, either for the work in question or for the entire course, whatever grade the instructor deems appropriate, taking into account the moral gravity of the violation, the importance of the assignment, the quality of the student's other work in the course, any inference that may fairly be drawn as to the nature of the student's knowledge or understanding of the course, and other relevant circumstances. The instructor must inform the student in writing within 10 days that he or she has taken such action and of the reasons for the action. The instructor must also refer the student to the relevant provisions of this code and to the judicial charter. No adjustment in the student's grade by virtue of the suspected violation shall become final unless the student consents to the adjustment. Such consent may be communicated either directly to the instructor or through an informal settlement negotiated by the JIO. If within 30 days of receiving notice of a proposed grade adjustment, the student does not either consent in writing to the grade adjustment or request the JIO to negotiate an informal settlement, the JIO shall determine whether to drop the charges or request that a panel be convened to hear the case. If a panel is convened the provisional grade is suspended. Unless the case is resolved (either formally or informally) before the end of the semester following the discovery of the alleged violation, the student must be given the grade he or she would have received had he or she not been suspected of the violation. In considering what action to take in a case of suspected violation, the instructor may not consult the student's prior disciplinary record. Consensual grade adjustments pursuant to this paragraph are to be noted in the student's disciplinary record.
2. An instructor who concludes that a student has committed a violation may, as an alternative to the provisional grade procedure in paragraph 1, above, directly file a complaint with the Judicial Inquiry Officer of the University Court or with the competent decision-making body of the school in which the student is enrolled. Such a complaint should also ordinarily be filed if a student rejects a provisional grade assigned under paragraph 1.

F. Complaints alleging violations of this Code may be filed by the instructor, as provided in Section E(2), above, or by any other individual. Such complaints shall be processed in accordance with the applicable procedures of the University Court, as set forth in the Charter of the University Judicial System, or of the body to which the school in which the student is enrolled has assigned jurisdiction, and shall result either

in the dropping of the charge, a settlement, or a hearing and adjudication by the appropriate court.

- G. 1. If, after a hearing, the appropriate court determines that the respondent has committed a violation of this Code, it may impose whatever sanctions it deems appropriate, including but not limited to one or more of the following: warning, reprimand, withdrawal of privileges, disciplinary probation for a specified period, or may recommend to the appropriate University official one of the following sanction: indefinite probation (i.e., probation whenever and as long as the respondent is a full-time or part-time member of the University community), term suspension (ordinarily not to exceed two years), indefinite suspension with no automatic right of readmission or expulsion. Whether or not any such sanctions are imposed, the Court may also decide to require the placement on the student's transcript (for a specified period, or until its removal by the Primary Court or other competent body, as provided in paragraph 5 below) of a notation indicating that the student has been adjudged guilty of a violation of the Code and (at the court's option) specifying whatever sanctions, if any, may have been imposed.
2. The instructor should be informed of the decision of the Court and should thereafter assign a grade based on the student's academic performance in the course, not taking into account moral questions raised by the violation or alleged violation of this Code. However, if the student has been found to have committed a violation by the court, the instructor may, in determining the appropriate grade, take into account the fact that the student, because of the violation, may not have performed all of the required course work. In assigning a grade pursuant to this procedure, the instructor is not bound by any provisional grade previously determined under Section E (1) above. The instructor shall within 10 days notify the student of the grade assigned. Upon petition by the student within 10 days of such notification, and upon concluding that the grade assigned by the instructor represents, not a bona-fide academic evaluation, but the imposition of a disciplinary sanction for violation or alleged violation of this Code, the Court may set aside the grade assigned by the instructor and order that the student receive no grade and no credit for the course. Such an order shall, in turn, be subject to review, upon application by the instructor, by the dean of the school in which the student is enrolled.
3. The appropriate sanction shall depend upon the seriousness of the violation, taking into account such factors, among others, as the extent of the misconduct, the importance of the work in question, the degree to which the misconduct was premeditated or pre-planned, the accused individual's awareness of the impropriety of the conduct, the prior disciplinary record of the accused, and the special circumstances (if any) in which the misconduct occurred.
4. Normally a one-year suspension from the University is appropriate sanction for a serious violation of the Code.
5. A second conviction for violation of the Code requires a minimum penalty of a one-year suspension from the University, with the usual sanction being indefinite suspension from the University and a permanent notation on the student's transcript.
6. If a notation indicating violation of the code or any other condition is placed on a student's transcript as a sanction, the student may petition the decision-making body which imposed it to remove the notation or other condition. Such a petition may be filed only in the student's final semester at the University before completing a degree or certificate program. In considering such a petition, account should be taken of the student's overall disciplinary record.

H. This Code shall be brought to the attention of members of the University community at the beginning of each academic year by the Provost and shall be distributed to all entering students.