

Admissions and Academic Affairs Committee  
2005-06  
Minutes  
April 19, 2006

Time: 10:00 – 10:30 am  
Place: DAR

Present:

Markus Pomper, NSM, Chair  
Lora Baldwin, Library  
Michele Curry, Nursing  
Margaret Thomas Evans, HFA  
Denise Bullock, BSS

Absent

Cheryl Stolle, Education  
Greg Barton, HFA

The committee discussed proposed amendments to the draft of the student code of conduct. Three changes had been proposed:

**Proposition 1: Preamble (p. 1)**

The following have been re-worded to eliminate possible legal loopholes.

~~Attendance at an educational institution of higher learning is voluntary; therefore is not compulsory. The federal constitution protects the equality of opportunity for all qualified persons to attend. Whether this protected opportunity is called a qualified "right" or a "privilege" is unimportant. It is optional and voluntary.~~

The voluntary attendance of a student at such institutions is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the institution of choice relevant to its lawful missions, processes, and functions. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law. So long as there is no invidious discrimination, no deprivation of due process, no abridgment of a right protected in the circumstances, and no capricious, clearly unreasonable or unlawful action employed, the institution may discipline students to secure compliance with these higher obligations as a teaching method or may sever the student from the academic community.

The University has a duty and the corollary disciplinary powers to protect its educational purposes through the regulations of the use of facilities and through the establishment of standards of scholarship and conduct for the students who attend the institution. Disciplinary proceedings ~~shall ensure~~ ~~should play a role~~ ~~substantially secondary to example, counseling, guidance, and admonition.~~ ~~When the preferred means fail to resolve problems regarding student conduct,~~ proper procedural safeguards ~~should be observed~~ to protect the student from the unfair imposition of serious penalties for violation of the University policies. Students

violating rules of conduct, as set forth by the University in the *Student Code of Conduct*, will be subject to disciplinary action.

### **Proposition 2: Review Board for Misconduct and Grievances (p. 4)**

The exact term of the Board is redefined:

- C. Terms
  - 1. Each member shall be appointed at the beginning of the academic year and for the duration of 12 months ~~one academic year~~.

### **Proposition 3: Students Initiating Proceedings of Academic Misconduct**

AAA has been asked to include a provision that allows students to initiate academic misconduct proceedings against other students. The example that was brought to the committee's attention was the following:

One student observes another student cheating during an exam. The instructor who proctored the exam did not see this, and the evidence on the student's written exam is not enough to prove that the student did indeed cheat. The instructor can therefore not initiate academic misconduct proceedings because he/she does not have any evidence that misconduct happened.

It was suggested that we include a provision to allow students to contact the Dean of Students in such cases, so that the Dean of Student can initiate proceedings against the accused student.

A way to include this provision would be as follows:

On pg. 13 (Section IV.)

#### A. Jurisdiction

- 1. Academic Misconduct.
  - a. Allegations of academic misconduct may consist of two basic types:
    - (1) Academic misconduct by a student who is enrolled in a particular course and commits an act of misconduct related to that course.
    - (2) Academic misconduct by a student that is not related to a particular course in which the student is enrolled.
  - b. When a student in a course commits an act of academic misconduct related to that particular course, the faculty member who is teaching the course has the authority to initiate academic misconduct proceedings against the student, or refer the case to the Dean of Students who will initiate proceedings as in Section D, below.
  - c. When a student commits an act of academic misconduct that is not related to a course in which the student is enrolled, the Dean of Students has the authority to initiate academic misconduct proceedings against the student after consulting with the dean or division chair of the unit in which the student is enrolled.

On pg. 23 (Section IV. D)

#### D. Disciplinary Procedures for Personal Misconduct

1. Applicability of Procedures.
  - a. Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.
  - b. Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the Dean of Students and the faculty member involved agree otherwise.
  - c. Disciplinary actions for academic misconduct relating to a particular course in which the student is enrolled may be governed by the proceedings in this section if the instructor for that course does not have evidence that the student committed an act of academic misconduct, and if a third person initiates the proceedings (as in 2. below), and if the Dean of Students and the instructor agree that the proceedings in section B should not apply.
  - ed. The disciplinary procedures in this section do not govern proceedings involving the alleged violation of campus motor vehicle provisions. The procedures likewise do not govern proceedings involving the university's use of a checklist (service indicators) to collect money from students.

The committee agreed that the first two were straightforward and should be reflected in the action-item version of the student code for the faculty senate meeting.

The third item concerning students initiating academic misconduct proceedings against another student was debated in more depth. It was agreed that the proposed language does not encourage vigilantism, yet offers students an avenue to make their concerns heard if they should witness acts of academic misconduct among their classmates. It was agreed to include the language in the action-item version of the student code.

The committee adjourned at 10:30 am.