

A. Academic Misconduct

The academic misconduct procedures address two key issues: (1) whether academic misconduct, as defined in the Code, has occurred, and (2) if so, what sanctions are appropriate.

As set out more fully below, various people and offices play specific roles in resolving these two issues. Whether misconduct has occurred in a particular course, and if so, whether a particular academic sanction (failing grade, repeating an assignment, etc.) is an appropriate response to a finding of misconduct in the course, is handled by the faculty member involved and, if a student appeals the faculty member's determinations, by a hearing board within the school in which the misconduct allegedly occurred (College of Arts and Sciences, School of Business, etc.).

The Office of the Dean of Students serves two roles with respect to academic misconduct. First, that office serves as the centralized record keeper throughout the process. Second, after a final determination within a school that a student has committed academic misconduct, the Dean of Students and / or Designee determines whether an additional, university-wide sanction (disciplinary probation, suspension, or expulsion) is appropriate based on the nature and severity of the misconduct and/or prior violations by the student.

The Office of the Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education convenes Campus Review Boards to hear two types of appeals for graduate and professional, and undergraduate students, respectively: first, a limited appeal by the student that a serious procedural error deprived the student of a full and fair opportunity to present their response to the misconduct charge; and second, an appeal by the student asserting that a university-wide sanction imposed by the Dean of Students and / or Designee is arbitrary or disproportionate.

ALLEGED VIOLATION OCCURS

Informal Conference Initiated by Faculty Member

- A. Faculty member informs student of alleged misconduct
- B. Student given opportunity to respond
- C. Faculty member makes decision of Responsible/Not Responsible based on a preponderance of evidence
- D. Academic sanction assigned by faculty member
- E. Faculty member submits written report form within 5 business days (defined in this document as days when the institution is open / when we can expect people are working to conduct business) of the academic sanction assigned by the faculty member to the Dean of Students and / or Designee, who sends report to student, Academic Dean and / or Designee in which student is a major, and Academic Dean and / or Designee where course is offered

If Student Wishes to Appeal Faculty Decision/s

- A. A student may request a review of the faculty member's decision within 7 business days after receiving a faculty member's written report sent by the Dean of Students, by submitting a request in writing to the Academic Dean of the school or unit within which the offense occurred. A student may appeal a faculty member's decision on the basis of preponderance of the evidence not being met, alleged bias, due process error, or arbitrary/disproportionate outcome. The student's written appeal must include the evidence supporting their reason for appeal. The Academic Dean reviews submitted appeals and can reject any appeal that does not allege lack of preponderance of the evidence, bias, due process error, or arbitrary/disproportionate outcome.
- B. Academic Dean notifies Dean of Students that appeal received
- C. Academic Dean discusses matter with both student and faculty member, either separately or together, at their discretion
- D. If no resolution within 7 business days of concluding individual meeting with student and faculty member, case is considered by unit hearing board

Unit Hearing Board (audio recorded)

- A. Formal hearing with unit hearing board (three faculty and two students)
- B. Scope: proportionate sanctioning/bias;
- C. Decision: dismiss/sustain/sustain with lesser sanction
- D. Within 7 business days after hearing, presiding officer sends decision in writing to Academic Dean of unit in which offense occurred, Dean of Students, student, faculty and Academic Dean of school in which student is a major
- E. If student or faculty believes substantive procedural error, may appeal to Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate education in writing within 7 business days from receipt of decision

Appeal to Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education

- A. Scope: due process error, alleged bias, or arbitrary/disproportionate outcome
- B. Decision: sustain/return case to unit board to correct error/overturn
- C. Vice Provost talks with student, faculty, and presiding officer of unit hearing board
- D. If not resolved, Campus Review Board considers the record of the unit hearing board
- E. If serious procedural error found to have occurred, case returned to unit board to correct error
- F. Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education may appoint advisor to assist unit hearing board
- G. If no finding of serious procedural errors, appeal dismissed; decision is final

Dean of Students Action

- A. Scope: university-wide sanction

- B. The academic unit, faculty, or Review Board is responsible for determining responsibility for academic misconduct. The Dean of Students decides whether or not to consider additional university-wide sanction.
- C. Dean of Students provides written notification to student within 7 business days
- D. If additional sanction likely, student has conference with Dean of Students
- E. Dean of Students consults with Academic Dean of student's school
- F. Decision: no additional sanction, disciplinary probation, suspension, deferred suspension, expulsion

If Student Wishes to Appeal Dean of Students Sanction to Campus Review Board

- A. Scope: disproportionate sanction
- B. Decision: uphold/overturn/modify
- C. Student submits written request for appeal within 7 business days of receipt of Dean of Students decision to Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education
- D. Campus Review Board considers whether sanction is warranted - may uphold or impose lesser sanction
- E. Decision is final

Part One

Initial Finding of Misconduct

1. **Student and Faculty meet to discuss finding of misconduct.** A faculty member who suspects a student has committed misconduct in connection with that faculty member's course meets with the student face-to-face in a location closed to the public to discuss the matter with the student and hear the student's response. If, despite the faculty member's good faith effort to schedule such a discussion, the student fails to meet or respond to faculty outreach, the faculty member should complete the investigation.
2. **Faculty member decides whether misconduct occurred.** After meeting with the student and conducting any additional investigation needed, the faculty member decides whether alleged misconduct occurred.
 - **No misconduct occurred.** If the faculty member concludes that no misconduct has occurred, the matter ends there. There is no academic sanction imposed, and there will be no record in the student's file of a misconduct charge.
 - **Misconduct occurred and sanctions imposed.** If the faculty member concludes that misconduct occurred, they may impose an academic sanction for the course. If a faculty member imposes a sanction, they must report the instance to the Dean of Students. Sanctions that may be

imposed by the faculty member include but are not limited to one or more of the following:

1. A lower or failing grade for any assignment(s) in which misconduct occurred
2. A lower or failing grade for the course; the penalty for a serious act of academic misconduct ordinarily should involve the recording of a failing grade for the course
3. Repeating the assignment(s) in which misconduct occurred
4. Completing additional assignment(s)
5. Required withdrawal from the course, with a grade of either F or W at the faculty member's discretion, regardless of when during the semester the student withdraws from the course

An incomplete may be given in the course if the matter cannot be resolved before final grades are due in the Office of the Registrar.

If the sanction includes a failing grade for the course, the Registrar will be notified that the grade was given because of academic misconduct. The Registrar will record the grade of "F" on the student's permanent academic transcript. The Registrar will ensure that the grade of "F" will not be removed from the transcript for any reason. A grade of "F" given because of academic misconduct, like any other "F" grade, must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.

3. Faculty member reports misconduct to Dean of Students, Academic Dean of unit where misconduct occurred and Academic Dean of unit of student.

Within five (5) business days after misconduct has been determined to have occurred and sanction imposed, the faculty member completes a misconduct report form provided by the Office of the Dean of Students. Misconduct cases involving multiple students may require additional business days to complete all required misconduct reporting forms. They send the report to the Office of the Dean of Students, which notifies the student, the dean of the unit in which misconduct occurred, and the dean of the unit in which the student is enrolled (if different). Notice to the student from the Office of the Dean of Students includes:

- The faculty member's report concerning the finding of misconduct;
- The terms of the academic sanction being imposed;
- A statement that the student may submit an appeal in writing to the dean or director of the school or unit within which the offense occurred within seven (7) business days after receiving the faculty member's written report;
- A statement that the matter is being reported to the Dean of Students, who has the authority to impose an additional sanction if the Dean of Students believes that such a sanction is justified because of the nature of the

student's misconduct or because of any prior acts of misconduct that the student may have committed;

- A statement that the Dean of Students has four options:
 1. No additional sanction;
 2. Disciplinary probation for a specified period of time;
 3. Suspension or deferred suspension from the university for a specified period; or
 4. Expulsion from the university
4. When a misconduct charge does not involve a particular course in which the student is enrolled (for example, the student is charged with taking a test for a friend or giving the friend a paper to submit in a course under the friend's name, or a student uses unauthorized materials during a doctoral qualifying exam), the Office of the Dean of Students substitutes for the faculty member in steps (a) – (d) above. The Dean of Students uses the procedures for personal misconduct to address the matter, and may impose any of the sanctions that may be imposed for personal misconduct.
 5. When a student commits an act of academic misconduct related to a course in which the student is enrolled and commits a separate but simultaneous act of academic misconduct unrelated to that course and/or an act of personal misconduct, the faculty member involved and the Dean of Students may handle the matters jointly or separately.

Part Two

Limited Appeal of the Finding to the Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education

1. Within ten (10) business days of receiving the Dean of Students notice concerning misconduct, the student may appeal the finding of misconduct, the particular sanction imposed, or both.
2. The appeal must be submitted in writing to the academic dean of the school in which the alleged offense occurred. The academic dean notifies the Office of the Dean of Students of the appeal.
3. If an appeal is filed, the academic dean talks with the student and faculty member, either separately or together, at their discretion. If the matter is not resolved within 10 business days of talking with the student and faculty member, the academic dean convenes a hearing board composed of three (3) faculty and two (2) students.
 - The board holds a hearing on the issue(s) raised by the student. If the student appealed the finding that misconduct occurred, the board determines whether a preponderance of evidence supports the finding of misconduct. If the board concludes that the evidence does not support a

finding of misconduct, the matter ends there. If the board finds that misconduct occurred, and the student has appealed the academic sanction imposed, the board may uphold or reduce that sanction. If the student has only appealed the sanction, the board decides only whether to uphold or reduce the sanction.

- The board issues a written decision within ten (10) business days after the hearing ends. The decision sets out the board's conclusions and the findings of fact and reasoning supporting those conclusions. The presiding officer of the board sends the decision to the dean of the unit, with copies to the student, the faculty member, the Dean of Students, and the academic dean of the unit in which the student is enrolled (if different from the unit in which the misconduct occurred).
4. Academic units may, at their discretion, develop procedures (including timeframes) for addressing a student's claim that after the conclusion of the academic unit board hearing they have identified new evidence that reasonably would affect a misconduct finding and/or academic sanction.

Part Three

Limited Procedural Appeal to the Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education

1. If either the student or the faculty member believes that a procedural error occurred at the unit hearing board that was serious enough to prevent the board's full and fair consideration of a misconduct finding or academic sanction, they may file a written appeal with the Office of the Vice Provost for Faculty and Academic Affairs (graduate student cases) or the Vice Provost for Undergraduate Education (undergraduate student cases). The student or faculty member has seven (7) business days from the date the student receives the decision of an academic unit hearing board to file the appeal. A student may not appeal the academic unit hearing board's factual conclusion as to whether misconduct occurred, or the propriety of the academic sanction imposed.
2. The Vice Provost talks with the student or faculty member and the presiding officer of the academic unit hearing board, separately or together, at the Vice Provost's discretion. If this does not resolve the matter, a Campus Review Board appointed by the Vice Provost reviews the record. If the record indicates that a serious procedural error occurred earlier in the proceedings that prevented the board's full and fair consideration of a misconduct finding or academic sanction, the Board will inform the Vice Provost, who will send the matter back to the academic unit hearing board for further proceedings to correct the error. The Vice Provost may appoint an advisor to assist the academic unit hearing board.

3. If the Campus Review Board concludes that no serious procedural error occurred within the unit that prevented the board's full and fair consideration of the misconduct finding and/or academic sanction, the Vice Provost denies the appeal. The finding of misconduct and academic sanction imposed then take effect. The Vice Provost reports this outcome to the Office of the Dean of Students and to the academic dean of the unit in which misconduct occurred.

Part Four

Dean of Students Decision on Additional, University-wide Sanctions

1. If, after concluding any appeals, a student is found to have committed academic misconduct, the Dean of Students considers whether to impose an additional, university-wide sanction, based on the nature of the misconduct, any prior acts of misconduct (academic or personal), or both. The Dean of Students may impose (i) no university-wide sanction; (ii) disciplinary probation; (iii) suspension or deferred suspension; or (iv) expulsion.
2. Within ten (10) business days after receiving notice of the final decision on misconduct and academic sanctions, the Dean of Students will review the faculty member's report and any action by the unit hearing board, and will consult with the academic dean of the unit in which the student is enrolled. The Dean of Students then notifies the student either:
 - that they have decided that additional, university-wide sanctions are not warranted; or
 - that they are considering imposing an additional, university-wide sanction, which may consist of disciplinary probation, suspension or deferred suspension, or expulsion, and has set a date for an informal conference with the student to discuss whether such a sanction should be imposed. The Dean of Students notice to the student will indicate the following:
 1. that the student is required to appear at the conference;
 2. that if they fail to appear at the conference without good cause, the Dean of Students will go ahead and make a decision on additional sanctions;
 3. that the student may be accompanied by an advisor, who may advise the student but not speak or participate directly in the conference;
 4. that the Dean of Students is bound by the finding within the unit that the misconduct occurred, and therefore the only issues to be discussed with the student are the seriousness of the academic misconduct involved, the validity of any records maintained by the Dean of Students on prior acts of misconduct by the student, and the propriety of imposing an additional sanction;

5. that the Dean of Students has no authority to reconsider the merits of the finding of misconduct or academic sanction;
 6. that the student may appeal any additional sanction to the Campus Review Board.
3. When the Dean of Students is considering additional sanctions, they will also consult with the dean of the unit in which the student is enrolled. Ordinarily the Dean of Students will not impose an additional university-wide sanction without the concurrence of the academic dean.
 4. The Dean of Students notifies the student and the academic unit(s) involved of their decision on additional, university-wide sanctions. If no additional sanction is imposed, the matter ends there. If an additional sanction is imposed and the student feels that the sanction is arbitrary or disproportionate, the student has seven (7) business days to appeal in writing to the Vice Provost for Faculty and Academic Affairs (graduate student cases) or the Vice Provost for Undergraduate Education (undergraduate student cases).
 5. If a sanction of suspension or expulsion is imposed, the Dean of Students notifies the Registrar, and the sanction is noted on the student's academic transcript. A notation of suspension is removed by the Registrar when the term of suspension has ended; a notation of expulsion remains permanently on the transcript.

Part Five

Appeal to the Office of the Vice Provost for Faculty and Academic Affairs or Vice Provost for Undergraduate Education of Additional University-wide Sanction

1. If a student appeals a university-wide sanction, the Office of the Vice Provost for Faculty and Academic Affairs (graduate student cases) or Vice Provost for Undergraduate Education (undergraduate student cases) will convene a Campus Review Board to hear the appeal.
2. The only issue before the Board shall be whether the university-wide sanction is warranted by the nature of the present misconduct and/or any prior violations by the student. The student must show that the additional sanction is arbitrary or disproportionate.
3. The Board may uphold the sanction or impose a lesser university-wide sanction. Campus Review Board decisions are final and any university-wide sanction becomes effective when the Board issues its decision.