

**Code of Student Rights, Responsibilities, and Conduct**  
**Academic Misconduct Hearing Procedures**  
(approved by Faculty Organization March 25, 2016)

#### ACADEMIC AFFAIRS OVERSIGHT

Responsibility for academic misconduct is primarily in the sphere of Academic Affairs, although the Dean of Students is to be notified of all cases of academic misconduct and is empowered to institute additional sanctions if the matter rises to the level of an offense against the campus community or the student is a repeat offender.

Students who have been charged with academic misconduct are afforded multiple points of access to be heard and present their side of the matter. Different levels of review and procedural fairness have been established to protect the student. Most incidents of academic misconduct are course-related and are handled by faculty and academic administrators. Sometimes a violation may be tangential to a course, for example the infraction of “interference” could be initiated by a student remote to the course(s). Similarly, if a student acquired a copy of a final exam and decided to sell it, the violation would be “facilitating academic dishonesty.”\* In each of these examples of out-of-class academic misconduct, a faculty member or faculty administrator will initiate disciplinary proceedings.

#### ACTION BY A FACULTY MEMBER

The term “faculty” or “faculty member” as used throughout this document refers to all those who teach and/or do research at the university including (but not limited to) tenure-track faculty, librarians, holders of research or clinical ranks, visiting and part-time faculty, and other instructional personnel.

A faculty member who suspects a student has committed academic misconduct in connection with that faculty member’s course should inform the student of the suspicion in writing, which may include email, and invite the student to a private face-to-face meeting to discuss the matter and hear the student’s response. In the case of online courses, if a face-to-face meeting is not feasible, the instructor is encouraged to conduct the meeting via Skype, if possible. If, despite the faculty member’s good faith effort to schedule such a discussion, the student declines to meet or does not respond, the faculty member will complete the investigation without benefit of the student’s input.

If the faculty member concludes the act of misconduct did occur, the faculty member may impose one or more sanctions, which include the following.

1. Repeating the assignment(s) in which misconduct occurred
2. Completing additional assignment(s)
3. A lower or failing grade for any assignment(s) in which misconduct occurred
4. A lower or failing grade for the course.

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\* See [Part II, Section G](#) of the “*Code of Student Rights, Responsibilities, and Conduct*” for a comprehensive list of what constitutes academic misconduct.

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.

Whenever a failing grade is imposed at the end of the semester and the student has requested a review, an Incomplete will be temporarily entered on the record until final disposition. If the sanction includes a failing grade for the course, faculty may effectively report cases of academic misconduct to the Registrar by entering the academic misconduct reporting values of I\* and F\* on the final grade rosters. These values allow instructors to award the grades of Incomplete (I) or Failing (F), while also notifying the Office of the Registrar that such grades are being awarded because of academic misconduct. In this case, the Registrar will ensure that the grade of “F” will not be removed from the transcript for any reason. The I\* and F\* values will be reflected on the academic record as I and F, respectively.

The Dean of Students will be notified of this action in writing using the Academic Misconduct Reporting Form, which can be transmitted via email. The Dean of Students will inform the student in writing of their right to have the decision reviewed by a higher authority. The levels of review in cases of academic misconduct are, in this order: 1) Department Chair or Program Director, 2) Dean, and 3) Academic Affairs Committee. If, after an Academic Affairs Committee review, either the student or the faculty member believes that a procedural error occurred that was serious enough to prevent a full and fair consideration of a misconduct finding or academic sanction, then they may file a written appeal with the Executive Vice Chancellor of Academic Affairs. The student or faculty member has seven working days<sup>^</sup> from the date they receive the decision of a unit hearing board to file the appeal.

#### REVIEW

There is an expectation that cases of academic misconduct be resolved expeditiously. If a student asks for a first-, second- or even a third-level review this process should take place in the span of two working weeks, barring any extenuating circumstances. If desired, it is the student’s responsibility to initiate the next level review seven calendar days from the date they sign the Academic Misconduct Reporting form and arrange for an appointment with the designated administrator. Because information sharing is a key element in seeking resolution, the faculty member and the student may be asked to provide information in advance of the review. The administrator reviewing the case may decide that both student and faculty member should be present in conference; each party should be informed of such in advance in writing, which includes email.

If a student ultimately seeks a review by the Academic Affairs Committee, then a reasonable amount of time must be allowed for preparation. In general, the Committee should strive to convene no later than 30 working days from the first-level conference. Individual Committee members who are parties to the case being considered are expected to recuse themselves from the process. The student will be notified of the hearing and provided an opportunity to prepare. If

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<sup>^</sup> Working days and weeks include anytime when classes or exams are in session.

witnesses are involved, each side must disclose in advance who will be present. At the hearing, witnesses can be questioned by the student, instructor, or Committee member. The student has the right to be assisted by an advocate, who may be an attorney. Advocates are not permitted to represent students; they may not comment nor engage in questions.

There are few formal procedures for conducting the hearing. It is up to the chair to assure that all necessary information is presented and that the proceedings are balanced and fair. The Committee chair also determines when sufficient information has been presented. The Committee can take up to 10 working days to make a decision and it is final, unless either the instructor or student believes that a procedural error has been made sometime during the process. The decision of the Committee must be based solely upon the information presented at the hearing, i.e., oral presentations and any written documents submitted. The final disposition requires a majority vote. The Committee can find for the student or uphold the faculty member's initial decision. The authority of the Committee is such that it can 1) dismiss all charges, 2) change, reduce or add student sanctions, and 3) assess the faculty member's action and or sanction to be without basis or arbitrary and recommend a faculty sanction. Any sanction in the latter will be in accord with faculty discipline guidelines.

No sanctions shall become effective until after opportunities for review have been exhausted. Coursework performed while misconduct proceedings are underway, however, shall be considered conditional. Conditional work may be affected or eliminated based on a final finding of misconduct or sanction imposed. This may result in loss of course credit, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the misconduct proceedings.

Any time limit set out in these procedures may be extended by the relevant authority only for good reason shown.

#### **ACTION BY THE DEAN OF STUDENTS**

If, after reviewing the disciplinary report from the faculty, the Dean of Students believes the violation is serious enough to warrant further review, he/she can decide to charge the student with personal misconduct, in which case Procedures for Responding to Incidents of Personal Misconduct will apply.