

Academic Dishonesty Sub-Committee Code of Conduct Revisions

ACADEMIC MISCONDUCT

In the classroom, in the laboratory, studio, seminar, practicum or other instructional setting, students are expected to adhere to the highest academic standards of behavior and personal conduct. Examples of academic misconduct are listed in the **Prohibited Conduct** section of this handbook.

Student **academic responsibilities** include, but are not limited to, the following:

1. Inquire about course or degree requirements if they do not understand them or are in doubt about them.
2. Maintain the standards of academic performance established for individual courses and for programs of study.
3. Maintain academic ethics and honesty by following the University's Honor Code.
4. Act in accordance with commonly accepted standards of academic conduct so as to not interfere with the rights of students and faculty to learn, conduct class and/or carry out their research and creative activities.

Students' **academic rights** include competent instruction for full-allotted time and sufficient assignments graded fairly and promptly to inform the student of academic standing. Faculty also have the responsibility of providing for distribution a course syllabus listing all requirements for the class, including field trips, reading and writing assignments, and tests.

Classroom Conduct Expectations

Texas A&M University-Kingsville students are expected to assume individual responsibility for maintaining a productive learning environment and conduct themselves with the highest regard for respect and consideration of others. Ongoing behaviors or single behaviors considered distracting (e.g., coming late to class, performing a repetitive act that is annoying, sleeping or reading a newspaper in class, etc.) can be addressed by the faculty member initially either generally or individually as part of the instructor's classroom management efforts. Cases in which such annoying behavior becomes excessive and the student refuses to respond to the faculty member's efforts can be referred to the Dean of Students.

In the case of serious disruptive behavior in a classroom (making loud and distracting noises, repeatedly answering cell phones/text messaging or allowing pagers to beep or play ring tones, exhibiting erratic or irrational behavior, persisting in speaking without being recognized, repeatedly leaving and entering the classroom or test site without authorization, throwing things, blocking an entry way, using profane, intimidating or abusive language and/or repeatedly interrupting others' speech, etc.) the instructor should first request compliance from the student and if it is not received, an instructor has the authority to ask the student to leave the classroom. The student is expected to comply with this request to leave the classroom and may subsequently contest this action using procedures established by the department. If the student fails to leave after being directed to do so, assistance may be obtained from other university personnel including the University Police Department. The incident shall be handled as an academic misconduct matter using established departmental procedures for academic misconduct to determine if the student should be allowed to return to the classroom.

A. Initiating Academic Misconduct Charges

The Dean of the college will oversee the process for handling all academic misconduct allegations occurring in his / her college. In the case of graduate students, oversight of the matter will be handled by the Dean of Graduate Studies. It is recommended that any academic discipline case be initiated at the lowest possible level. In this capacity, the dean of the college acts as a resource person for administration, faculty, staff and students to promote consistency within the college in resolving cases of academic misconduct. The dean of the college also has the responsibility for maintaining all student records related to academic misconduct with a copy going to the Office of the Dean of Students.

1. Simple Cases of Academic Dishonesty

Simple cases of first offense cheating or plagiarism by an individual student may be handled by the instructor in the course. The faculty member shall inform the student of the alleged violation and give the student the opportunity to be heard. After meeting with the student, the faculty member will determine if a violation has occurred based upon a preponderance of the evidence. The faculty member may issue an appropriate grade penalty at his or her discretion, after consultation with the department chair and checking the student's disciplinary file in the Office of the Dean of Students. When the evidence is indisputable, the usual penalty is a grade of F on the particular assignment or in the

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course, in addition to other sanctions deemed appropriate. The student is provided a written summary of the findings and informed of the next level of appeal, with a copy to the academic Dean and Dean of Students.

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2. Serious cases of Academic Dishonesty

For more serious cases, such as those involving repeated offenses, conspiracy with other students or the theft and/or selling of examination questions, a report should be made by the instructor via the department chair to the dean of the college for investigation and disciplinary action. Suspension or expulsion from the university is a normal penalty for such offenses.

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1.3. Report of a case by a third party

In addition to the above-mentioned cases, any person may refer report a policy violation against any student for alleged academic misconduct violations of university policy. The referral report must be in writing and include the nature and date of the alleged violation, a detailed statement of the incident, name of the person allegedly responsible for the incident and the complainant's contact information. The referral for academic misconduct should be addressed to the dean of the college where the infraction allegedly occurred. Upon receipt of the report the Dean of the college will determine the seriousness of the violation allegations and the appropriate level for initiating disciplinary action/adjudication.

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- a). For serious cases or cases reported by a third party, the Dean of the college may of a ease and handle the case or may appoint someone else as the hearing officer. In addition to the Dean, the hearing officer may be a faculty member, department chair, or assistant/associate dean. The hearing officer may consult with the Dean of Students for guidance on the Also, in serious academic misconduct cases, which may involve suspension or expulsion, the dean of the college serves as the hearing officer. Sanctions may be determined in consultation with the Dean of Students process.

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Note: Cases which are initially investigated and heard by the academic dean may be appealed to the Judicial Appeals Board via the Vice President for Student Affairs (refer to Appeal Process for Academic Misconduct Cases). In the case of the revocation / withholding of a degree, where the Dean of the College has served as the investigation officer, the student's formal appeal will be heard by a panel of administrative officials at the level of the dean or higher, appointed by the Provost or President.

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- b)3. For serious cases or cases reported by a third party, the Dean of the college/hearing officer will investigate the allegations to make an initial determination whether there is sufficient basis to proceed. He/she may decide to interview the complainant and/or witnesses or to request additional information from the complainant.

- c)4. As a result of the investigation, for serious cases or cases reported by a third party, the Dean of the college/hearing officer will take one of the following actions.

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- 1). The allegation may be dismissed as unfounded.
- 2). The allegation may be dismissed for lack of preponderance of evidence.
- 3). The student will be notified in writing of the alleged charges and summoned to an informational hearing with the Dean of the college/hearing officer. Written notification of the alleged offenses must be at least three business days prior to the informational hearing and mailed to the student at his/her local address or delivered to the student in person.

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B. Academic Misconduct Informational Hearing Process

For serious cases or cases reported by a third party, the accused student, in conference with the hearing officer, will be informed of the following:

- a). An explanation of the charges which have been made against him/her;
- b). A review of all evidence on which the charges are based and names of all witnesses;
- c). A review of due process rights and disciplinary procedures;
- d). A reasonable opportunity to review charges and evidence, to respond to the charges, and select the method of disposition of the case. The student may:
 - 1). Admit or deny responsibility for the charge(s). A student who admits responsibility to the charges

retains the option to appeal the sanction levied. A student who denies responsibility retains the right to appeal the decision and/or the sanction(s).

- 2) Schedule a date for a **Formal Hearing** before an appointed hearing officer or body (as determined by the Academic Dean) or request to continue the **Informational hearing** by signing a written waiver. The student will be notified in writing of the results and the appeal process.

A reasonable effort will be made to locate the student by telephone, email or regular mail. If the student does not respond to the request to meet for the scheduled informational hearing, the hearing will be held in absentia, and action taken as warranted by the facts of the case.

5. After the conclusion of the informational hearing, written notification of the results, the sanction if applicable and next level of appeal.

C. Academic Misconduct Formal Hearing Procedures

1. The hearing officer will provide written notification of alleged offenses to the student at least three business days prior to the formal hearing.
2. The hearing procedure utilized shall provide for a prompt and fair consideration and resolution of the case based upon a preponderance of the evidence. Proceedings are not judicial trials and formal rules of evidence shall not apply, but evidence submitted must be material and relevant to the issue under consideration as determined by the hearing officer or chair of disciplinary body. If extenuating circumstances prevent either party from meeting this time frame, all parties involved will agree on an alternate schedule.
3. The formal hearing will be held as scheduled even in the absence of the respondent, unless such absence is for good and sufficient cause. The decision of the hearing officer or body as to good and sufficient cause is final.
4. Possible sanctions are listed in another section of this handbook. The student shall be informed by mail or hand-delivery of the hearing officer's decision and of the student's right to appeal to the next level.
5. Written documentation of the incident and recommended actions shall be forwarded to the chair/college, dean/director, Dean of Students. Proceedings, findings and the names of the parties involved are confidential and shall not be disclosed to anyone not involved in or who is not responsible for the disposition of the hearing or case, unless such disclosure is required by law or campus policy.

D. Appeals Process for Academic Misconduct Cases

While all members of the university community have the right to request an appeal, a request for an appeal may not always be granted. Requests will be reviewed for merit and if filed in a timely manner.

1. The student will be notified in writing regarding the disciplinary outcome and the next level of appeal. Cases which are first initiated and heard at the faculty and/or chairperson's level or other administrator serving as a hearing officer may be appealed to the dean of the college within three business days of the notification of the initial decision by completing an *Appeals Request Form* available in the Office of the Dean of Students.
 - a. The appeal must be in writing to the appropriate person or body and submitted within the specified period of time, include the name of the individual or organization making the appeal, the action that is being appealed; the date the action took place and the grounds for the appeal. Appeals must be made on the basis of one or more of the following grounds:
 - 1). A procedural or prejudicial error was committed.
 - 2). The finding of facts obtained in the decision included substantial inaccurate information that affected the outcome of the hearing.
 - 3). Specific evidence presented at the hearing is objectionable. The reason for the objection must be stated, i.e., why the evidence should not be considered.
 - 4). Evidence not offered during the hearing is now available. The reason(s) why the evidence was not offered during the hearing must be stated.
 - 5). The sanction imposed is excessive or inappropriate; the reasons for believing this must be stated in the appeal.
 - b. The academic dean will have five business days to evaluate the merit of the appeal request and if it was filed in a timely manner. If the appeal is not merited, the academic dean may terminate the

- appeal and so notify the student. If the appeal is merited, the academic dean will have ten business days to review the case and render a decision. If extenuating circumstances prevent either party from meeting this time frame, all parties involved will agree upon an alternate schedule.
- c. The academic dean may at his/her discretion meet with the student and/or other witnesses to determine a decision. The decision will be based upon a preponderance of the evidence. The student will be notified in writing of the academic dean's **appellate decision which is final** and a summary of the findings.
2. Cases which are **initiated and originally adjudicated** at the academic dean's level may be appealed to the Judicial Appeals Board via the Vice President for Student Affairs within three business days of the notification of the initial decision by the academic dean by completing the *Appeals Request Form* available in the Office of the Dean of Students. The Vice President for Student Affairs shall convene the Judicial Appeals Board within 10 business days to conduct the hearing and render a decision.
 - a. If a formal hearing is held during an appeal, it shall be conducted in accordance with the procedural guidelines for hearings. The appellant and a representative from the initial hearing officer or body shall be afforded the opportunity to present reasonable oral argument and file typewritten or reproduced material. The appellate body may call in other witnesses it deems necessary. The decision will be based upon a preponderance of the evidence.
 - b. Upon review of the appeal, the person or body conducting the appeal may uphold, modify, send back the case to the original hearing body for further consideration or completely reverse the original decision as appropriate. A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code.
 - c. The student will be notified in writing by the Vice President for Student Affairs or the chair of the Judicial Appeals Board of the body's **appellate decision which is final** (with the exception of cases involving suspension or expulsion) and a summary of the findings.
 3. In academic misconduct cases where the sanction assigned to the student is suspension or expulsion, the student may appeal the decision of the Judicial Appeals Board to the Provost by appealing in writing within three business days after notification of the committee's decision. Students must complete the *Appeals Request Form* available in the Office of the Dean of Students. The Provost has 10 business days to review the case and render a decision. The student will be notified in writing of the decision and a summary of the findings. The decision of the Provost is final and may not be appealed. Should the Provost sustain the suspension/expulsion, a copy of the letter will be sent to the Dean of Students, the Registrar, the academic dean and the President.

Status of students during academic misconduct charges and/or appeals

Pending final action on a academic misconduct charge or appeal of disciplinary action, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following: 1) when the university has imposed *immediate suspension* action; 2) when a student's academic records are withheld pending final determination on a disciplinary charge; or 3) to assist with maintaining order on campus in incidents involving serious cases of class /facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.