

FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 17-A-2

Approved by the Faculty Senate
January 25, 2017

BRIEF SUMMARY: This bill revises and addresses previously unaddressed issues relating to the procedures for adjudicating alleged violations of academic dishonesty found in Chapter 5, Section D of the *Faculty Handbook*.

**REVISING “PROCEDURE FOR ADJUDICATING ALLEGED VIOLATIONS OF
ACADEMIC HONESTY”**

BE IT RESOLVED THAT: subject to the passage and approval of this bill Chapter 5, Section D of the *Faculty Handbook* will be amended by replacing the existing content with the below content.

Procedure for Adjudicating Alleged Violations of Academic Honesty

Faculty members who observe or detect evidence of academic dishonesty should notify the student within five business days of discovering the alleged violation of the academic honesty policy. This contact may be made in person, by email, through the course website, or through written feedback on the assignment when it is returned to the student. If the alleged violation of academic dishonesty is first detected by someone other than the faculty member, that person should bring the evidence to the faculty member, who will then initiate the appropriate procedure for dealing with the allegation. The purpose of this initial contact is to notify the student of the allegation and the sanction to be imposed according to the course syllabus. Sufficient information should be provided at this time for the student to understand the nature of the allegation as well as the sanction, and the student should be informed that a meeting with the faculty member may be requested within five business days if the student wants to discuss the specific details or dispute the allegation. If the student does not respond or chooses to decline a meeting, the faculty member may opt to follow the reporting procedures described in scenario two below.

Meetings with students in online and ITV classes may be conducted via e-mail with the e-mail content serving as evidence. Meetings with students in face-to-face classes may also be conducted via e-mail if the timeframe extends beyond the end of the semester. Prior to notifying or meeting with the student, the faculty member may consult with the department chair, the appropriate dean, and/or the Office of Student Conduct. If the faculty member believes the allegation is egregious enough to warrant sanctions beyond what is listed in the course syllabus, the faculty member should refer the matter to the department chair for a formal hearing.

The following sections are the procedures to be adhered to by the faculty member and/or student in all possible outcomes. If the faculty member is the department chair, a tenured departmental designee will assume the department chair's role in this protocol and references to the department chair should be read as departmental designee.

Initial Meeting between Faculty Member and Student

During the meeting between the faculty member and the student, the faculty member will present the evidence supporting the allegation to the student. The student will have the opportunity to present evidence to provide alternative explanations or refute the faculty member's evidence. After due consideration of the student's evidence, the faculty member determines whether the student has violated the academic honesty policy and which course of action to follow:

1. The Faculty Member Determines that the Student is Not in Violation of the Academic Honesty Policy

If the faculty member determines that the student has not violated the academic honesty policy, the process stops, and the matter is considered resolved. Any sanctions imposed will be reversed and no further action is required.

2. The Faculty Member Determines that the Student is in Violation of the Academic Honesty Policy and the Student Accepts the Allegations and Sanctions

If the faculty member determines that the student has violated the academic honesty policy, the faculty member provides written notification to the student confirming the meeting has taken place, the violation and the sanction imposed according to the course syllabus. If deemed appropriate by the faculty member, written notification will also be sent to the department chair, the college dean, the Dean of Students, and the Office of Student Conduct. This notification should include the faculty member's name, student's name and SO number, course number and name, the term in which the offense occurred, the offense, a summary of the faculty member and student's discussion, and the sanctions imposed. The notification should clearly identify that the matter was resolved between the faculty member and the student and that no further action is warranted. If a student drops the course as a result of the allegation and sanction, the faculty member may still send notification to the parties listed above.

3. Student Accepts the Allegations and Faculty Recommends Sanctions Beyond Those Listed in the Course Syllabus

The faculty member submits written notifications to the student and the department chair within five business days after the initial meeting of the faculty member and the student. This notification normally should not exceed two pages and should include:

- a. Basic information at the top of the notification: faculty's name, student's name and SO number, course number and name, the term in which the offense occurred, the offense and a summary of the faculty member and student discussion.

- b. A statement indicating that the faculty member chose to pursue formal resolution of the matter due to egregious violations of the academic honesty policy or due to disputed facts and confirmation that the student accepted the allegations and/or sanctions.
- c. A statement of the specific portions of the academic honesty policy that were allegedly violated.
- d. A summary of the evidence that supports each allegation with the evidence specifically tied to each allegation.
- e. A summary of the student's responses including both e-mail responses and verbal responses made during the meeting.
- f. Sanctions that were specified in the course syllabus,
- g. A description of the reason(s) that the faculty member concluded that the alleged acts are egregious, and a recommendation for sanctioning of the student.
- h. The detailed evidence supporting the allegation, appearing as an Appendix to the notification.
- i. E-mail exchanges related to the allegation, appearing as an Appendix to the notification.

Upon review of the notification from the faculty member, the department chair may recommend additional sanctions above those recommended by the faculty member.

The department chair will submit written notification of events to the college dean and the Office of Student Conduct, with copies sent to the student, the faculty member, and the Dean of Students within five business days of receiving notification from the faculty member. The notification must be sent even if the department chair disagrees with the faculty member's position. The original materials from the faculty member will be included with the notification from the department chair.

Upon receiving notification from the department chair, the Office of Student Conduct will schedule a judicial conference to address the allegations and the faculty member and the department chair's sanctions within five business days. The Office of Student Conduct will review the documentation, meet with the student and impose sanctions as warranted. In addition, the Office of Student Conduct will communicate the final results (including sanctions imposed) to the student, faculty member, department chair, college dean and Dean of Students. Sanctions shall not be considered final until the process is completed by the Office of Student Conduct.

4. The Student Does Not Accept the Outcome of the Initial Meeting: Initiation of a Formal Hearing

If the student does not accept the faculty member's allegations or sanctions, the student may contest the faculty's decision through a formal hearing with the department chair. Within five business days of the initial meeting, the faculty member shall submit a written request for a formal hearing to the student, the department chair, and the Office of

Student Conduct. This notification will contain the same nine items of information described above in section three. Once the process for a formal hearing is initiated, any sanctions imposed should be considered tentative until the process has been completed and the results delivered by the Office of Student Conduct.

Upon receipt of the request for a formal hearing, the Office of Student Conduct will immediately initiate written contact with the student to review:

- a. The student's right in the judicial process,
- b. The allegations against the student, and
- c. The hearing procedures.

The Office of Student Conduct will also inform the students that he/she may select a person of the student's choosing to accompany the student to the formal hearing. However, this person may act only in an advisory capacity during the formal hearing.

The department chair shall consult with the Office of Student Conduct or the Dean of Students regarding the student's due process rights before proceeding with the formal hearing. The department chair shall conduct any hearings in accordance with the standards provided in the University's Code of Student Conduct found in the Student Handbook.

The department chair will contact the student within five business days of receiving the request for a formal hearing. In this communication, the department chair will inform the student of the allegation(s) and the proposed faculty and department chair recommended sanctions. In the initial communication, the department chair will offer the student a chance to reply to the charges and provide an opportunity for the student to accept the proposed faculty and department chair recommended sanctions.

The department chair will arrange a formal hearing between the faculty member, student, and the chair within five business days of receiving notification from the faculty member. The formal hearing should be scheduled within two weeks of the notification requesting a formal hearing from the faculty member. The department chair will also notify the Office of Student Conduct of the formal hearing.

The student has five business days to respond to each communication from the department chair. For students in an ITV or online course the formal hearing will occur via e-mail. The formal hearing for all students will consist of: a summary of allegation(s), the evidence, a summary of faculty/student communications, and additional sanctions as deemed appropriate by the department chair.

The department chair will give due consideration to the student's response, including whether the student replied to the allegations or accepted the sanctions. The department

chair may seek additional information from the faculty member and/or the student prior to rendering a decision.

The department chair will submit written notification of the formal hearing results to the appropriate college dean and the Office of Student Conduct within five business days of the formal hearing conclusion, with a copy to the student, the faculty member, and the Dean of Students. This notification should identify whether the student is found in violation of the academic honesty policy.

- a. If the student is found in violation of the academic honesty policy, the notification should also include the details of the formal hearing (allegations, evidence, responses from all parties) and additional sanctions (if any) imposed by the department chair.
- b. If the student is not found in violation of the academic honesty policy as a result of the formal hearing, the case will be dismissed. Notification of this result will be submitted to the student, faculty member, college dean, Office of Student Conduct and the Dean of Students. No sanctions will be applied, and the matter will be considered resolved.

If the student is found in violation at the department chair level:

- a. The Office of Student Conduct will schedule a judicial conference to address the allegation(s) and the faculty member and department chair's sanctions within five business days of receiving notification from the department chair.
- b. The Office of Student Conduct will review the documentation, meet with the student, and finalize sanctions as warranted.
- c. The Office of Student Conduct will send written notification to the student, faculty member, department chair, college dean and the Dean of Students confirming the final results and sanctions imposed.

Appeals of the Results of a Formal Hearing:

Either the student or the faculty member may appeal the result of the formal hearing.

1. An appeal must be made within five business days after the decision is rendered.
2. Appeals must be in writing through e-mail, local mail or personal delivery.
3. There are two levels of the appeals process. The first level is made to the Dean of Students, who will seek a recommendation from the All University Judicial Board prior to making a determination about the appeal. The Provost is the second and final level of appeal.

The appeals process is not for retrying or rehearing a case. At each level, an appealed case merits being heard based on the following conditions.

1. An excessive sanction when compared with previous sanctions for similar violations under similar circumstances. Specific sanctions in the syllabus are not subject to appeal.
2. The discovery of significant new information relevant to the case.

3. Procedural error regarding the student's rights involving error in the administration of judicial procedures by the faculty, department chair or Office of Student Conduct.

Decisions made during the appeals process can result in one of the following.

1. The sanction being altered based on a finding that the sanction is inconsistent with past practice.
2. A new hearing being granted based on new information.
3. A new hearing being granted because the Procedure for Adjudicating Alleged Violations of Academic Honesty was not applied appropriately.

No grade penalty shall be considered final until the appropriate judicial process determines that an act of academic dishonesty has occurred. If the charges cannot be resolved prior to the end of the current semester, a grade of 'I' should be assigned pending the outcome of the hearing. The 'I' will remain on the student's transcript until the charges are resolved. If the charges are still not resolved before the time frame for the 'I' expires, the faculty member will request from the Registrar's Office an extension of the grade of 'I'. The faculty member and the department chair will be notified of the outcome of the disciplinary case in order to assign a grade for the course. If the student is found not to be in violation of the Academic Honesty Policy at the conclusion of the appeals process, neither the faculty member nor any other member of the University community may take any other action against the student regarding the allegations considered in the appeal.

Approved by Faculty Senate Bill 11-A-17 April 6, 2011

Approved by President May 3, 2011

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Introduced to Senate	11/30/2016
Second Senate Meeting	1/25/2017
Faculty Senate Vote	1/25/2017
President's Review	
15 Day Review	
Posted to Faculty Handbook	