Faculty Senate Resolution Number F-2018-02

To: Joe Bertolino, Ed.D., President, Southern Connecticut State University
From: Maria Diamantis, Ed.D., President, SCSU Faculty Senate

The attached Resolution of the Faculty Senate is entitled:
RESOLUTION Guidelines for Addressing Academic Misconduct

This Resolution was approved by Faculty Senate on: December 5, 2018

[X] This Resolution is presented for APPROVAL

[ ] This Resolution is presented for INFORMATION

In accordance with the CSU-AAUP Contract (Article 5.10), “When the Senate makes a written recommendation to the President, the President shall acknowledge and respond to the recommendation in writing within fifteen (15) school days of receiving the Senate’s recommendation. “

After considering this resolution, please indicate your action on this form and return it to the President of the Faculty Senate.

Maria Diamantis, Ed.D., President, Faculty Senate

Date

cc: Robert S. Prezant, Ph.D., Provost and Vice President for Academic Affairs

ACTION OF THE UNIVERSITY PRESIDENT

To: Maria Diamantis, Ed.D., President, SCSU Faculty Senate
From: Joe Bertolino, Ed.D., President, SCSU

Resolution for Approval:
[ ] Resolution APPROVED
[✓] Resolution DISAPPROVED (Provide comments below or attach statement)
Comments

Resolution for Information:
[ ] Resolution NOTED (applies to Informational Resolutions only)
Comments

Joe Bertolino, Ed.D., President, SCSU

Date
SOUTHERN CONNECTICUT STATE UNIVERSITY
FACULTY SENATE

RESOLUTION on Guidelines for Addressing Academic Misconduct

Guidelines for Addressing Academic Misconduct

Academic honesty is a fundamental requirement in higher education. Ethical behavior is expected of all members of the University community. This document provides guidelines for addressing allegations of student academic misconduct at Southern Connecticut State University, as defined in the Student Code of Conduct and other University graduate and undergraduate documents. Faculty members and students are responsible for knowing this definition upon which all claims of academic misconduct and defenses thereto shall be based. Graduate students are also responsible for additional expectations pertinent to graduate study, research and writing for publication, as officially defined by the University in the SCSU code of conduct document:

http://www.southernct.edu/offices/judicialaffairs/StudentCodeofConductrevised6.16.16.pdf

These guidelines are based on the principle that the faculty has oversight over academic honesty, including the authority and responsibility to impose appropriate penalties when academic misconduct occurs. In instances where both academic and non-academic misconduct are alleged, only the academic portion shall be handled according to the disciplinary procedures for academic misconduct described here. The Student Conduct Office, whose action may precede any academic disciplinary action, shall address separately charges of non-academic misconduct.

These guidelines address

1. Instructor’s Role and Responsibilities
2. Complaint by Person Other Than the Course Instructor
3. Student Conduct Office’s Role
4. Faculty Hearing Board and Hearing Panels
5. Hearing Procedures
6. Student Rights and Responsibilities
7. Appeal of the Faculty Hearing Board Ruling
8. Annual Reporting
9. Revisions to this Academic Misconduct Guidelines
10. Time Line for Appeals

1. Instructor’s Role and Responsibilities.

a. Instructors shall inform students in course syllabi of course-specific requirements related to academic misconduct and the penalties that may be imposed for academic dishonesty according to the guidelines in the Student Code of Conduct and professional judgment. Statements in course syllabi shall refer students to the definition of academic misconduct in the Student Code of Conduct and any other pertinent University documents.

b. Incidents of academic misconduct can range in severity from minor to major violations. Instructors determine sanctions according to their professional judgment of the severity of misconduct. Academic sanctions should be commensurate with the severity of misconduct and may include one or more of the following:

- a reduced grade for the assignment in question;
- the opportunity to revise the assignment in which the act of dishonesty occurred or complete additional course work;
• a grade of F for the assignment in question;
• a grade of F for the course;
• the faculty member bringing the claim of academic misconduct may petition department for the student's dismissal from the major program per the department's policy when applicable.

c. When an instructor determines that an act of academic misconduct has occurred, within three (3) University calendar days, the instructor shall inform the student in writing of the infraction and will provide an opportunity for the student to respond to the allegation in person or in writing within five (5) days. Instructors may decide to handle minor violations informally, according to their discretion, especially when there is no sanction imposed beyond requiring the revision of an assignment. For the purpose of discussing allegations and sanctions, the instructor may meet with the student alone or in the presence of the department chair or departmental committee assigned to review instances of academic misconduct. For all violations not deemed minor, instructors shall file an Academic Misconduct Report with the Department Chair and School Dean. The Dean shall forward a copy of the report to the Student Conduct Office in order to monitor repeat offenses, and also send a copy to the affected student. The Academic Misconduct Report must indicate academic sanctions imposed.

2. Complaint by Person Other Than the Course Instructor.

Any member of the University community may file a complaint against a student alleging academic misconduct. Accusations of alleged violations by a person other than the student's instructor must be reported in writing within ten (10) calendar days of discovery of the alleged violation either to the instructor or to the University Student Conduct Office, which shall inform the instructor in writing within three (3) University calendar days. Upon receipt of notification, the instructor shall assess the merit of the allegation. An instructor who decides to pursue a claim of academic misconduct shall follow the procedure outlined in Section 1.c. of these guidelines, acting within three (3) University calendar days of receipt of the complaint.

3. Student Conduct Office Role.

The Student Conduct Office shall have specific responsibilities regarding notification, record keeping and hearings relative to academic misconduct.

1. The Student Conduct Office shall retain records of all reported cases of academic misconduct, including Academic Misconduct Reports submitted by instructors and written complaints received from others. For any student who has complaints on file, the Student Conduct Office may report the number and nature of incidents and the disposition of hearings to an instructor seeking input on how to regard the severity of an incident and to hearing officers during the sanctioning phase of an academic misconduct hearing.

2. The Student Conduct Office shall notify instructors of academic misconduct complaints it receives from sources other than the course instructor, as described in Section 2 of these guidelines.

3. Upon receipt of an Academic Misconduct Report, the Student Conduct Office will review recommendations by the instructor for disciplinary action and determine whether or not the case merits a hearing based upon the approved criteria found in section 4c. The Instructor accusing the student can also request a hearing on the case as described in the reporting form found at the end of this document. In this case, director of Student Conduct Office shall review the request and determine merit for a hearing or the opportunity for administrative resolution in consultation with faculty chair of the department in which the class was taught. If warranted by the frequency and/or severity of academic misconduct infractions on the student's record (as described in 4c) the Student Conduct Office will call a hearing. It is then the role of the Hearing
Panel to decide whether or not to bring charges against the student that could lead to disciplinary probation, suspension or expulsion from the University.

4. Faculty Hearing Panels.

a. A Faculty Hearing Panel made up of members of the University-wide Academic Standing Committee shall have the responsibility of reviewing allegations of academic misconduct.

b. In the adjudication of allegations of academic misconduct, three (3) members of the ASC, appointed by the Student Conduct Office on a rotational basis, shall constitute a Hearing Panel and be convened to address a specific academic misconduct complaint. A Hearing Panel shall have representation from three academic schools, and may not include a member from the student’s home department nor from the department that houses the course in which the alleged misconduct occurred. A representative from the Student Conduct Office shall be the convener and a non-voting member of the Panel.

c. A Hearing Panel shall be convened when:
   - a student seeks to appeal sanctions imposed by an instructor for academic dishonesty, and the faculty member did not already elect to pursue a SOC hearing;
   - an accused student’s record of prior academic misconduct reaches two instances while at Southern Connecticut State University and for any subsequent accusation of academic misconduct or;
   - The director of the Student Conduct Office determines that there has been an egregious violation as reported by the instructor.

d. A student may appeal an accusation of academic misconduct which was not referred to a full hearing. A student appeal shall automatically go in front of a Hearing Panel. When a student appeal is brought before it, a Hearing Panel shall determine the merits of the academic misconduct claim. In the case of an appeal the Hearing Panel shall not increase the punishment that was originally imposed by the accusing professor.

e. In the case of an appeal, the grade given for that class will not be considered final until the appeal process is complete. The grade shall be entered as an “I+” by the instructor until the end of the following semester or until the appeal is finalized.

5. Hearing Procedures.

When a Hearing Panel is convened, the Panel shall operate according to the following procedures and timeline:

a. Scheduling of Hearing. Hearings are scheduled during the fall and spring semesters of the academic year, and will normally be conducted within ten (10) University calendar days of receipt by the Office of Student Conduct of an academic misconduct report or an accused student’s request for a hearing, Notice of Hearing. An accused student shall be notified in writing by the Student Conduct Office that a hearing has been scheduled. The notice shall advise the student of: i) the specific allegation(s) of academic misconduct, ii) possible sanctions, iii) the date, time, and place of the hearing, iv) hearing procedures, including who may attend, and v) the student’s rights. The student shall be afforded a reasonable period of time to prepare for the hearing, which shall be not less than three (3) University calendar days.

b. Right to Appear. The accused student and the instructor shall have the right to be present at all stages of the hearing process except during the private deliberations of the Hearing Panel, which shall be closed to the accused student, the instructor, supporting persons, and any other accuser. The Hearing Panel
may, at its discretion, admit any person into the hearing room. The Hearing Panel by a majority vote shall have the authority to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

c. Opportunity to Present Positions. Both the instructor and the accused student shall have the opportunity to present their positions to the Hearing Panel, including the opportunity to present the testimony of witnesses and documents in support of their positions, according to the hearing procedures outlined in the Notice of Hearing communicated by the Student Conduct Office.

d. Support Person. The accused student shall be allowed to have one person attend the meeting for the purpose of providing support. The support person must be someone who is available to attend at the scheduled date and time of the hearing. Delays will not be allowed due to the scheduling conflicts of a support person. The supporting person may not provide written or verbal testimony during the Hearing.

e. Record of Hearing. The University shall make an audio recording of the hearing. The recording shall be the property of the University. No other recordings shall be made by any person during the hearing. Upon request, the accused student shall be allowed to review the recording in a designated University office in order to prepare for an appeal of the decision rendered by the Hearing Panel. Applicable state and federal law shall govern further disclosure of the recording.

f. Written Notice of Decision. Within two (2) University calendar days after the hearing, the Student Conduct Office shall inform the accused student and the instructor of the Hearing Panel’s action in writing, indicating whether the student has been determined to be “Responsible” or “Not Responsible” for the academic misconduct. The decision of the Hearing Panel, as well as any disciplinary sanction(s) imposed, generally will not be released to parties other than the student and instructor in question, Department Chair, Dean and Provost. No other parties will be notified without the prior written consent of the accused student. However, certain information may be released if and to the extent authorized by state or federal law.

g. If, the Hearing Panel determines that the Instructor did not provide sufficient evidence to support the alleged misconduct, the Hearing Panel shall direct the Instructor to assign a grade based on the quality of the work as originally submitted. If the instructor declines to do so, the matter will be referred to the instructor’s Department Chair or designee, who will select two (2) anonymous reviewers with sufficient expertise in the area to reevaluate the assignment. In this case, the final grade shall be the average of the two anonymous evaluations.


1. A student accused of academic dishonesty has the right to appeal an instructor’s allegations. An appeal hearing is requested by completing and submitting an “Academic Misconduct Appeal Form” to the Student Conduct Office. The appeal shall include substantial evidence supporting the student’s innocence and will follow the guidelines laid out in section 4d.

2. An accused student may request that any faculty member on the convened Hearing Panel be replaced if the student believes that the faculty member chosen by the Student Conduct Office for the three-member panel may be unable to render an objective judgment. The final decision on the removal of the member shall be rendered by the head of the Student Conduct Office. If the chair deems that the member can be impartial they can refuse the request.

3. A student found to have violated the Academic Misconduct Policy by a Hearing Panel may appeal the decision, as described in Section 7.

7. Appeal of the Faculty Hearing Board Ruling.

a. The student may appeal the decision of the Hearing Panel to the Provost or designee. An appeal shall be in writing and shall be delivered to the Provost or designee within three (3) University calendar days after receipt of the Hearing Panel’s written decision. The Provost or designee shall review the record of the hearing, including any and all documents presented to the Hearing Panel, along with the student’s written appeal.

b. An appeal may be brought on four grounds: (a) a claim that error in the hearing procedure substantially affected the decision; (b) a claim that new evidence or information material to the
case was not known at the time of the hearing; and (c) a claim that the academic sanction(s) imposed were not appropriate for the violation of the Code for which the accused student was found responsible and/or (d) a claim that the academic sanction imposed has resulted in a palpable injustice. The Provost shall have the right to deny an appeal not brought on proper grounds.

c. The decision of the Provost or designee shall be rendered within ten (10) University calendar days of receipt of an appeal of the Hearing Panel’s decision. The decision of the Provost or designee shall be final and there shall be no further right of appeal.

8. Annual Reporting.

At the end of each year, the Student Conduct Office shall notify the Faculty Senate and the Provost of the total number of academic misconduct cases reported for the year, the number of appeals filed, and the number and type of disciplinary sanctions imposed by the Faculty Hearing Board. No individual case decisions or outcomes will be identified in this report. Where necessary, the report will aggregate data over several years in order to maintain confidentiality.

9. Revisions to this Academic Honesty Guidelines.

The Senate, in agreement with the President of the University, shall establish revisions of the Academic Misconduct Guidelines.

10. Timeline. Note: The term “days” in this timeline refers to University calendar days.

<table>
<thead>
<tr>
<th>1. An individual who witnesses misconduct shall report the incident to the instructor or to the University Office of Student Conduct...</th>
<th>As soon as possible but prior to the end of the semester in which the incident occurred.</th>
</tr>
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<tbody>
<tr>
<td>2. The University Office of Student Conduct shall provide the instructor with a copy of the written complaint...</td>
<td>within 3 days of receipt of complaint by an individual other than the instructor.</td>
</tr>
</tbody>
</table>
| 3. The instructor shall notify the student in writing of the infraction... | • within 3 days of an instructor’s identification of misconduct, or  
• within 3 days of receipt of a written complaint from the University Student Conduct Office. |
| 4. A hearing shall take place... | • within 10 days of receipt of complaint by the University Office of Student Conduct, or  
• within 10 days of an accused student’s request for a hearing, or  
□ within 10 days of the Office of Student Conduct bringing charges against a student. |
<p>| 5. Students shall have time to prepare for the hearing... | not to be less than 3 days. |
| 6. The decision of the Hearing Panel shall be sent in writing to the accused student and the instructor... | within 2 days after the hearing. |
| 7. The student may file an appeal in writing to the Provost | within 3 days after receipt of the... |</p>
<table>
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<tr>
<th>Hearing Panel's written decision.</th>
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<tr>
<td>8. The Provost (or designee) shall render a final decision to any student appeal of a Hearing Panel ruling...</td>
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<tr>
<td>within 10 days of receipt of that appeal.</td>
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</tbody>
</table>

Flow Chart

Academic Misconduct Report

Academic misconduct, also called academic dishonesty, includes cheating, plagiarism and other academically dishonest acts. Examples of what constitutes academic misconduct are presented in Faculty Senate document on academic misconduct and appear in the Student Handbook.

Instructions

1. When academic dishonesty occurs, this form must be completed and submitted to the Dean of the School and the Chair of the Department in which the course resides.

2. A copy of the form must be sent to the affected student.

3. Instructors may request no further action, or that disciplinary charges be brought by the Office of Judicial Affairs.

Instructor's Name___________________________________________ Department_________

Office _______ Phone______________________ Email_______________________________

Course ___________________________ Section________ Term_____________________

Student Name________________________________________ Student ID# __________ Describe Alleged Misconduct:

___________________________________________________________________________

Sanction(s) taken By Instructor: ___Reduced Grade for Assignment ___Opportunity to Revise Assignment ___Grade of F for Assignment ___Grade of F for the Course

___ I Request No Further Action

___ I Recommend Separate Disciplinary Actions be Initiated by the Office of Judicial Affairs.

Instructor's Signature Date

Copies Sent To: Department Chair __________________ Dean_____________________

Academic Misconduct Student Request for Hearing Form
Student Name__________________________Term__________Instructor's Name__________________________Department________________

Explain the basis of your appeal. Be specific.

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

(Please attach any additional materials that support your case.)

This completed form must be sent to the Office of Judicial Affairs within 5 days following department's or instructor's sanction(s).

Note: Academic Misconduct can include cheating, plagiarism, and other issues. The descriptions of misconduct are described in the Student Handbook and in an instructor's syllabus.
Concerns from Academic Affairs and from Student Affairs regarding Faculty Senate Academic Misconduct Resolution No. F-2018-02 and Grade Appeal Resolution F-2018-03.

Grade Appeal

§ “Grade appeals are made only in the fall or spring semester after the grade is received”. While the document provides for department Chairpersons to waive pre-requisites, that provision is explained later in the document. It’s important that it be stipulated here as well.

§ “If, however, a graduating student is appealing a grade that prevents the student from graduating, it is recognized that time of graduation may be affected if the established Grade Appeal Procedure is followed. In this case, attempts will be made by the instructor, Department Chairperson, and UASC to resolve the issue in an expedited manner.” Attempts will be made? Only if it’s convenient? This provision is too weak and too important to be so weak.

§ “It is the responsibility of the student to ensure that any agreed upon change to a grade has been implemented by the end of the appeal semester.” The language here is unchanged. Students have no ability to ensure that their grades are changed as they possess neither the logistical means nor the authority to assign grades on Banner.

§ “The student completes the Grade Appeal Form and sends it, along with all previously submitted Grade Appeal Forms”. This language is new. It implies either that students are constantly completing and resubmitting Grade Appeal forms or that they are responsible for submitting previous grade appeal requests, doesn’t it?

§ The document leaves the academic deans almost totally out of the process.

§ Defining palpable injustice more clearly means fewer grade appeals. This also puts more of a burden on the students and makes it more likely that the instructor will not be happy with the student even questioning a grade since the student has to notify the department chairperson.

§ "It is the responsibility of the student to ensure that any agreed upon change to a grade has been implemented by the end of the appeal semester.” If the faculty member doesn’t enter the change of grade, how does the student ensure it gets done?

§ Still no process for resolving grade appeals in the summer.

Overall Concern – The policies appear to be written more in the context of protecting faculty than simply outlining a fair and just process to be followed. The responsibility and burden seem to be much more on the student than equally between the faculty and student. For example it is the students responsibility to assure a change is completed once agreed upon, instructors can refuse to participate (although it says they will attempt to resolve in good faith). Refusing to participate does not seem to be in good faith.

Section I - Why is the paragraph outlining what is not warranted needed? Seems that we should simply identify the grounds for appeal. It should be up to the committee to determine whether the ground is met or not. It also seems that the impalpable injustice is only able to be against an individual student. Is it not possible that there is an injustice against the whole class. Why does the behavior have to be different between students. For example, just because the faculty member was arbitrary to all students
equally does that mean there is no impalpable injustice. The CBA requirements around dealing with faculty behavior is evident but there still remains a question of whether a student has any recourse for poor, unprofessional or incompetent teaching. In addition, the grounds are asking for evidence that a student may not have access to such as other student grades.

Section III – There is an ongoing issue with relation to grade appeals only being heard during fall and spring semesters. While I get that they have put a caveat that if it impacts graduation that an “attempt” can be made to assist with the timing. What if people are not willing, then the student suffers because the faculty are not willing to participate. In addition, while they put a caveat for forward progression allowing chairpersons to alter subsequent and required course or pre-requisite this does not mean that chairpersons will allow. I know of a couple of instances in which chairs were not willing to do this even though they had the ability again putting the student in a difficult situation. This section also highlights it is the student responsibility to verify the change took place. If we made the error why is it not the Department responsibility to assure the change was completed.

Section IV – There are concerns regarding record keeping. It is too vague on where official documents and decisions on appeals are to be kept. While there appears to be an effort to address this concern by having the appeal go to the chair at level one, it is still not clear how a decision is relayed to the student and where that is record kept. It would seem that a faculty member would need to document their decision, send to student and file with the department. The same would be true for level two. There is a statement that suggests a Dean can return the case to the committee if there are procedural issues, however, it is uncertain how this might alter the decision (or even protect the student procedural due process) as there is not a ground to be considered regarding procedural issues. Lastly in this section, there are concerns over the standard in which a Dean can extend the deadline. “Incapacitation” is a very high standard. This should be more flexible to allow the Deans to extend the deadline.

Forms – The forms are not consistent with the policy and lack clarity on the record keeping process.

**Academic Misconduct**

Introduction – There needs to be some clarity around academic misconduct and behavior. The instructor handles the academic sanction and the panel determines any behavioral outcomes as well as academic sanction that are raised on appeal.

Section 1 – There are concerns regarding dismissal from a program. These policies are not vetted to assure that students are afforded an opportunity to receive notice, participate and appeal. I believe by combining academic misconduct with dismissal from program procedures is not appropriate. In the last section the policy references department committees to review instances of academic misconduct. What process is being used, how are students aware and understand these processes, are they a decision making body, is their right to appeal etc.

Section 3 - Sub-section 3 needs to be clarified. While a faculty member can make a recommendation for discipline through the student code of conduct it should be clarified that this is a recommendation and the student conduct makes a decision on whether it merits a hearing or administrative review. There is some contradictory language in this section.
Section 4 – There needs to be clarity on the grading pending an appeal and who is responsible for making this happen. Seems to me the committee will need to take responsibility for this. This plays into my concern in the next section regarding timing. There should also be some language added about students appeal of the sanction. As is indicated in an earlier section the sanction needs to be commensurate about the act. If this is the case a student should have the ability to appeal an academic sanction based on the fact that it is not commensurate.

Section 5 – The hearings need to be scheduled at the beginning of an academic year and be set for the year. It is very difficult to try and coordinate only when needed. In addition, we know it is common for these to increase at the end of semesters. We need a way to assure that all of these are being heard as they impact students’ progress forward.

Section 6 – once again there is contradicting language. It indicates a student can challenge a member of the panel but it contradicts itself with who makes the final decision. In one sentence it says the chair and in another it says the director of student conduct.

Section 7 – We need to remove the designee as at this time the code only allows for the Provost. Until such time we can get this changed we need to remain consistent.

Section 10 #4 – States that hearings will take place within 10 days yet we do not follow this when we reach the end of the semester. This again raises the questions of timing and scheduling. We have to be more flexible as these situations can impact a student’s graduation or progression forward in their program.