



# University Policies

## **[Section III: Academic Affairs ](<https://policies.umd.edu/academic-affairs>)**

Policy Number: III-1.00(A)

### **UNIVERSITY OF MARYLAND CODE OF ACADEMIC INTEGRITY**

(Approved by President August 01, 1991, Amended May 10, 2001, Amended May 05, 2005, Technical Amendments June 2012, Amended November 07, 2014, Amended effective January 01, 2019, Amended effective April 01, 2020, Amended May 25, 2023 )

#### **I. INTRODUCTION**

The University of Maryland, College Park is an academic community. Its fundamental purpose is the pursuit of knowledge. The University functions properly in fulfilling this mission when its community members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty.

Academic Misconduct is a corrosive force in the academic life of a university. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, the responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of Academic Misconduct is not a neutral act. Histories of institutions demonstrate that indifference will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for Academic Misconduct are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by Students, Instructors, and all campus community members.

The *Code of Academic Integrity (Code)* is designed to ensure that the principle of academic honesty is upheld.

#### **II. APPLICABILITY**

A. All Student work submitted for assessment, including but not limited to assignments, examinations, research, articles, dissertations, and theses, are held to the standards in this *Code*.

B. This *Code* applies to all reports of Academic Misconduct that are submitted to an Instructor or the Office of Student Conduct on or after August 28, 2023.

Where the date of the alleged Academic Misconduct precedes August 28, 2023, the definitions of Academic Misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this *Code*, however, will be used to resolve all reports of Academic Misconduct made on or after August 28, 2023, regardless of when the alleged incident(s) occurred.

#### **C. Office of Student Conduct**

The Office of Student Conduct (OSC) and its Director are charged with the administration of the *Code of Academic Integrity* and its processes. All references in this *Code* to the Director of Student Conduct include the Director and designees. The responsibilities of the OSC include:

1. Providing official and final interpretation of the *Code*;
2. Accepting reports of alleged Academic Misconduct;
3. Determining the appropriate alleged violation(s) to be filed in accordance with this *Code*;
4. Administering the process and procedures for investigating and resolving alleged *Code* violations;
5. Supervising, training, and advising all conduct boards; and
6. Maintaining all Student disciplinary records in accordance with this Policy.

## D. Referral to Another University Process

1. In cases where an allegation of Academic Misconduct could also be a violation of Policy III-1.10(A) University of Maryland Policy and Procedures Concerning Scholarly Misconduct (the “Scholarly Misconduct Policy”), the Director of Student Conduct and the University’s Research Integrity Officer (RIO) will determine whether this *Code* or the Scholarly Misconduct Policy will apply.
2. When a scholarly misconduct process results in a finding of responsibility for a current or former Student, the RIO may refer the matter to the Office of Student Conduct for review under this *Code*, including for application of a Sanction if the Student was found responsible under the scholarly misconduct process.
3. Responding Parties found responsible for Academic Misconduct may also be subject to a program review for continued participation in their academic and University sponsored scholarship programs, in addition to any Sanctions imposed under the *Code*.

## III. DEFINITIONS

When used in the context of this *Code*, the terms below mean the following:

- A. “Advisor” means a person chosen by a Responding Party to assist the Responding Party during the conduct review and resolution processes. The Advisor may be an attorney. The Responding Party is responsible for paying any expenses incurred by retaining an Advisor. The Advisor may be present with the Responding Party to provide advice and consultation to the Responding Party. The Advisor shall not be an active participant in resolution proceedings, but if necessary, the Responding Party may request a break in order to speak privately with an Advisor. The Advisor may not speak for the Responding party, serve as a witness, provide evidence in a review or resolution process, delay, or otherwise interfere with the University’s resolution process.
- B. “Advocate” means a registered, University degree-seeking Student designated to assist a Responding Party. The role of an Advocate includes:
  1. Providing confidential advice to the Responding party.
  2. Making brief opening and closing statements.
  3. Questioning parties and witnesses, including Reporting Parties, pursuant to the applicable procedures.
  4. Following a determination of responsibility, the Advocate may make recommendations regarding Sanctions, if appropriate.
- C. “Aggravating Factors” means a factor that may be considered in determining Sanctions. An Aggravating Factor is present either at the time of the violation occurred, or is a result of the violation. Aggravating Factors may include, but are not limited to, advance planning to engage in prohibited behavior, providing false information in the resolution process, extensiveness of harm to stakeholders in the incident, and a Student’s prior conduct history.
- D. “Community Advocate” is a registered, University degree-seeking Student who is trained to assist or represent the Reporting Party and present disciplinary matters at Honor Reviews. Their responsibilities include providing brief opening and closing statements, presenting evidence, and other duties as requested by the Honor Board. The Community Advocate performs their responsibilities under the oversight of the Office of Student Conduct.
- E. “Days” means business weekdays when the University is not closed.
- F. “Formal Charge” is a written notice of the alleged violations of Academic Misconduct that will be considered during an Honor Review by an Honor Board.
- G. “Instructor” means the course Instructor of Record, thesis or dissertation advisors, or research supervisors.
- H. “Knowingly” means consciously engaging in specific conduct, regardless of whether the individual understood the conduct was a violation of the *Code*.
- I. “Major Graded Assessment” means an assignment, project, examination, exercise, or other course work designated by the Instructor as essential to assessing the Student’s progress toward the learning objectives.

- J. "Mitigating factors" means a factor that may be considered in determining Sanctions. A Mitigating Factor is present either at the time the violation occurred, or after the violation when a Student engages in substantial activities to increase their knowledge or prevent future violations. Mitigating Factors include the steps the Responding Party has taken to address their behavior.
- K. "Reporting Party" means the individual(s) who have referred a Student or incident to the Office of Student Conduct based on an alleged violation of the *Code*. A Reporting Party may be any member of the campus community, including the Instructor or a representative from the academic department.
- L. "Responding Party" means a Student alleged to have committed a violation of this *Code*.
- M. "Student" means a person enrolled, registered, or auditing courses at the University on a full-time or part-time basis or a person who may not be enrolled but has a continuing academic relationship with the University.
- N. "Support Person" means a person chosen by a Responding Party to provide emotional and logistical support. A Support Person cannot be an active participant or witness in the resolution process.
- O. "University" means the University of Maryland, College Park.

#### IV. PRINCIPLES OF ACADEMIC INTEGRITY

##### A. Honor Statement

New and incoming Students should know the role of the Honor Pledge and the Student Honor Council, as well as the obligation of all members of the University community to promote and practice the highest standards of academic integrity.

##### B. Honor Pledge

The Honor Pledge is a reminder that at the University, Students have primary responsibility for academic integrity because the meaningfulness of their degrees depends on it. Instructors are urged to emphasize the importance of academic honesty and of the Honor Pledge as its symbol. Instructors should reference both the Honor Pledge and this *Code* on syllabi and throughout the course period, including instruction and guidance on avoiding plagiarism through proper citation and links to additional online or web-based materials.

1. On all work submitted for assessment that is not specifically exempted by the Instructor, Students are encouraged to write and sign the following pledge:

*I pledge on my honor that I have not given or received any unauthorized assistance on this assessment.*

2. Failure to sign the pledge is not a violation of the *Code of Academic Integrity*, but neither is it a defense in case of violation of this *Code*. Signing or non-signing the pledge will not be considered in grading or in the investigation, resolution, or adjudication procedures provided in this *Code*.
3. On examinations, no assistance is permitted unless authorized or expressly allowed by the Instructor.
4. On assignments that are not examinations, the Honor Pledge means that the assignment has been done without Academic Misconduct, as defined in this *Code*. Instructors should define clearly in writing what type of material or information is authorized for assignments. Students are expected to seek clarity if they are confused whether specific materials, information, or resources are authorized.

##### C. The Student Honor Council

1. The Student Honor Council is a branch of the University Student Judiciary composed of qualified graduate and undergraduate Students in good academic standing. The University Student Judiciary and its branches are an essential part of the Office of Student Conduct, which advises and supervises the University Student Judiciary and its branches.
2. The Student Honor Council has the following responsibilities and authority:
  - a. To increase awareness throughout the campus of the importance of academic integrity; and
  - b. To designate from its members Students to serve as members of Honor Boards or Disciplinary Conference Boards, as specified in this *Code*.

3. All Student Honor Council members will participate in orientation and training sessions held by the Office of Student Conduct.
4. Members of the Student Honor Council who are charged with any violation of this *Code*, the *Code of Student Conduct*, another University policy, or with a criminal offense may be suspended from their positions by the Director of Student Conduct while the charges against them are pending. Student Honor Council members found responsible (or guilty in the case of criminal charges) for any such violation or offense may be disqualified from any further participation in the University Student Judiciary by the Director of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the University Student Judiciary.

## V. PROHIBITED CONDUCT

ACADEMIC MISCONDUCT: Any of the following acts, when committed by a Student, constitute Academic Misconduct:

- A. Cheating: fraud, deceit, or misconduct in any academic course, exercise, or research in an attempt to gain an unfair advantage and/or using or attempting to use unauthorized materials, information, or study aids in any academic course, exercise or research, including qualifying and other graduate Student examinations.
- B. Fabrication: unauthorized falsification or invention of any data, images, information or citation in any academic course, exercise or research, including but not limited to articles, proposals, dissertations, and theses.
- C. Facilitating Academic Misconduct: Knowingly helping or attempting to help another individual to violate any provision of this *Code*.
- D. Plagiarism: representing the words or ideas of another as one's own in any academic course, exercise or research, including but not limited to articles, proposals, dissertations, and theses.
- E. Self-Plagiarism: the reuse of substantially identical or nearly identical portions of one's own work in multiple courses without prior permission from the current Instructor or from each of the Instructors, if the work is being submitted for multiple courses in the same semester.

## VI. SANCTIONS

Students found responsible for Academic Misconduct are subject to Sanctions. The aims of sanctioning are to protect the campus community, deter future offenses, promote individual accountability, and enhance an individual's ethical development and decision-making. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for their actions.

The sanctioning process for a potential violation of the *Code* is focused on specific behavior; it is not a judgment of a student's whole character. To make a judgment of a Student's overall character is antithetical to the educational goals of the resolution process. Therefore, character witnesses and character statements are not required in the resolution process.

While all Academic Misconduct matters differ in their severity and complexity, the Office of Student Conduct endeavors to address similar facts and circumstances for Students in the same status, e.g., undergraduate or graduate, consistently. The listed Sanctions are guidelines to inform campus community members of the potential impact of being found responsible for Academic Misconduct. Attempts to commit acts prohibited by this *Code* may be sanctioned to the same extent as completed violations.

The expected sanction for undergraduate Students found responsible for violating the *Code of Academic Integrity* on a Major Graded Assessment as determined by the Instructor is the grade of "XF" in the course.

The expected Sanction for graduate Students is the permanent grade of "XF" and Expulsion or Suspension.

A lesser or more severe Sanction, including a different form of grade adjustment, may be recommended or imposed depending on the nature of the alleged Academic Misconduct and consideration of Mitigating or Aggravating Factors as defined in this *Code*.

In addition to the Sanctions provided in this *Code*, a finding of responsibility for Academic Misconduct might affect a Responding Party's University employment status and assistantship participation. The Responding Party also may be subject to disciplinary actions in accordance with guidelines governing their employment or assistantship. Academic or extracurricular programs may also impose their own penalties for Responding Parties found responsible for Academic Misconduct.

Possible Sanctions under this *Code* include the following:

## A. Grade Adjustments

## 1. The grade of “XF” for the course.

- a. The grade “XF” is recorded on the Student’s transcript with the notation “failure due to Academic Misconduct.” The grade of “XF” is treated in the same way as an “F” for the purposes of determining grade point average, course repeatability, and academic standing.
- b. A Student with an “XF” on their transcript may not be permitted to represent the University in any extracurricular activity (for example, intercollegiate athletics, sports clubs, traveling performance groups, competitive events, etc.), or run for or hold office in any Student or University organization that is allowed to use University facilities or receives University funds. The Director of Student Conduct will determine any applicable restrictions on a case-by-case basis.
- c. The normal duration of the placement of the “XF” is twelve (12) months. If unusual and compelling Mitigating Factors are presented, an abbreviated “XF” for six (6) months may be considered. If serious Aggravating Factors are presented, the “XF” may be designated as a permanent notation on the Student’s transcript for the course or academic exercise in question.
- d. The “XF” will be paired with an educational Sanction to be completed by the Responding Party before the “XF” is eligible to be removed.
- e. The grade of "XF" will be replaced with a grade of "F" following the completion of the Sanction duration and the educational Sanction. The "F" grade will remain on as the Student's grade for the course or other academic exercise permanently.

2. The grade of “F” for the course: A grade of “F” may be imposed for the course or other academic exercise in which Academic Misconduct occurred. The grade of “F” factors into the determination of the Student’s grade point average, eligibility for course repeatability, and academic standing.

3. Letter grade reduction for the course: A Student may receive a full letter grade reduction for the course or other academic exercise in which Academic Misconduct occurred. This Sanction is in addition to the Sanction set forth in subparagraph 4 below.

4. Zero on the assignment(s): A Student may be given no credit for the assignment(s) in which Academic Misconduct occurred. The Instructor will factor the zero into the Student’s final grade in the course or other academic exercise (before application of the letter grade reduction in subparagraph 3 above, if applicable).

B. Degree Revocation: rescinding a degree previously awarded by the University. A permanent notation will appear on the Student’s transcript. (Degree Revocation requires administrative review and approval of the Dean of Students.)

C. Expulsion: permanent separation of the Student from the University. A permanent notation will appear on the Student’s transcript. In addition, the Director of Student Conduct may also bar the Student from University premises. (Expulsion requires administrative review and approval by the Dean of Students, who may alter, defer, or withhold the Expulsion.)

D. Suspension: separation of the Student from the University for a specified period of time. A permanent notation will appear on the Student’s transcript. The Student cannot participate in any University-sponsored activity and may be barred from University premises during the period of Suspension. Suspended time will not count against any time limits required by the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Dean of Students, who may alter, defer, or withhold the Suspension.)

E. Other Sanctions: other Sanctions may be imposed in addition to those specified in this section of the *Code*. Other Sanctions may include educational or reflective experiences that encourage the Student to prevent repeated acts of Academic Misconduct or help the Student better understand how their Academic Misconduct affects the academic and professional communities of which the Student is a member.

## VII. RESPONSIBILITY TO REPORT ACADEMIC MISCONDUCT

All members of the University community—Students, faculty, and staff—share the responsibility and authority to challenge and make known acts of apparent Academic Misconduct.

Prompt reporting to an Instructor or the Office of Student Conduct enhances the University’s ability to respond and address matters related to Academic Misconduct and to provide proper guidance and resolution to Students. The referral and resolution of reports of Academic Misconduct must be free of conflict of interest or bias and consistent for similar conduct and for all participants alleged to be involved and complicit in the

conduct. Additionally, Instructors should be consistent with Students in which matters are addressed with further instruction and guidance and which matters are referred to as Academic Misconduct.

#### A. Self-Referral

1. Students who commit acts of Academic Misconduct may demonstrate their renewed commitment to academic integrity by reporting themselves in writing to the Office of Student Conduct. Students who elect to self-refer for Academic Misconduct are encouraged to utilize the Office of Student Conduct

**[electronic referral form found here online](https://cm.maxient.com/reportingform.php?UnivofMaryland&layout_id=1)**([https://cm.maxient.com/reportingform.php?UnivofMaryland&layout\\_id=1](https://cm.maxient.com/reportingform.php?UnivofMaryland&layout_id=1)) to detail the incident.

2. Students may not exercise the Self-Referral option more than once during their enrollment at the University.

#### 3. The Review of the Self-Referral

- a. The Director of Student Conduct will notify the Instructor of the course or other academic exercise in which the incident occurred to consult on the matter.
- b. Following a consult with the Instructor, the Director of Student Conduct will then convene a meeting with the Student to ensure that the Self-Referral provisions of this *Code* are followed and not to determine whether the Self-Referral will be accepted.
- c. The Director of Student Conduct will notify the Instructor of the course or other academic exercise in which the incident occurred of the meeting's outcome, including whether the Self-Referral was accepted.

#### 4. Recommendation

- a. If an investigation by the Director of Student Conduct reveals that no member of the University had a suspicion of a self-referring Student's act of Academic Misconduct and the Self-Referral is accepted, the Student will not be charged with Academic Misconduct or have a disciplinary record for the reported incident.
  - i. If the Student's Self-Referral is accepted, the Student must successfully complete an educational Sanction. In addition, at the discretion of the Instructor, the Student may have the grade for the work that resulted from the Academic Misconduct reduced to a zero, by one letter grade, or to an "F."
- b. If the Director of Student Conduct determines that Academic Misconduct was suspected at the time of the Student's Self-Referral and admission, the matter will be resolved in accordance with the Resolution Procedures specified in this *Code* for resolving Academic Misconduct allegations. If the Student is found responsible for Academic Misconduct, the Student's Self-Referral and admission may be considered a Mitigating Factor for purposes of sanctioning.

#### B. Third-Party Reporting of Academic Misconduct

1. Any member of the University community who has witnessed an apparent act of Academic Misconduct, or who has information that reasonably leads to the conclusion that Academic Misconduct has occurred or has been attempted, has the responsibility to promptly inform the Office of Student Conduct.

#### 2. Review of the Third-Party Report

- a. The Director of Student Conduct determines whether a report of Academic Misconduct is supported by reasonable cause.
  - i. If the Director of Student Conduct determines that a report of the Academic Misconduct is supported by reasonable cause, the Office of Student Conduct will notify the Responding Party of the report and will offer the Responding Party an opportunity for a Preliminary Interview.
  - ii. If the Director of Student Conduct determines that the report of Academic Misconduct is not supported by reasonable cause, the matter is closed, and no indication of the report will be made on the Student's record.

## b. Preliminary Interview

The purpose of the Preliminary Interview is to provide the Responding Party an opportunity to review the allegations and any supporting evidence that was provided to the Office of Student Conduct. The Responding Party may discuss the alleged incident; however, they are not required to do so. Relevant information shared during the Preliminary Interview may become part of the case file for future proceedings.

- i. The Office of Student Conduct will review the resolution and adjudication procedures available under the *Code* with the Responding Party.
- ii. The Office of Student Conduct will review the potential sanctions that may be imposed if the Responding Party is determined to be responsible for Academic Misconduct.
- iii. The Office of Student Conduct will provide the Responding Party with a copy of this *Code* and a statement of procedural rights, which will include information about the right to be assisted by an Advocate, in alignment with this Code.

## 3. Notice of Resolution Options

- a. The Office of Student Conduct will advise the Responding Party of the alleged Academic Misconduct violations and the range of Sanctions that might be imposed if the Responding Party is found responsible for a violation of this *Code*.
- b. The Office of Student Conduct will advise the Responding Party of the Resolution Procedures options based on the alleged Academic Misconduct.
  - i. Reports of Academic Misconduct that might result in a Sanction of the grade “XF,” Suspension, Expulsion, or Degree Revocation have the right to an Honor Review, or may waive their right to an Honor Review and proceed to have their matter resolved by Informal Agreement or in a Disciplinary Conference or Disciplinary Conference Board.
 

Responding Parties who waive their right to an Honor Review and opt for an Informal Resolution, Disciplinary Conference or Disciplinary Conference Board are subject to the full range of Sanctions and the appeal restrictions provided in this *Code*.
  - ii. Reports of Academic Misconduct that do not have the potential to result in a Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation are resolved by Informal Agreement or in a Disciplinary Conference or a Disciplinary Conference Board.

## VIII. NOTIFICATION AND COMMUNICATIONS TO RESPONDING PARTIES

University email is the primary means by which the Office of Student Conduct communicates with Students. Students are responsible for reading all official communications delivered to the University email address and are advised to check their email regularly for University communications, including those from the Office of Student Conduct.

A Disciplinary Conference Board will be convened to resolve matters for Responding Parties who do not respond to communications from the Office of Student Conduct.

## IX. STANDARD OF EVIDENCE FOR RESOLUTION PROCESSES

The clear and convincing standard of evidence is used to determine responsibility for *Code* violations. Clear and convincing evidence gives a reasonable certainty of the truth and means that based on the totality of the evidence, it is highly and substantially more probable than not that the violation occurred.

## X. RESOLUTION PROCEDURES

The University has established informal and formal processes for resolving Academic Misconduct matters. Responding Parties will be treated with dignity and respect throughout the Resolution Procedures.

Student perspective is an important contribution to the resolution process. The Formal Resolution procedures include options for the participation of members of the University Student Judiciary, a diverse group of Students specifically trained in the content, processes, and procedures of this *Code* that operates under the direction of the Office of Student Conduct. Students selected for Disciplinary Conference Boards and Honor Boards are selected according to procedures developed by the Director of Student Conduct.

While the considerations and recommendations from the University Student Judiciary are important contributions to resolving misconduct matters, the final authority for interpreting the *Code* and its procedures is vested in the Office of Student Conduct.

## XI. INFORMAL RESOLUTION

### A. Academic Deferral – Minor Act of Academic Misconduct by an Undergraduate Student

The Director of Student Conduct may determine that the report of alleged misconduct by an undergraduate Responding Party describes an act of Academic Misconduct on an academic exercise the Instructor deems a minor assignment.

If the Director of Student Conduct, in consultation with the Instructor of the course in which the conduct is reported, determines that the report of Academic Misconduct by the undergraduate Responding Party constitutes a minor act of Academic Misconduct, the Instructor may request that the matter be resolved by Academic Deferral.

The Office of Student Conduct will notify the undergraduate Responding Party, via a Deferral Letter, of the report of Academic Misconduct and offer the undergraduate Responding Party resolution by Academic Deferral, without holding a Preliminary Interview or Formal Resolution process.

The Academic Deferral is limited to undergraduate Responding Parties. An undergraduate Responding Party who agrees to resolve a minor act of Academic Misconduct with an Academic Deferral receives no credit for the academic exercise related to the alleged Academic Misconduct and must successfully complete an educational Sanction as described in the Deferral Letter.

1. The Deferral Letter advises the undergraduate Responding Party of the minor act of Academic Misconduct for which the Responding Party has been determined responsible and the educational Sanction that must be completed in addition to receiving no credit for the academic exercise.

The Deferral Letter includes a copy of this *Code* and a statement of procedural rights that includes information about the right to be assisted by an Advocate or Advisor, provided in this *Code*.

2. The undergraduate Responding Party must acknowledge to the Office of Student Conduct receipt of the Deferral Letter and their affirmative acceptance of Academic Deferral within five (5) Days after the Deferral Letter is sent.

If the undergraduate Responding Party does not acknowledge receipt of the Deferral Letter and accept the offer to resolve the matter by Academic Deferral within five (5) Days, or if they decline the Deferral Letter offer, they cannot resolve the matter by Academic Deferral and must resolve the matter through another Resolution Procedure.

3. The determination of responsibility and Sanctions in the Deferral Letter become final upon receipt of the Responding Party's affirmative acceptance of the offer of Academic Deferral.
4. Once the educational Sanction is complete, the matter is closed and removed from the Responding Party's disciplinary record.

### B. Informal Agreement

If the Responding Party acknowledges responsibility for Academic Misconduct, they may choose to resolve the matter informally without participating in a Formal Resolution proceeding.

1. The Responding Party must acknowledge responsibility for the alleged Academic Misconduct.
2. In consultation with the Instructor of the course in which the alleged Academic Misconduct occurred, the Director of Student Conduct and the Responding Party shall reach an agreement on how the matter will be resolved, including the Sanction(s). If the Responding Party does not agree to the Sanction(s), then they may not resolve the matter via Informal Agreement and the matter must be resolved via a Formal Resolution.
3. With an Informal Agreement, the Responding Party must agree to waive the option to participate in a Formal Resolution proceeding, including an Honor Review.
4. The Responding Party does not have a right to appeal the Informal Agreement and the Sanction(s).
5. The Responding Party or the Instructor may not appeal an Informal Agreement.



## XII. FORMAL RESOLUTION

Responding Parties who chose to resolve a matter through a Formal Resolution Procedure may be assisted by an Advisor, if retained by the Responding Party, and an Advocate and accompanied by a Support Person.

As a general practice, Formal Resolution procedures will not be delayed due to the unavailability of an Advisor, Advocate, or Support Person.

### A. Witnesses

1. The Responding Party may have witnesses provide factual information in a Formal Resolution proceeding. It is the responsibility of the party requesting the presence of a witness to ensure that the witness appears.
2. Witness Unavailability: Notifications of a witness' inability to appear must be submitted in writing to the Director of Student Conduct.

As a general practice, Formal Resolution procedures will not be delayed due to the unavailability of a witness.

University Students and employees are expected to comply with requests to serve as a witness unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.

3. Witness Written Statements: Because the appearance of a witness is of greater value than a written statement, the latter is discouraged and should not be used unless the witness cannot or reasonably should not be expected to appear. Any written statement must be dated and signed, and witnessed by a staff member in the Office of Student Conduct or a person designated by the Director of Student Conduct.

### B. Disciplinary Conference with the Director of Student Conduct

1. An Academic Misconduct matter may be resolved by a Disciplinary Conference with the Director of Student Conduct if:
  - a. the alleged act of Academic Misconduct would not normally result in a grade of "XF," Suspension or Expulsion, as defined by the *Code of Academic Integrity*; or
  - b. the Responding Party faces a potential Sanction of the grade of "XF," Suspension, Expulsion, or Degree Revocation and waives the right to an Honor Review or a Disciplinary Conference Board.
2. The Director of Student Conduct reserves the right to refer complex or contested matters to a Disciplinary Conference Board.
3. A Responding Party who is permitted to resolve an Academic Misconduct matter in a Disciplinary Conference is accorded the following procedural protections:
  - a. At least three (3) Days advance written notice of the scheduled Disciplinary Conference.
    - i. If a Responding Party fails to attend their scheduled Disciplinary Conference, a response of not responsible will be considered on behalf of that Responding Party, and the scheduled Disciplinary Conference will proceed in their absence.
  - b. Written notice of charges at least three (3) Days prior to the scheduled Disciplinary Conference.
  - c. Reasonable access to the case file prior to and during the Disciplinary Conference.
  - d. An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.
  - e. The option to be assisted by an Advisor, who may be an attorney retained by the Responding Party, and an Advocate and accompanied by a Support Person.
4. Director of Student Conduct Determinations
  - a. The Director of Student Conduct will consider all of the information before them to determine whether the Responding Party is responsible for Academic Misconduct or an attempt thereof.

- b. The Responding Party may be found responsible for Academic Misconduct or an attempt thereof if the Director of Student Conduct determines that such a conclusion is supported by clear and convincing evidence.
  - c. If the Director of Student Conduct finds that there is no clear and convincing evidence that the Responding Party is responsible for Academic Misconduct or an attempt thereof, the Director will dismiss the charge of Academic Misconduct.
5. Sanctioning Determination: If the Director of Student Conduct finds that the Responding Party is responsible for Academic Misconduct, the Director may receive sanctioning recommendations from the Instructor, academic program director, and the Responding Party before determining an appropriate Sanction.
6. Outcome Notification: The Responding Party will be notified in writing of the Disciplinary Conference outcome and Sanction determination. If an appeal is permissible pursuant to subparagraph 7 below, the Director of Student Conduct will provide a written report of their responsibility determination and Sanction, including stating the Aggravating Factors and Mitigating Factors that were considered, if any.
7. Appeal
- a. The Responding Party may appeal, as provided in the Appeals section of this *Code*, an outcome that results in a permanent grade of “XF,” Suspension, Expulsion, or Degree Revocation.
  - b. The Reporting Party and the Instructor cannot appeal a final determination.

#### C. Disciplinary Conference Board

1. Disciplinary Conference Boards provide an expedited and timely procedure for resolving an Academic Conduct matter with Student peer input. A Disciplinary Conference Board consists of two Students from the University Student Judiciary and a staff member from the Office of Student Conduct.
2. Request from the Responding Party  
A Responding Party may request that an Academic Misconduct matter be resolved using a Disciplinary Conference Board if:
  - a. the alleged act of Academic Misconduct would not normally result in a Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation; or
  - b. the Responding Party faces a potential Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation and waives their right to an Honor Review.
3. The Director of Student Conduct determines whether a Disciplinary Conference Board can be used to resolve the matter. The Director of Student Conduct reserves the right to refer complex or contested cases to an Honor Review.
4. Referred Matters: Matters involving Responding Parties who do not respond to notices from the Office of Student Conduct will be resolved by a Disciplinary Conference Board.
5. A Responding Party who is permitted to resolve an Academic Misconduct matter through a Disciplinary Conference Board is accorded the following procedural protections:
  - a. At least three (3) Days advance written notice of the scheduled Disciplinary Conference Board meeting.
    - i. If a Responding Party fails to attend their Disciplinary Conference Board meeting, a response of not responsible will be considered on behalf of that Responding Party, and the scheduled Disciplinary Conference Board meeting will proceed in their absence.
  - b. Written notice of charges at least three (3) Days prior to the scheduled Disciplinary Conference Board meeting.
  - c. Reasonable access to the case file prior to and during the Disciplinary Conference Board meeting.
  - d. An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.

- e. The option to be assisted by an Advisor, who may be an attorney retained by the Responding Party, and an Advocate and accompanied by a Support Person.
- f. The ability to appeal the outcome of the Disciplinary Conference Board if a Sanction of a permanent “XF,” Suspension, Expulsion, or Degree Revocation is imposed.
- g. The Responding Party may waive any of these protections by providing notification to the Director of Student Conduct prior to the start of the Disciplinary Conference Board meeting.

#### 6. Disciplinary Conference Board Determinations

- a. The Disciplinary Conference Board will consider all of the information before them to determine whether the Responding Party is responsible for Academic Misconduct or an attempt thereof.
- b. The Responding Party may be found responsible for Academic Misconduct or an attempt thereof if a majority of the Disciplinary Conference Board determines that such a conclusion is supported by clear and convincing evidence.
- c. If a majority of the Disciplinary Conference Board does not find that there is clear and convincing evidence that the Responding Party is responsible for Academic Misconduct or an attempt thereof, the Disciplinary Conference Board will dismiss the charge of Academic Misconduct, and the matter is concluded.
- d. Sanctioning: If the Disciplinary Conference Board finds that the Responding Party is responsible for Academic Misconduct, the Board may receive sanctioning recommendations from the Instructor, academic program director, and the Responding Party before determining an appropriate Sanction.
- e. Outcome Notification: The Disciplinary Conference Board will inform the Responding Party, the Instructor, and the Director of Student Conduct of its responsibility determination and imposed Sanction. If an appeal is permissible pursuant to subparagraph 7 below, the Disciplinary Conference Board will provide a written report of its responsibility determination and Sanction, if appropriate, including stating the Aggravating Factors and Mitigating Factors that were considered, if any.

#### 7. Appeal

- a. A Responding Party may appeal, as provided in the Appeals section of this *Code*, an outcome that results in a grade of a permanent “XF,” Suspension, Expulsion, or Degree Revocation.
- b. The Reporting Party and the Instructor cannot appeal a final determination.

#### D. Honor Review

The purpose of an Honor Review is to explore and investigate the incident giving rise to the allegation of Academic Misconduct and to reach an informed conclusion as to whether or not Academic Misconduct occurred. It is the responsibility of all persons at an Honor Review to assist in a thorough and honest exposition of all related facts.

An Honor Review is a confidential investigation. It requires a deliberative and candid atmosphere, free from distraction. As such, Honor Reviews are not open to the public or others interested in the matter. The Honor Board may conduct its private deliberations at such times and places as it deems appropriate.

Honor Reviews are conducted by an Honor Board convened by the Student Honor Council, which is a branch of the University Judiciary.

##### 1. Right to an Honor Review

- a. Responding Parties who face a potential Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation have the right to an Honor Review.
- b. Responding Parties do not have a right to an Honor Review in matters that do not have the potential to result in a Sanction of the grade of “XF,” Suspension, Expulsion, or Degree Revocation.
- c. Responding Parties who resolve matters via an Informal Resolution, Disciplinary Conference, or Disciplinary Conference Board waive their right to an Honor Review.

## 2. Honor Board Composition

Normally, an Honor Board consists of up to six (6) members: three (3) to five (5) voting members and one (1) non-voting Presiding Officer. Honor Boards are selected as follows:

### a. Voting Members:

- i. Two (2) to three (3) Student Honor Council members will be selected by the Office of Student Conduct. If the Responding Party is a graduate Student, then at least one (1) member will be a graduate Student.
- ii. One (1) to two (2) faculty or staff members will be selected by the Office of Student Conduct. If the Responding Party is a graduate Student, the Honor Board will include a faculty member who teaches graduate courses.

### b. Presiding Officer: The Presiding Officer may be a University Student, faculty, or staff member and will be selected by the Director of Student Conduct.

3. Honor Boards may be advised by a University staff member as designated by the Director of Student Conduct. A Board advisor is a non-voting member of the Board and has all the privileges of Board members, including the ability to comment on questions of procedure and on the relevance of evidence, and will otherwise assist in the administration of the Honor Review.

## 4. Procedural Protections for a Responding Party

A Responding Party who proceeds with resolving an Academic Misconduct matter in an Honor Review is accorded the following procedural protections:

### a. At least five (5) Days advance written notice of the date, time, and location for the Honor Review.

- i. If a Responding Party fails to attend their scheduled Honor Review, a response of not responsible will be considered on behalf of that Responding Party, and the scheduled Honor Review will proceed in their absence.

### b. At least five (5) Days prior to the scheduled Honor Review, written notice of the Formal Charge prepared by the Office of Student Conduct that reasonably advises the Responding Party of the alleged violations and the acts and circumstances that will be considered by the Honor Board to allow the Responding Party to contribute to the Honor Review in a meaningful way.

- i. The Formal Charge may be modified as the discussion in the Honor Review proceeds, as long as the Responding Party is provided notice of the modification and a reasonable opportunity to prepare a response. Recesses or postponements may be granted by the Presiding Officer as needed to allow the Responding Party to review a modified charge and prepare a response.

### c. Reasonable access to the case file prior to and during the Honor Review.

### d. An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.

### e. The option to be assisted by an Advisor, who may be an attorney retained by the Responding Party, and an Advocate and accompanied by a Support Person.

## 5. Honor Review Proceedings

An Honor Review is not a criminal or civil legal proceeding. It is not modeled on these adversarial systems, nor does it serve the same functions. It is not a court or tribunal. Rather, it is an academic process unique to the community of scholars that comprise a university. Formal rules of evidence are not applicable to Honor Review proceedings.

### a. Notification of Alleged Academic Misconduct

The Office of Student Conduct will prepare a Formal Charge of Academic Misconduct and send it to the Responding Party and the Honor Board with appropriate written notice.

### b. Role and Authority of the Presiding Officer

- i. The Presiding Officer exercises impartial control over the Honor Review to achieve an equitable, orderly, timely, and efficient process.

- ii. The Presiding Officer is authorized to make all decisions and rulings that are necessary and proper to achieve that end, including final decisions related to scheduling and to the inclusion of information in the record.
- iii. The Presiding Officer will admit all evidence, meaning documents, other information and witnesses, into consideration that reasonable persons would accept as relevant, significant, and important to the issues being decided in the matter. Unnecessarily repetitious, irrelevant, or prejudicial evidence may be excluded at the discretion of the Presiding Officer.
- iv. If in the judgment of the Presiding Officer there is reasonable cause to question the impartiality of an Honor Board member, the Presiding Officer will inform the Director of Student Conduct, who will reconstitute the Honor Board.
- v. The Presiding Officer may direct witnesses to appear upon the motion of any Honor Board member or at the request of the Community Advocate or the Responding Party.
- vi. The Presiding Officer may exclude witnesses from the Honor Review except during the time they are providing information to the Board.
- vii. The Presiding Officer has the discretion to remove any person who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer.
- viii. The Presiding Officer may modify procedural guidelines when necessary.

#### c. Honor Review Procedures

An Honor Review normally is conducted in the following manner:

- i. Both parties have an opportunity to share any relevant information, analysis, or arguments.
- ii. The Community Advocate will summarize the matter before the Honor Board first, followed by a summary presented by the Responding Party (or their Advocate).
- iii. The Community Advocate will present and question witnesses, and offer documents or other materials relevant to the matter. The Responding Party (or their Advocate) will then present and question witnesses, and offer documents or other materials relevant to the matter. The Community Advocate, the Responding Party (or their Advocate), and all members of the Honor Board may question any witness appearing before the Board.
- iv. The members of the Honor Board may ask the Reporting Party, the Community Advocate, or the Responding Party any relevant questions. The Honor Board members may also request any additional material or the appearance of other witnesses, as appropriate.
- v. The Community Advocate may make a brief closing statement, followed by a brief closing statement by the Responding Party (or their Advocate).

#### d. Honor Board Determinations

- i. The Honor Board will meet privately to consider all the information before them to determine whether the Responding Party is responsible for Academic Misconduct or an attempt thereof.
- ii. Responsible or Not Responsible Determination
  - a. If a majority of the Honor Board does not find that there is clear and convincing evidence that the Responding Party is responsible for Academic Misconduct or an attempt thereof, the Honor Board will dismiss the charge of Academic Misconduct, and the matter is concluded.
  - b. The Honor Board shall find the Responding Party responsible for Academic Misconduct or an attempt thereof if, by a majority vote of the Honor Board members, it determines that such a conclusion is supported by clear and convincing evidence. In such an event, Sanction recommendations will be collected from both parties.
- iii. Sanction Recommendation: If the Honor Board finds the Responding Party is responsible for Academic Misconduct, the Community Advocate and the Responding Party (or their Advocate) may recommend an appropriate Sanction. Pertinent

documents or other material may be submitted for the Honor Board's consideration, including information related to Aggravating and Mitigating Factors. The Honor Board will then meet privately to develop a recommendation regarding the Sanction by a majority vote.

- iv. Board Outcome Notification: The Presiding Officer will provide the Office of Student Conduct with a written report of the Honor Board's responsibility determination and Sanction recommendation, if appropriate, including stating the Aggravating Factors and Mitigating Factors that were considered.

e. Final Sanction Notification

Based on the Honor Board determining the Responding Party is responsible for Academic Misconduct or an attempt thereof and consideration of the Honor Board's Sanction recommendation, the Director of Student Conduct will impose an appropriate Sanction.

The Office of Student Conduct will notify the Responding Party of the imposed Sanction.

f. Appeal

- i. A Responding Party who is found responsible may appeal the responsibility determination and imposed Sanction as provided in the Appeals section of this *Code*.
- ii. The Reporting Party and the Instructor cannot appeal a final determination.

### XIII. APPEALS

Appeals are not intended to allow for a second review of the facts of the matter and determination of whether the Responding Party is responsible for Academic Misconduct. A review of the matter will be prompt and narrowly tailored to the stated grounds for appeal. In most cases, appeal reviews and considerations are confined to a review of the written record and the submissions in support of or against the appeal. In all matters, deference shall be given to the determinations of the lower board.

#### A. Submission of Appeal and Response to the Appeal

- 1. A Responding Party may appeal the determination of responsibility and the Sanction if:
  - a. The Responding Party receives a Sanction of a permanent grade of "XF," Suspension, Expulsion, or Degree Revocation following a Disciplinary Conference or Disciplinary Conference Board proceeding; or
  - b. The Responding Party was found responsible and subject to a Sanction following an Honor Review proceeding.

The Reporting Party and the Instructor cannot appeal a final determination or sanction.

- 2. An appeal must be submitted in writing within five (5) Days from the date of the letter providing the Responding Party notice of the final determination and sanction. At the discretion of the Director of Student Conduct, extensions may be granted with written permission in extenuating circumstances.
- 3. If the Responding Party does not submit an appeal, the responsibility determination and Sanctions become final five (5) Days from the date of the Office of Student Conduct's written notice.

#### B. Grounds for an Appeal are limited to:

- 1. Substantial Procedural Error: Procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Responding Party notice or a fair opportunity to be heard. Deviations from procedures that were not so substantial as to deny a Responding Party notice or a fair opportunity to be heard will not be a basis for granting an appeal.
- 2. Disproportionate Sanctioning: The Sanction is substantially disproportionate to the offense, which means it is far in excess of what is reasonable given the facts or circumstances of the violation.
- 3. Arbitrary and Capricious Decision: An arbitrary and capricious decision is a decision without a rational basis or unsupported by any evidence in the record.

4. New Evidence: New and significant relevant information has become available which a reasonably diligent person could not have discovered before or during the original proceeding.
  - a. When the basis of the appeal is new evidence, the appellate body will determine whether the information is new and was unavailable at the time of the Honor Review, Disciplinary Conference Board, or Disciplinary Conference. If the appellate body determines that the information is not new and was available at the time, the appeal will be denied.
  - b. If the information is determined to be new and unavailable at the time of the Honor Review, Disciplinary Conference Board, or Disciplinary Conference, the appellate body will consider whether the new information could have changed the outcome of the original Honor Review, Disciplinary Conference Board, or Disciplinary Conference.
  - c. If it is determined that the outcome could have been impacted by the new evidence, the case will be sent back to the original Honor Board or Disciplinary Conference Board, as applicable, for further review.
5. Unanticipated Disparate Impact of the Sanction: The Sanction has the unanticipated disparate impact on a Responding Party that exceeded the intention of the imposed Sanction.

### C. Appeal Screening

1. Appeals will be screened by the Office of Student Conduct, and only appeals that meet a Ground for an Appeal provided in this *Code* will be forwarded to the appropriate appellate body for review.
2. The Responding Party will have three (3) Days to correct an appeal submission if they are advised that the initial submission does not state a sufficient Ground for an Appeal.

### D. Response from the Office of Student Conduct

Upon receipt of the Responding Party's appeal, the Office of Student Conduct will provide a response to the appeal within five (5) Days.

### E. Review of the Appeal

1. Appeals of decisions resulting in a permanent grade of "XF," Suspension, Expulsion, or Degree Revocation will be decided by the University Senate Student Conduct Committee Ad Hoc Board, which is comprised of three members from the Student Conduct Committee, including at least one Student.
2. Appeals of decisions resulting in sanctions other than a permanent grade of "XF," Suspension, Expulsion, or Degree Revocation will be decided by the Appellate Board, which is a branch of the University Student Judiciary and is comprised of Students.

### F. The appellate body will consider the appeal and may:

1. Affirm the Decision and the Sanction imposed;
2. Affirm the Decision and reduce, but not eliminate, the Sanction;
3. Remand the matter to a new Honor Review, Disciplinary Conference Board, or Disciplinary Conference, as applicable, if there were procedural or interpretation errors;
4. Remand the matter to the original Honor Review, Disciplinary Conference Board, or Disciplinary Conference, as applicable, in accordance with the procedures outlined under "New Evidence;" or
5. Dismiss the matter if the Decision is determined to be arbitrary and capricious.

### G. Decisions of the appellate bodies are not subject to further appeal. Decisions altering the responsibility determination of the Honor Review, Disciplinary Conference Board, or Disciplinary Conference or the imposed Sanction will be accompanied by a brief written report explaining the appellate body's decision.

### H. The Sanction of Suspension or Expulsion requires review and approval by the Dean of Students. The Dean of Students may alter, defer, or withhold a Sanction of Suspension or Expulsion.

## XIV. DISCIPLINARY RECORDS

- A. Responding Parties found responsible for violations of the *Code of Academic Integrity* will have a disciplinary record. Disciplinary records are maintained by the Office of Student Conduct for a period of three (3) years from the date of the matter being closed. Disciplinary records may be retained for longer periods of time or permanently, if specified in the Sanction. Disciplinary records of Responding Parties with a Sanction of the grade of “XF” as a permanent notation on a Responding Party’s transcript, Suspension or Expulsion will be retained permanently unless otherwise specified.
- B. Responding Parties may petition the Office of Student Conduct to void their disciplinary record early, for good cause. Factors to be considered in the review of such petitions include:
1. The conduct of the Responding Party subsequent to the violation; and
  2. The nature of the violation and the severity of any damage, injury, or harm resulting from it.
- C. Disciplinary records retained for less than ninety (90) calendar days or designated as “permanent” should not be voided without unusual and compelling justification.
- D. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee, which will consider the appeal using the grounds for appeal outlined in this *Code*. A Responding Party must submit their appeal in writing within five (5) Days from the letter providing notice of the original denial of petition decision.
- E. In situations with unusual and compelling justification, the Director of Student Conduct has discretionary authority to alter, defer, or withhold a Sanction that has been previously imposed pursuant to the provisions of this *Code*, except the Director may not impose a stricter Sanction than was previously imposed pursuant to this authority. The Director of Student Conduct shall consult with the Dean of Students in cases of Suspension or Expulsion and may consult with other University administrators as appropriate in all cases. There shall be no right to appeal a denial of a request to alter, defer, or withhold a Sanction under this provision.