# ACADEMIC INTEGRITY CODE - COLLEGE OF GENERAL STUDIES

These guidelines pertain to academic integrity issues related to student-faculty interactions in the classroom and other academic contexts. Guidelines for handling situations involving sexual harassment can be found in the *University Sexual Harassment Policy* and in *Guidelines and Responsibilities for University Administrators: Handling Sexual Harassment Complaints*.

## STUDENT MISCONDUCT

**I. Student Obligations**

A student has an obligation to exhibit honesty and to respect the ethical standards of the academy in carrying out his or her academic assignments. Without limiting the application of this principle, a student may be found to have violated this obligation if he or she:

1. Refers during an academic evaluation to materials or sources, or employs devices, not authorized by the instructor.
2. Provides assistance during an academic evaluation to another person in a manner not authorized by the instructor.
3. Receives assistance during an academic evaluation from another person in a manner not authorized by the instructor.
4. Engages in unauthorized possession, buying, selling, obtaining, or using of any materials intended to be used as an instrument of academic evaluation in advance of its administration.
5. Acts as a substitute for another person in any academic evaluation process.
6. Utilizes a substitute in any academic evaluation procedure.
7. Practices any form of deceit in an academic evaluation proceeding.
8. Depends on the aid of others in a manner expressly prohibited by the instructor, in the research, preparation, creation, writing, performing, or publication of work to be submitted for academic credit or evaluation.
9. Provides aid to another person, knowing such aid is expressly prohibited by the instructor, in the research, preparation, creation, writing, performing, or publication of work to be submitted for academic credit or evaluation.
10. Presents as one's own, for academic evaluation, the ideas, representations, or words of another person or persons without customary and proper acknowledgment of sources.
11. Submits the work of another person in a manner that represents the work to be one's own.

12. Knowingly permits one's work to be submitted by another person without the instructor's authorization.

13. Attempts to influence or change one's academic evaluation or record for reasons other than achievement or merit.

14. Indulges, during a class, examination session, or any other academic setting, in conduct that is so disruptive or disrespectful as to infringe upon the rights of the instructor or fellow students.

15. Fails to cooperate, if called upon, in the investigation or disposition of any allegation of dishonesty pertaining to another student, or any other breach of a student's obligation to exhibit honesty.

**II. Procedures for Adjudication**

No student should be subject to an adverse finding that he or she committed an offense related to academic integrity, and no sanction should be imposed relating thereto, except in accordance with procedures appropriate for disposition of the particular matter involved. The degree of formality of proceedings, the identity of the decision maker or decision makers, and other related aspects should properly reflect such considerations as the severity of the potential sanction, its probable impact upon the student, and the extent to which matters of professional judgment are essential in arriving at an informed decision. In all cases, however, the objective is to provide fundamental fairness to the student as well as an orderly means for arriving at a decision, starting first with the individual instructor and then with designated administrative officers or bodies.

**These Guidelines are not meant to address differences of opinion over grades issued by faculty in exercising good faith professional judgments of student work.** They are meant to address ways in which a faculty member deals with a student regarding an alleged breach of academic integrity.

In matters of academic integrity, the succeeding procedural steps must be followed:

1. Any member of the University community who has evidence may bring to the attention of the instructor a complaint that a student has failed, in one or more respects, to meet faithfully the obligations specified in Section I. 2 Acting on his or her own evidence, and/or on the basis of evidence submitted to the instructor, the instructor will advise the student that he or she has reason to believe that the student has committed an offense related to academic integrity, and the student will be afforded an opportunity to respond. If the accused student and the instructor accept a specific resolution offered by either of them, the matter shall be considered closed if both parties sign a written agreement to that effect, and submit a copy of the agreement to the Director of Academic Programs, College of General Studies. These records are not to be added to the student's individual file and they are to be destroyed when the student graduates or permanently terminates registration. The Director of Academic Programs may provide such information identifying an individual student for the following uses:

    a. to an instructor who is involved with a student integrity violation at the initial stage and who wishes to use this previous record in determining whether a resolution between the faculty member and the student or an Academic Integrity Hearing Board may be most appropriate, especially in the case of repeat offenders; and,

    b. to a college or school Academic Integrity Hearing Board after a decision of guilt or innocence has been made in a case, but before a sanction has been recommended.

2. If a resolution between the faculty member and the student cannot be reached, a meeting should be scheduled with the student, faculty member and department chair/program director (or his/her representative) for a final attempt at an informal resolution. If this meeting does not result in a mutually agreeable outcome, the faculty member will file a written statement of charges with the appropriate Dean or his/her designee of the academic unit/school in which the course is housed and follow the procedures for adjudication set forth by the respective school. Complaints involving undergraduate students in CGS-owned courses (i.e., CGS 0092, 0093, 0095, 1900, and 1901) should be directed to the Director of Academic Programs in the College of General Studies. Such a statement should set forth the alleged offenses that are the basis of the charges, including a factual narrative of events and the dates and times of occurrences. The statement should also include the names of persons having personal knowledge of circumstances or events, the general nature and description of all evidence, and the signature of the charging party. A "G" grade should be issued for the course until the matter is decided. In situations involving the student's last term before graduation, degree certifications can be withheld pending the outcome of the investigation that should be expedited as quickly as possible.

3. The CGS Academic Programs Director will conduct an investigation of the charges, talking with the student and faculty member. The Academic Programs Director will reach a decision regarding the case and this decision will be sent to all the parties involved in the case.

4. If either party wishes to appeal the Academic Director's decision, then the Director, serving as the Academic Integrity Officer, will convene a hearing board. The CGS Assistant Dean of Academic Affairs serves as chairman of the Academic Integrity Hearing Board. The board is made up of two professors, two students, and two university administrators.[i]

5. If the Academic Integrity Officer convenes the Academic Integrity Hearing Board, he/she will transmit a written statement of charges to the student, together with a copy of these regulations.

6. The letter of transmittal to the student, a copy of which shall also be sent to the instructor or charging party, will provide reasonable notice of the time and place when a hearing on the charges will be held by the Academic Integrity Hearing Board.

In proceedings before an Academic Integrity Hearing Board, the student shall have the right:

a) to be considered innocent until found guilty by clear and convincing evidence of a violation of the Student obligations of academic integrity;

b) to have a fair disposition of all matters as promptly as possible under the circumstances;

c) to elect to have a private or public hearing;

d) to be informed of the general nature of the evidence to be presented;

e) to confront and question all parties and witnesses except when extraordinary circumstances make this impossible;

f) to present a factual defense through witnesses, personal testimony and other relevant evidence;

g) to decline to testify against himself or herself; and

h) to have only relevant evidence considered by the Academic Integrity Hearing Board.

7. The hearing should provide a fair inquiry into the truth or falsity of the charges, with the charged party and the instructor or charging party afforded the right to cross-examine all adverse witnesses. Legal counsel shall not be permitted, but anon-attorney representative from within the University community shall be permitted for both faculty and students. A law student cannot be used as a representative at the Academic Integrity Hearing Board.

8. Any member of the University community may, upon showing relevancy and necessity, request witnesses to appear at the hearing. Witnesses who are members of the University community shall be required to appear and other witnesses may be requested to appear at a hearing. When necessitated by fairness or extraordinary circumstances, the Academic Integrity Hearing Board may make arrangements for recorded or written testimony for use in a proceeding.

9. HEARING PROCEDURE: The hearing will be conducted as follows:

a) the Chair of the Hearing Board will not apply technical exclusionary rules of evidence followed in judicial proceedings nor entertain technical legal motions. Technical legal rules pertaining to the wording of questions, hearsay, and opinions will not be formally applied. Reasonable rules of relevancy will guide the Chair of the Hearing Board in ruling on the admissibility of evidence. Reasonable limits may be imposed on the number of factual witnesses and the amount of cumulative evidence that may be introduced;

b) the Chair of the Academic Integrity Hearing Board shall read the alleged offense or offenses upon which the complaint is based;

c) objections to procedure shall be entered on the record, and the Chair of the Academic Integrity Hearing Board shall make any necessary rulings regarding the validity of such objections;

d) the charging party shall state his/her case and shall offer evidence in support thereof;

e) the accused or representative for the accused shall have the opportunity to question the charging party;

f) the charging party shall be given the opportunity to call witnesses;

g) the accused or representatives for the accused shall be given the opportunity to question each witness of the charging party after he/she testifies;

h) the charging party shall inform the Chair of the Academic Integrity Hearing Board when his/her presentation is completed, at which time the Academic Integrity Hearing Board members shall be given an opportunity to ask questions of the persons participating in the hearing;

i) the Academic Integrity Hearing Board shall recess, and the Chair shall make a determination as to whether the charging party has presented sufficient evidence to support a finding against the accused if such evidence is uncontroverted. The parties may be required to remain in the hearing room during the recess or may be excused for a time period set by the Chair of the Academic Integrity Hearing Board;

j) depending upon the determination of the Chair of the Academic Integrity Hearing Board, the matter shall be dismissed or the accused shall be called upon to present his/her case and offer evidence in support thereof;

k) the accused may testify or not as he/she chooses;

l) the charging party shall have the opportunity to question the accused if the accused voluntarily chooses to testify;

m) the accused or a representative for the accused shall have the opportunity to call witnesses;

n) the charging party shall have the opportunity to question each witness of the accused after he/she testifies;

o) the accused shall inform the Chair of the Academic Integrity Hearing Board when his/her presentation is complete, and the Academic Integrity Hearing Board members shall have an opportunity to ask questions of the accused as well as the accused's witnesses;

p) the Chair of the Academic Integrity Hearing Board shall have an opportunity to address the Hearing Board on University regulations or procedure in the presence of all parties, but shall not offer other comments without the consent of all parties; and,

q) the hearing shall be continued and the members of the Hearing Board shall deliberate in private until a decision is reached and recorded.

9. A suitable record (audio recording) shall be made of the proceedings, exclusive of deliberations to arrive at a decision. (An audio tape or written transcript of the hearing will be made available to the student at his or her own expense.)

10. The proposed decision, which shall be written, shall include a determination whether the charges have been proved by clear and convincing evidence, together with findings with respect to the material facts. If any charges are established, the proposed decision shall state the particular sanction or sanctions to be imposed. Prior violations or informal resolutions of violations may be considered only in recommending sanctions, not in determining guilt or innocence. Once a determination of guilt has been made, and before determining sanctions, the Chair of the Academic Integrity Hearing Board should find out from the appropriate Dean(s) or his/her designee whether prior offenses and sanctions imposed have occurred.

11. The proposed decision shall be submitted to the Dean. He/she may require that the charges be dismissed, or that the case be remanded for further proceedings whenever he or she deems this to be necessary. Upon completion of such additional proceedings, if any, and within a reasonable time he/she shall issue a final decision. He/she may reject any findings made by the Academic Integrity Hearing Board adverse to the student, and may dismiss the charges or reduce the severity of any sanction imposed but may not make new findings adverse to the student or increase the severity of a sanction, except in the case of repeat offenders of the Academic Integrity Guidelines.

12. The Chairman of the Academic Integrity Hearing Board shall then transmit to the charged party and the instructor copies of all actions taken. If a sanction is imposed, the notice to the student will make reference to the student's opportunity, by petition filed with the Provost, to appeal to the University Review Board.

**III. Timeliness**

It is the responsibility of all parties, including administrative officers, to take prompt action in order that charges can be resolved quickly and fairly. Failure to initiate these procedures within a maximum of two

terms from the time of the alleged incident may constitute grounds for dismissal of charges. Parties have the right to seek review by the Provost or to petition the University Review Board for an appeal from a decision of an Academic Integrity Hearing Board or investigatory committee within five (5) working days of the date of the decision letter.

**IV. Sanctions**

The sanctions that may be imposed upon a finding that an offense related to academic integrity has been committed are the following:

1. For the College of General Studies, the sanction for a first violation of the Academic Integrity Code will normally be a failing grade in the course.
2. A second violation will normally result in suspension or dismissal from the College.

The imposition of such sanctions may be part of any report concerning a student submitted to a government agency, accrediting body, or other person or institution in accordance with the requirements of law or the written consent of the student.

**V. Review and Appeal**

A student or faculty member may seek to have the decision (or a determination that the charges are not subject to adjudication) reviewed by the Provost, who may seek the advice of the University Review Board, or the student may appeal to the University Review Board, whose recommendation shall be made to the Provost. The action of the Provost, taken with or without the advice of the University Review Board, shall constitute an exhaustion of all required institutional remedies.

## Faculty Misconduct

**I. Faculty Obligations**

A faculty member accepts an obligation, in relation to his or her students, to discharge his or her duties in a fair and conscientious manner in accordance with the ethical standards generally recognized within the academic community (as well as those of the profession).

Without limiting the application of the above principle, members of the faculty are also expected (except in cases of illness or other compelling circumstance) to conduct themselves in a professional manner, including the following:

1. To meet their classes when scheduled.
2. To be available at reasonable times for appointments with students, and to keep such appointments.
3. To make appropriate preparation for classes and other meetings.
4. To perform their grading duties and other academic evaluations in a timely manner.
5. To describe to students, within the period in which a student may add and drop a course, orally, in writing, or by reference to printed course descriptions, the general content and objectives of a course; and announce the methods and standards of evaluation, including the importance to be

assigned various factors in academic evaluation and, in advance of any evaluation, the permissible materials or references allowed during evaluation.

6. To base all academic evaluations upon good-faith professional judgment.

7. Not to consider, in academic evaluation, such factors as race, color, religion, sex, sexual orientation, age, national origin, and political or cultural affiliation, and lifestyle, activities, or behavior outside the classroom unrelated to academic achievement.

8. To respect the confidentiality of information regarding a student contained in University records; and to refrain from releasing such information, except in connection with intra-University business, or with student consent, or as may be permitted by law.

9. Not to exploit their professional relationship with students for private advantage and to refrain from soliciting the assistance of students for private purposes in a manner which infringes upon such students' freedom of choice.

10. To give appropriate recognition to contributions made by students to research, publication, service, or other activities.

11. To refrain from any activity which involves risk to the health and safety of a student, except with the student's informed consent, and, where applicable, in accordance with the University policy relating to the use of human subjects in experimentation.

12. To respect the dignity of students individually and collectively in the classroom and other academic contexts.

**II. Grievance Policies**

Any member of the University community having evidence may bring to the attention of the department Chair and/or Dean a complaint that a faculty member has failed, in one or more respects, to meet faithfully the obligations set forth above. The Chair or Dean, in his or her discretion, will take such action by way of investigation, counseling, or action, in accordance with applicable University procedures as may appear to be proper under the circumstances. The faculty member's and student's interest in confidentiality, academic freedom, and professional integrity in such matters will be respected.

**III. Grievance Procedures**

In order to provide a means for students to seek and obtain redress for grievances affecting themselves individually, the following procedures should be followed. These are not intended and shall not be used to provide sanctions against faculty members.

Where an individual student alleges with particularity that the actions of a faculty member have resulted in serious academic injury to the student, the matter shall (if requested by the student) be presented to the Academic Integrity Hearing Board for adjudication. Serious academic injury includes, but is not necessarily limited to, the awarding of a lower course grade than that which the student has earned, or suspension from a class. **However, this is not intended to address normal grading decisions of faculty in exercising good-faith professional judgment in evaluating a student's work.**

It is the responsibility of the student, before seeking to have a grievance adjudicated, to attempt to resolve the matter informally by personal conference with the faculty member concerned, and, if such attempts are unavailing, to call the matter to the attention of the Department Chair/Program Director (or his/her designated representative) for consideration and adjustment by informal means. The student may take

the case to the appropriate Assistant Dean of the school/academic division in which the course is housed and follow the established grievance procedures. Students in CGS-owned courses may take the case to the CGS Director of Academic Programs. The Director will review the student's concerns, investigate the charges and make a recommendation. If the student or faculty member disagrees with the Academic Director's recommendation, either may appeal to the CGS Assistant Dean of Academic Affairs. The following grievance procedure will be followed:

1. The aggrieved student will file a written statement of charges with the CGS Assistant Dean of Academic Affairs.

2. If the Assistant Dean determines that the charges are subject to adjudication under the terms of the Academic Integrity Guidelines, he or she will transmit the charges to the faculty member, together with a copy of these regulations.

3. The letter of transmittal to the faculty member, a copy of which shall also be sent to the student, will state the composition of a committee that has been named to meet with the involved parties to make an informal inquiry into the charge. The purpose of this committee is to provide a last effort at informal resolution of the matter between the student and the faculty member. The committee will be appointed by the Assistant Dean and composed of two faculty members and two students drawn from the College of General Studies. It will serve on a case by case basis. Members of this informal committee must recuse themselves from further participation should the case proceed to a formal hearing.

4. The committee shall meet with the faculty member, the student, and others as appropriate, to review the nature of the problem in an attempt to reach a settlement of the differences. **This is not a formal hearing and formal procedural rules do not apply.** On completion of these meetings, if no mutually agreeable resolution results, the committee may produce its own recommendation for a solution to the conflict.

5. Should the committee recommend that the faculty member take some corrective action on behalf of the student, its recommendations shall be provided to the faculty member. As promptly as reasonable and at least within five working days after the faculty member receives the recommendations of the committee, the faculty member shall privately take that action which he or she elects, and so advise the student and chairman of the committee of that action.

6. Should the committee conclude that the faculty member need take no corrective action on behalf of the student, this finding shall be forwarded to both the faculty member and the student.

7. If the student elects to pursue the matter further, either because he or she is dissatisfied with the resulting action of the faculty member or the conclusion of the committee, he or she should discuss this intent with the chair of the committee who should review the procedures to be followed with the student. If the student wishes to proceed with a formal hearing, the chair of the committee shall advise the Assistant Dean that the case appears to involve a student's claim of serious academic injury, and that the formal hearing procedure must be initiated. The CGS Academic Integrity Officer will convene a panel from the CGS Academic Integrity Hearing Board and charge its members.

8. The formal hearing should provide a fair inquiry into the truth or falsity of the charges, with the faculty member and the student afforded the right to cross- examine. Legal counsel shall not be permitted, but a non-attorney representative from within the University community shall be

permitted for both faculty and students. A law student cannot be used as a representative at the Academic Integrity Hearing Board.

9. A suitable record (audio recording) shall be made of the proceedings, exclusive of deliberations to arrive at a decision. (An audio tape or a written transcript of the hearing will be made available to the faculty member at his or her own expense.)

10. The proposed decision, which shall be written, shall include a determination of whether charges have been proved by clear and convincing evidence, together with findings with respect to the material facts. If any charges are established, the proposed decision shall state the particular remedial action to be taken.

11. The proposed decision shall be submitted to the Assistant Dean, who will make an independent review of the hearing proceedings in consultation with the Dean. The Assistant Dean may require that the charges be dismissed, or that the case be remanded for further proceedings whenever he or she deems this to be necessary. The Assistant Dean may limit the scope of any further proceedings or require that a part or all of the original proceedings be reconvened. Upon completion of such additional proceedings, if any, the Assistant Dean shall issue a final decision. The Assistant Dean may reject any findings made by the Academic Integrity Hearing Board, dismiss the charges, or reduce the extent of the remedial action to be taken. If the Assistant Dean believes remedial action to be taken may infringe upon the exercise of academic freedom, he/she will seek an advisory opinion from the Senate Committee on Tenure and Academic Freedom before issuing his/her own decision. The decision of the Assistant Dean shall be in writing, shall set forth with particularity any new findings of fact or remedies, and shall include a statement of the reasons underlying such action.

12. The Assistant Dean shall then transmit to the faculty member and to the student copies of all actions affecting them taken by the hearing authority and the dean. Suitable records shall be maintained as confidential and retained in the office of the Dean of the College of General Studies.

**IV. Remedial Action**

Remedies in a student's behalf should usually be those agreed to willingly by the faculty member. Other remedial action to benefit a student may be authorized by the Assistant Dean only upon the recommendation of the Academic Integrity Hearing Board and limited to: allowing a student to repeat an examination; allowing a student to be evaluated for work that would otherwise be too late to be considered; directing that additional opportunities be afforded for consultation or instruction; eliminating a grade that had been assigned by a faculty member from the transcript; changing a failing letter or numerical grade to a "pass" or "satisfactory" grade, so as not to adversely affect a student's grade average; allowing a student to repeat a course without paying tuition or any other penalty, schedule and program permitting.

No action detrimental to the faculty member will be taken, except as in strict accordance with established University procedures. An adjustment hereunder in the student's behalf shall not be deemed a determination that the faculty member was in any way negligent or derelict.

**V. Review and Appeal**

A student or faculty member may seek to have the Assistant’s Dean's final decision (or a determination that the charges are not subject to adjudication) reviewed by the Provost, who may seek the advice of the University Review Board, or the student may appeal to the University Review Board, whose

recommendation shall be made to the Provost. The action of the Provost, taken with or without the advice of the University Review Board, shall constitute an exhaustion of all required institutional remedies.

If any such determination may be deemed to have a possible adverse effect upon the faculty member's professional situation, the faculty member may seek the assistance of the Tenure and Academic Freedom Committee of the University Senate.

**VI. Timeliness**

It is the responsibility of all parties, including administrative officers, to take prompt action in order that grievances may be resolved quickly and fairly. Failure to initiate these procedures within two terms of the alleged incident may constitute grounds for denial of a hearing or other relief, especially if prejudice results. Parties have the right to seek review of the Provost or to petition the University Review Board for an appeal from a decision of an Academic Integrity Hearing Board or investigatory committee within five (5) working days of the date of the decision letter.

**Grievance Procedures against Senior Administrators**

A student complaint of arbitrary or unfair treatment against the principal officer of an academic unit (e.g., the Dean) should be made to the Provost or appropriate Senior Vice Chancellor. There must be a prompt review and decision on the grievance. Members of the faculty who may be called upon to review and advise on the grievance should be drawn from outside the jurisdiction of the administrator against whom the charge is made.

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[i] The consists of two faculty members, two university administrators, and two students. Faculty members and administrators serving on this committee are elected by the CGS Council and serve a two-year term. The Assistant Dean of the College of General Studies serves as Chair. Students are appointed by the College of General Studies Student Government Board.