

# SALISBURY UNIVERSITY

## ACADEMIC MISCONDUCT POLICY

### I. POLICY

and guides the behavior of faculty, students, and staff. This policy applies to both undergraduate and graduate students.

### II. PURPOSE

This policy is intended to foster student academic integrity and address cases of student academic misconduct, which includes, but is not limited to, lying/fabrication, cheating, plagiarism, and misappropriation of intellectual property.

### III. DEFINITIONS

- A. **Lying/Fabrication:** the falsification or invention of any information or citation in any academic course or exercise.
- B. **Cheating:** fraud, deceit or dishonesty in any academic course or exercise or using unauthorized materials, information, studies, including the ideas or work of another. Examples of Cheating include, but are not limited to:
  - 1. giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments or projects;

- D. Misappropriation of Course-Based Intellectual Property:** the term “Course-Based Intellectual Property” shall include lectures delivered by instructors, as well as course materials instructors create and distribute. Course-Based Intellectual Property is protected by federal copyright law. Misappropriation of intellectual property is the act of intentionally taking the intellectual property of an instructor or the sale or distribution of class notes, tests, assignments or class projects for commercial purposes, either directly or through a third party, without the express consent or permission of the instructor.
- E. Facilitating Academic Misconduct:** intentionally or knowingly helping or attempting to help another to violate any provision of this policy.
- F. Working days:** refers to Monday through Friday, excluding days on which the University is closed.

#### **IV. RULES & PROCEDURES**

These procedures are designed to assure fundamental fairness and due process and to protect students from arbitrary or capricious disciplinary action.

##### **A. Who May File a Report**

Any University employee in an instructional relationship with a student may file an Academic Misconduct Incident Report. This includes

## **B. Reporting Cases of Academic Misconduct**

When a University employee (hereafter “Reporting Person”) suspects that a student has committed an act of academic misconduct, the Reporting Person shall adhere to the following procedures:

1. *Reporting Person Advises the Student of the Charge*

The Reporting Person will advise the student of the accusation, by e-mail, within five (5) working days of discovering the misconduct and shall allow the student an opportunity, within five (5) working days, to respond to the charge, in writing, before a sanction is imposed.

2. *Reporting Person Submits Academic Misconduct Incident Report*

a. *Determination of Course-Level Sanction*

If the Reporting Person is the faculty member of the course where the misconduct took place, the Reporting Person may issue one or more of the following sanctions at the course level:

- i. a written warning;
- ii. a reduction in the grade recorded for a test, assignment, quiz, etc.;
- iii. issuance of a grade of “F” on the test, assignment, quiz, etc.;
- iv. issuance of a grade of “F” in the course and removal from the course;  
or
- v. other sanction at the discretion of the faculty member.

b. *Other Recommended Sanctions*

In addition to the course-based sanctions listed above, the Reporting Person may recommend to the student’s program director or chair that the student should be suspended or dismissed from an accredited program (see Section F. below).

3. *Office of Academic Affairs Notifies Student of Charge & Appeal Options*

The Office of Academic Affairs will, within five (5) working days of receiving the Academic Misconduct Incident Report Form, send a letter by email to the student to inform the student of the charge, the sanction, and the student’s right to appeal.

Copies of the letter will be sent, by e-mail, to the Reporting Person, the Reporting Person’s department chair, the student’s major department chair, the Registrar’s Office, and the Dean of Students.

If the student has a prior academic misconduct violation, both the present case and past cases will automatically be referred to the Academic Policies Committee (APC) for possible additional sanctions. The Office of Academic Affairs will inform the chair of the APC at the time that the student letter is sent. (See Section G. *Subsequent Academic Misconduct Violations*, below.)

## **C. Student Appeal Process**

If a student does not appeal a finding of academic misconduct, the sanction will stand and the documentation on the case will be held for five (5) years.

Students who wish to appeal a finding of academic misconduct may do so for any of the following reasons:

- a. evidence that the misconduct charge is false;
- b. evidence of procedural irregularities; or
- c. new information arises that could not reasonably have been provided at the time of the Reporting Person's decision, which may have affected the decision or the sanction imposed.

The student appeal process is as follows:

2. If the misconduct finding is for a course in which the student is currently enrolled, the student should maintain full participation in the course during the appeal process. The department chair, the program director, or the academic dean will have the discretion to remove the student from a course during the appeal process only if the student's presence compromises the safety or integrity of the classroom or instructional environment. In such cases, the student will be given a reasonable opportunity to attend an alternate section or be provided with makeup work to complete the course.
3. The Office of Academic Affairs will forward the student's appeal to the Reporting Person. The Reporting Person will have an opportunity to respond in writing to the student's appeal, within five (5) working days of receiving it.
4. The Office of Academic Affairs will, through a secure link via the Learning Management System or other secure platform, send all documents relating to the case to the chairperson of the APC. The chairperson will then notify the members of the APC of the case materials and will schedule a committee review of the materials within fifteen (15) working days.
  - a. If no APC meeting is scheduled, the APC chairperson will convene a quorum of committee members to review the case.
  - b. If an APC meeting is necessary outside of the normal academic year (e.g., summer session), the APC chairperson or Office of Academic Affairs may convene an *ad hoc* committee of faculty and students to review the case.

A student who has questions about the appeal process should contact the School Advising Coordinator.

#### **D. Academic Policies Committee Procedures**

The APC will review the written evidence submitted and take one or more of the following actions:

1. **Issue a written decision.** The APC will issue a written decision on the student appeal within five (5) working days of the APC's decision, based on the written documents submitted by the R

designee(s) will collect additional information, and may collect additional written materials or conduct interviews. The APC will make every effort to conclude the investigation within ten (10) working days of opening it. Once the investigation is complete, the APC will reconvene to consider the student appeal and issue a written decision as described above.

3. **Conduct a hearing.** When written evidence and a follow up investigation do not provide adequate information, the APC will have the option to conduct a hearing with the involved parties. The Chair of the APC will send the parties, by e-mail and U.S. mail, written notice of the date, time, and location of the hearing at least ten (10) working days prior to the hearing.
  - a. The hearing shall be held at a reasonable time when all parties (to the extent possible) are available in person or remotely. Involved parties may attend the meeting virtually (using Skype, Zoom, conference call, etc.).
  - b. The parties shall be entitled to make opening and closing statements, and the chair of the APC may set reasonable limits on the length and nature of such statements.
  - c. The parties shall be entitled to present evidence through witnesses and documents, and shall be entitled to question witnesses. At the discretion of the chair of the APC, direct questioning by a party of a witness, including an opposing party, may not be permitted; rather, the parties may be required to convey their questions to the chair of the APC, who will then ask the witnesses.
  - d. Students are permitted to seek the support of an advisor for assistance in the preparation of a case before the APC. Although an advisor may be present during the hearing, he or she may not give opening or closing statements, present documents, question witnesses, or otherwise participate in the proceedings. Students shall notify the chair of APC of the identity of the advisor at least one (1) day prior to the hearing.
  - e. Attendance at the hearing is limited to individuals directly connected with the case as determined by the chair of the APC.
  - f. The APC will consider such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a piece of evidence or its reasonableness, relevance, or redundancy, the chair of the APC shall be the final decision maker on the admissibility of the evidence.





further sanctions beyond the course-based sanction. The APC may elect to impose additional sanctions up to and including suspension or expulsion from the University.

## **H. Appeals from APC's Decision**

For student appeals of faculty-imposed sanctions, the decision of the APC regarding the appeal is final.

Any party may appeal the additional sanctions imposed by the APC for repeat offenders, including suspension or expulsion from the University or the APC's decision to uphold a program's dismissal of a student from a program. Written appeals to the Provost must be filed within five (5) working days of when the parties receive notice of the APC's decision and should set forth all of the reasons that support the appeal of the APC's decision. The Provost will review the written appeal and the documentation associated with the case and has discretion to take any action necessary to thoroughly complete a review. The Provost's decision is final and binding on all parties. The Provost's decision will be conveyed in writing to the student, the faculty member, department chair, dean of the school/college, Registrar, the Office of Academic Affairs, Dean of Students, and the APC.