

# THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

## ACADEMIC MISCONDUCT POLICY

### -INTERIM-

<b><u>Number</u></b>	02.01.67
<b><u>Division</u></b>	Academic Affairs
<b><u>Date</u></b>	August 2019
<b><u>Purpose</u></b>	The purpose of the Academic Misconduct Policy is to state our expectations for academic integrity, to define and describe different types of academic misconduct, and to establish due process procedures for handling student academic misconduct cases within the Division of Academic Affairs.
<b><u>Policy</u></b>	As an academic community of scholars and students, the University of Alabama in Huntsville values learning, discovery, freedom, opportunity, and responsibility. UAH seeks to develop students into independent thinkers and global citizens. In addition, the University has standards of behavior in which it believes strongly. In their academic endeavors, UAH students are expected to embrace and uphold such principles as integrity, respect, diligence, excellence, inclusiveness, and diversity. Academic misconduct infringes upon these principles and inhibits the flourishing of academic discussion and inquiry. UAH will not tolerate academic misconduct by students. Any form of academic misconduct explained in the following provisions may result in academic sanctions up to indefinite suspension or expulsion from the University.

### **Definitions**

#### **A. Forms of Academic Misconduct**

Academic misconduct includes all forms of activity by students that aim to deceive, coerce, or disrupt instructors and staff and/or fellow students in matters of academic course sessions, coursework, capstones, projects, theses, dissertations, and university-related research.

##### **1. Academic Dishonesty**

Academic misconduct includes **academic dishonesty**, defined, here, as any activity that attempts to deceive instructors and staff and/or students relative to academic coursework, capstones, projects, theses,

dissertations, and university-related research, and includes, but is not restricted to, the following:

- a. **Cheating:** copying from another student's work on an assignment or exam; engaging in activities or using materials not authorized by the person administering the assignment or exam; colluding or knowingly failing to prevent collusion on an assignment or exam with any other person by receiving information without authorization; buying, stealing, or otherwise obtaining all or part of an assignment or exam; bribing any other person to obtain an assignment or exam or information about an assignment or exam; permitting any other person to substitute for oneself, to take an exam or do the work on an assignment.
- b. **Abetting cheating:** collaborating or knowingly failing to prevent collusion during an assignment or exam with any other person by giving information without authorization; selling or giving away all or part of an assignment or exam; selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any theme, report, term paper, essay, or other written work; any speech or other oral presentation; any painting, drawing, sculpture, musical composition or performance, or other aesthetic work; any computer program; any scientific experiment, laboratory work, project, protocol, or the results thereof, etc.; substituting for another student to take an exam.
- c. **Plagiarism:** the use of any other person's work (such work need not be copyrighted) and the unacknowledged incorporation of that work in one's own work offered in fulfillment of academic requirements. Plagiarism includes the use and incorporation, without acknowledgement, of the wording or expressions (even if paraphrased), information, facts, arguments, analysis, or ideas of another.
- d. **Misrepresentation:** submitting in fulfillment of academic requirements, if contrary to course regulations, any work previously presented, submitted, or used in any other course; submitting as one's own, in fulfillment of academic requirements, any theme, report, term paper, essay, or other written work; any speech or other oral presentation; any painting, drawing, sculpture, musical composition or performance, or other aesthetic work; any computer program; any scientific experiment, laboratory work, project, protocol, or the results thereof, etc., prepared totally or in part by another.

- e. **Fabrication:** falsifying records including grades, laboratory results, or other data associated with a course for oneself or any other person.

**2. In-Course Disruptive Activity and Academically Disruptive**

**Activity:** Academic misconduct includes **in-course disruptive activity** and **academically disruptive activity**. In-course disruptive activity is action by a student in course or lab session(s) and/or in any university-sanctioned study sessions, tutoring and PASS sessions, etc., that inhibits instruction in-class or online and that interferes with facilitation of course materials in-class or online. Academically disruptive activity includes physical or electronic tampering with instructor-produced or student-produced course material in-class or online and, further, includes any action by a student that physically or electronically interferes with, or tampers with, student research, such as that pertaining to capstones, projects, theses, dissertations, and university-related research. Academically disruptive activity also comprises of any actions aimed at copying, stealing, or compromising instructors and students' electronic data or intellectual property relative to academic and research activity at the University. Any in-course disruptive or academically disruptive activity perceived by instructors or students as threatening should be reported to UAH Police and the UAH Provost Office immediately. Note that in-course disruptive activity or academically disruptive activity differs from the more general, non-academically related behaviors defined in the UAH Code of Student Conduct policy.

- 3. Coercive Activity:** Academic misconduct includes **coercive activity**, including *quid pro quo* (this for that), by a student that seeks to positively or negatively affect student grades relative to any coursework, student coursework loads, or student work--or instructors' review of that work--relative to capstones, projects, theses and/or dissertations. Coercion occurs when a student puts pressure on another student, instructor, or staff member to act in a particular way, or attempts to do so, with the intention of gaining an academic advantage. Examples include, but are not limited to, using intimidation or favors to have others complete work, threats designed to have an instructor change a grade or assign a higher grade, or attempts to bribe an instructor or student to gain academic advantage. Any coercive activity perceived by instructors or students as threatening should be reported to UAH Police immediately. Any coercive activity perceived as sexual harassment should be reported to the Title IX Coordinator ([see UAH Title IX explanation](#)).

## **B. Sanctions for Academic Misconduct**

Sanctions for academic misconduct are intended to be developmental, educational, preventative, or restorative. Academic sanctions range from verbal reprimand and assignment grade-reduction, dismissal from an academic program, to suspension and/or expulsion from the University. A student found guilty of academic misconduct a second time may face suspension or expulsion from the University. Suspension requires a minimum of one academic semester, after which a student may appeal for reinstatement. For any student facing academic misconduct charges in her/his final semester, the awarding of a degree may be contingent on the resolution of the case.

## **C. Course Withdrawal in Cases of Academic Misconduct**

When an accusation of academic misconduct is made prior to the course withdrawal date for the semester of the course in which academic misconduct has occurred, the student will not be allowed to withdraw from this course until the academic misconduct resolution process is complete. If it is determined that the student did not engage in academic misconduct, then the student will be allowed to withdraw from that course even if the drop period has expired. If the student does not respond within ten business days to notifications of accusation of academic misconduct from the accusing instructors, then a hold will be placed on the student's university transactions. If the student does not respond to a notice of the accusation before the end of the semester in which the alleged academic misconduct occurred, then the instructor will assign a grade of "F" to the student.

## **D. Records of Academic Misconduct**

In order to maintain confidentiality, the name, A-number, academic department and college of any student who admits to, or is found guilty of, academic misconduct shall be forwarded to the Office of Academic Affairs together with a brief description of the offense and the penalty imposed. The records in Academic Affairs will serve as a central repository for tracking of repeat offenses by a student. In cases that involve suspension as a sanction, the Office of the Registrar will be notified immediately of the suspension and a hold will be placed on the student's record to prevent further enrollment. In cases of successful appeals, the record and all supporting documentation shall be removed from the student's file after one semester. All documents removed will be destroyed.

## **E. Burden of Proof in Misconduct Procedures**

The "preponderance of the evidence" standard is used in all academic misconduct cases. This means that one must prove that it is more likely than not that the accused student committed the misconduct for which she or he is accused.

## **Procedures**

Cases of academic misconduct shall be resolved by instructors, students, and other members of the university community. These members are determined by the type of academic misconduct alleged. The instructors, students, and other members of the university community will determine based on “preponderance of the evidence” standard whether an academic sanction is appropriate.

### **1. Reporting and Facilitating Cases of Academic Dishonesty**

These shall be resolved by the instructor for the course in which academic dishonesty occurred, or, upon student appeal, by the department chair or dean or dean’s designee of the academic college in which the alleged misconduct took place. Documentation of the incident must be kept on file for a period of four years. Documentation will be kept with either the instructor, department chair or dean of the academic college, determined by where the resolution took place. For any student who admits to or is found guilty of academic misconduct, the record of the academic misconduct must be sent to the Office of Academic Affairs as stated in D. Records of Academic Misconduct. Students and instructors may appeal the department chair’s decision and/or the dean’s decision. Appeals of a dean’s decision will be heard by the Associate Provost in the Office of Academic Affairs, who will conclude the case with her/his decision.

#### **a. Members of the University Community Reporting Academic Dishonesty**

- i. Instructors** may report academic dishonesty pertaining to a student in her/his course or under her/his supervision. Upon suspicion, using the evidentiary standard of “preponderance of the evidence” that academic dishonesty has occurred, the course instructor must report suspicion to both the student and her/his department chair within five business days. If a report cannot be filed within five business days, there must be an explanation for the delay. The delay does not imply that there has not been a case of academic dishonesty. The report must be in a written format and contain the student name, date of alleged infraction, and type of alleged infraction. This report will be sent to both the student and the chair of the department within which the course is offered.
- ii. Any member of the university community, including students,** may report academic dishonesty. Upon suspicion of academic dishonesty and using “preponderance of the evidence standard,” a member of the university community must report her/his concern to the instructors of the relevant course in which academic dishonesty took place, or to the chair of the department within which the course is offered,

within five business days. The report must contain the name of the student alleged to have committed academic dishonesty, date of alleged infraction, type of alleged infraction and the name of the individual who is reporting the suspicion of academic dishonesty. This report will be provided to the instructor of the relevant course and must be treated confidentially to avoid reprisal toward the reporting party. The instructor then will contact the chair of the department within which the course is offered.

**b. Facilitating Cases of Academic Dishonesty**

- i. Instructors possess the prerogative to address academic dishonesty committed by a student in a course by applying an academic sanction within the context of that course and ~~in agreement with~~ with notice to the accused student. Using the “preponderance of the evidence” standard, the instructor must report suspicion that academic misconduct has occurred to the student as soon as reasonably possible, but not more than five business days. The instructor will meet with the student, explain their suspicion, share any evidence of misconduct in the instructor’s possession, and hear the student’s response. Based on the student’s response, the instructor will determine whether an academic sanction is appropriate and what academic sanction shall be assessed. The instructor must inform the student of the academic sanction within five business days after meeting with the student. The instructor will produce a brief written document that includes the student’s name, the infraction, and the terms of resolution. The instructor will send the document to the chair of the department within which the course is offered as a record of the resolution. The chair will keep a copy of the document and send copies to the dean and Office of Academic Affairs.
- ii. If the student wishes to dispute the charge or the academic sanction, then the student may file a written appeal by contacting the department chair within three business days of receiving notice of the academic sanction. Upon request from the department chair, the instructor must explain the case, the charge, the evidence, the proposed academic sanction, and a response to the student’s appeal via letter. Within ten business days of receiving the appeal materials, the department chair will examine the case to determine whether the charge of academic dishonesty and/or the academic sanction holds or whether a new academic sanction, or no academic sanction, shall be assessed. The

department chair will notify the student and the instructor of the decision and send copies of the decision to the dean and the Office of Academic Affairs.

- iii. If the student or instructor wishes to dispute the determination of the department chair, then she/he must file a written appeal by contacting the dean of the college within three business days of receiving the department chair's letter. Upon request from the dean, the department chair must provide to the dean all information and materials regarding the case and a response to the appeal. Within ten business days of receipt of the case, the dean or dean's designee will examine the case to determine whether the charge of academic dishonesty and/or the academic sanction holds or whether a new academic sanction, or no academic sanction, shall be assessed. The dean will notify the student, instructor, and department chair of the decision and send a copy of the decision to the Office of Academic Affairs.
- iv. If the student or instructor wishes to dispute the decision of the dean, she/he must file a written appeal to the Associate Provost within the Office of Academic Affairs within three business days of receiving the dean's decision. Upon request from the Associate Provost, the dean must provide the Associate Provost with all information and materials regarding the case and a response to the appeal. Within ten business days of receiving the appeal, the Associate Provost will determine the outcome of the case, including any academic or other sanctions. If the student is a graduate student, the Associate Provost will consult with the Graduate School dean prior to making a decision. The decision made by the Associate Provost is final.
- v. If a student is **charged with academic dishonesty in an online learning course**, then the aforementioned procedures must be facilitated via telephone (conference call) or online visual communication (such as Zoom, SKYPE or FACETIME). Before proceeding via teleconference or video conference, the student's identification must be verified by members of the university community facilitating the case. Materials concerning the case, including evidence against the student, should be distributed electronically to all parties. The procedures should continue, otherwise, as with on-campus students.

- vi. Cases that involve fabrication or falsification of student academic records (e.g., fraudulently changing one's own grades or the grades of others, unlawful access to accounts, hacking into University record systems, etc.) or that involved multiple courses, shall be reported directly to the Office of Academic Affairs. The Office of Academic Affairs will conduct the investigation and administer appropriate sanctions.

## **2. Reporting and Facilitating Cases of Disruptive or Coercive Academic Misconduct**

### **a. Members of the University Community Reporting Disruptive or Coercive Academic Misconduct**

- i. Instructors may report academic misconduct of a coercive or disruptive nature pertaining to a student in her/his course or under her/his supervision. Upon suspicion that disruptive or coercive academic misconduct has occurred the course instructor must report suspicion to both the student and her/his department chair within five business days. The report must contain the student name, date(s) of alleged behavior, type of alleged behavior, and the name of the individual reporting the behavior. This report will be provided to the chair of the department within which the course is offered.
- ii. **Any member of the university community, including students,** may report disruptive or coercive academic misconduct. Upon suspicion of such academic misconduct, a member of the university community must report her/his concern to the instructor of the relevant course in which disruptive or coercive academic misconduct took place, or to the chair of the department within which the course is offered, with five business days. The report must contain the student's name, date(s) of alleged behavior, type of alleged behavior, and the name of the individual reporting the behavior. This report will be provided to the instructor of the relevant course. The instructor, then, will contact the chair of the department within which the course is offered. The report must be treated confidentially to avoid reprisal toward the reporting party.

### **b. Threatening Disruptive or Coercive Behavior**

- i. If an instructor thinks that a student's disruptive or coercive behavior poses a threat to the instructor, to other students, or to the disruptive student, and then she/he must report this



behavior immediately to UAH Police, adhering to the [Behavior Evaluation Threat Assessment \(BETA\) Policy](#).

**c. Facilitating Cases of Disruptive or Coercive Academic Misconduct**

i. Instructors possess the prerogative to address disruptive or coercive academic misconduct committed by a student in a course in an unofficial manner. After meeting with the student to attempt resolution, instructors may elect to apply a sanction within the context of that course and with the agreement of the accused student.

ii. If informal resolution is not achieved or if the student persists in the disruptive or coercive behavior, instructors shall report the behavior to the chair of the department within which the course is offered and through which the student is registered (in the case of cross-listed courses). A conference will be held within ten business days between the student, instructors, and chair in order to resolve the case. The instructor and/or the student may wish to solicit testimony from other students in the course in which misconduct is alleged. Academic sanctions may be suggested by either the instructor or department chair. The department chair will determine whether misconduct has occurred and contact both instructor and student within three business days. When the department chair issues a determination, the instructor will produce a brief report of the charge and the conference, including clarification on any academic sanctions. The instructor and, department chair must sign this report, and the student must have an opportunity to sign this report. Resolution of the case requires instructors and student agreement in the form of each person's signature on the report. The report will be sent to the department who will send copies of the document to the dean of the college and the Office of Academic Affairs.

1. If the student or instructor wishes to dispute the determination of the department chair, then she/he must file a written appeal by contacting the dean of the college within three business days of receiving the department chair's letter. Upon request from the dean, the department chair must provide to the dean all information and materials regarding the case and a response to the appeal. Within ten business days of receiving the report, the dean/associate dean will hold a conference with the instructor and the student. The

dean/associate dean will determine whether academic misconduct has occurred and contact the instructor, student, and department chair within three business days. The dean/associate dean may choose to keep the original report, amend the previous report, or produce her/his own new report on the case of academic misconduct. Resolution of the case requires instructors and student agreement in the form of each person's signature on the report. The dean must report the resolution and send documentation to the Office of Academic Affairs.

- 2.** If the student or instructor wishes to dispute the decision of the dean, she/he must file a written appeal to the Associate Provost within the Office of Academic Affairs within three business days of receiving the dean's decision. Upon request from the Associate Provost, the dean must provide the Associate Provost with all information and materials regarding the case and a response to the appeal. Within a period determined by the Associate Provost, she/he will determine the outcome of the case, including any academic or other sanctions. The decision of the Associate Provost is final.
- iii.** If a student is charged with in-course disruptive academic misconduct in a distance learning course, then the aforementioned procedures must be facilitated via telephone (conference call) or online visual communication (such as Zoom, SKYPE or FACETIME). Before proceeding via teleconference or video, the student's identification should be verified by members of the university community facilitating the case. Materials concerning the case, including evidence against the student, should be distributed electronically to all parties. The procedures should continue, otherwise, as with on-campus students.
- iv.** If the instructor does not feel the student an immediate threat to other students, but, nevertheless, requests that the student be removed permanently from in-course activity because of disruptive or coercive behavior, then the case will be referred immediately to the Associate Provost in the Office of Academic Affairs. A student may appeal the decision to remove her/him from in-course activity by submitting a letter of appeal to the Associate Provost.

- v. Due to the gravity of **coercive academic misconduct** and due to the potential for cross-course and extra-course disruption, cases of academically coercive or disruptive activity that require a student to be removed from the classroom or occur in multiple instances will be facilitated at the level of the Associate Provost and the Office of Academic Affairs.
1. The Associate Provost will convene a panel to resolve cases of coercive or academically disruptive academic misconduct. The panel will consist of a person designated by the Vice President for Student Affairs, a person designated by the Provost (not the official convening the panel), one student (appointed by the President of the SGA), and one course instructor (appointed by the President of the Faculty Senate or by the Provost Office in the case of lecturers); both the student and the instructor will come from the college holding jurisdiction for resolving the alleged misconduct if it is possible to find such people who have no prior connection with the case. In cases involving graduate students, the instructors and student members of the appeal panel should hold graduate faculty or graduate student status, respectively. The person designated by the Provost will serve as hearing administrator and will coordinate and preside at all meetings conducted to resolve the academic misconduct appeal. The hearing by a panel is an administrative hearing and the proceedings will be informal rather than those used in courts of law. The panel may admit any evidence, which is of probative value in determining the issues, subject to the panel's judgment as to the relevance, credibility, and weight of the evidence. The panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses.

Both the student and the instructor have the right to be advised during the proceedings. The advisor may assist in the preparation of any written presentation of their respective cases. The faculty member and the charged student may choose one advisor to be present at the hearing. The faculty member and the student may choose any university or non-university person as his/her own advisor or may select, at his or

her own expense, an attorney to serve as his/her advisor. The advisor or attorney cannot present statements, arguments, or question witnesses or participate directly in the panel hearing. If the advisor disregards the rule of not speaking and decides to speak at the hearing, the administrator will ask the advisor to leave the proceedings.

2. Each party will have the right to question and cross-examine all opposing witnesses. The panel will review each of the issues raised in the appeal and make recommendations in writing to the Associate Provost. Recommendations contrary to the student's position must be supported by the votes of at least three of the four panel members. The Associate Provost will issue a decision on each issue within the appeal and give written notice to the student, the course instructor, the dean/associate dean, the Vice President for Student Affairs and the panel.
3. If the student is found responsible and wishes to appeal the panel's decision, she/he may do so in writing to the Provost or her/his designee within 10 business days of receipt of the findings. The decision of the Provost is final.

**3. Student Rights for Conferences, Meetings, and Hearings Pertaining to Academic Misconduct Cases**

- a. The student is not required to make any statement at all regarding the matter under investigation.
- b. The student may make a voluntary statement if she/he chooses.
- c. The student has a right to present any evidence, supporting witnesses, and other information to support her or his case.
- d. The student has the right to request a delay in order to seek the advice or to allow the presence of an advisor.

**Review** This policy will be reviewed by the Office of Academic Affairs every five years or sooner if needed.

**Approval**

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Campus Designee

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Date

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University Counsel

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Date

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Provost and Executive Vice President for Academic Affairs

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Date

**APPROVED:**

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President

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Date