

## Undergraduate Student Academic Conduct Policy

Amended 11/01/2010 by the Undergraduate Academic Conduct Committee

Approved 12/14/2010 by Faculty Senate

### **I. POLICY STATEMENT**

The Undergraduate Student Academic Conduct Policy (Policy) defines and strives to ensure academic integrity at the University of Maryland, Baltimore County (UMBC). The Policy describes the process for addressing allegations of undergraduate student academic misconduct. The underlying philosophy of this Policy is that members of the university community view academic integrity as a serious institutional value and that academic misconduct incidents should be resolved by Faculty Members and students in a cooperative manner.

Some cases of academic misconduct may seem more serious than others; however, all instances of academic misconduct as described in this Policy should be reported to the Academic Misconduct Reporting Database. Filing a report, even when the offense does not appear to be extensive, flagrant, repeated, or intentionally deceitful, produces two worthwhile results: it creates a record that can identify a student whose misconduct is repeated in more than one course or over more than one semester, and it clearly demonstrates that UMBC takes academic misconduct seriously.

Reports of academic misconduct that result in a permanent notation of “Expulsion”, “Suspension”, or “Academic Misconduct” on the student’s transcript are considered an academic misconduct record. As such, any record with such a transcript notation would be disclosed as an student educational record of academic misconduct as provided for in the “Disclosure of Student Records Procedure”.

### **II. ADMINISTRATION OF POLICY**

A. This Policy is administered by the Undergraduate Academic Conduct Committee (ACC). Its membership will consist of four Faculty Members elected by the Faculty Senate, and four undergraduate students appointed by the Student Government Association Senate. The ACC will discharge its duties without bias.

B. Non-voting members shall include the Dean of Undergraduate Education and the University General Counsel. Non-voting members may send a designated representative to ACC meetings.

C. The ACC reports to the Faculty Senate through the ACC Chair.

D. The Chair of the ACC shall be elected from among the Faculty Members of the ACC.

E. The ACC Chair will report statistics concerning academic misconduct incidents each year to the Faculty Senate, but this report will contain no information about individual students or faculty members. A brief report of ACC hearings and their outcomes may be published in The Retriever or elsewhere, but these reports will not identify the individual students or faculty members involved.

F. The Office of the Provost will publish the standards of academic integrity required at UMBC.

G. Faculty members shall maintain academic integrity in their courses, determine whether a student has engaged in academic misconduct, and initiate proper procedures if such a determination is made.

### III. DEFINITIONS

A. **Faculty Member** means any individual hired by UMBC to serve as a course instructor whether full or part time, tenure or non tenure track, adjunct or visiting.

B. **Non-voting Member** means an individual granted a voice or the right to speak, but not the right to vote during hearings or ACC meetings.

C. **Reporter** means an individual who reports an incident of alleged academic misconduct.

D. **Course Penalty** means a penalty which results in a student receiving fewer points or a lower letter grade on an assignment, exam, or on the final letter grade. Course Penalties are indistinguishable on a student's transcript from grades due to poor performance in the course.

E. **Institutional Penalty** is a penalty which marks the student's transcript and/or affects a student's eligibility to enroll at the university. An Institutional Penalty may be imposed independently or in addition to a Course Penalty.

F. **Cheating** means using or attempting to use unauthorized material, information, study aids, or another person's work in any academic exercise. For example:

- Working on an assignment with others when the instructor asked for individual work, or
- Receiving unauthorized help on an assignment, or
- Getting questions or answers from someone who has already taken a test or exam, or
- Copying from another student during a test or exam with or without that student's knowledge, or
- Using unauthorized material (e.g., an instructor's manual) to fulfill an assignment, or
- Using unauthorized crib notes or cheat sheets during a test or exam, or
- Using unauthorized aids (e.g., calculator), or
- Altering a graded test, exam, or paper and submitting it for regrading, or
- Asking someone else to take a test or exam in place of the enrolled student, or
- Cheating on a test or exam in any other way, or
- Any other action defined as cheating in the class syllabus by the Faculty Member.

G. **Fabrication** means falsification or invention of any information or citation in an academic exercise. For example:

- Inventing or falsifying lab or research data, or
- Inventing or falsifying a bibliography, or
- Any other action defined as fabrication in the class syllabus by the Faculty Member.

H. ***Facilitating academic misconduct*** means helping or attempting to help another student commit an act of academic misconduct. For example:

- Writing or providing all or part of a paper, essay, problem set, computer program, or other assignment for another student, or
- Helping someone else cheat on a test or exam (e.g., permitting someone to copy from a test or exam, taking a test or exam for someone else), or
- Any other action defined as facilitating academic dishonesty in the class syllabus by the Faculty Member.

I. ***Plagiarism*** means knowingly, or by carelessness or negligence, representing as one's own, in any academic exercise, the intellectual or creative work of someone else. For example:

- Turning in work done in whole or in part by someone else, or
- In a course requiring computer work, copying another person's program, or
- Paraphrasing or copying material from a written source, including the Internet, without footnoting or referencing it in a paper, or
- Copying material from a written source, including the Internet, without using quotation marks, or
- Turning in a paper obtained, at least in part, from a term paper "mill" or website, or
- Turning in a paper copied, at least in part, from another student's paper, whether or not that student is currently taking the same course, or
- Any other action defined as plagiarism in the class syllabus by the Faculty Member.

J. ***Dishonesty*** means lack of truthfulness or sincerity when interacting with the faculty member regarding an academic exercise. For example:

- Lying to the instructor in an attempt to explain an incident of academic misconduct, or
- Lying to the instructor or using a false or forged excuse in order to get an extension on a due date, or
- Submitting a written summary about a required out-of-class event that the student did not attend, or
- Any other action defined as dishonesty in the class syllabus by the Faculty Member.

**K. *Academic Misconduct* means Cheating, Fabrication, Facilitating Academic Misconduct, Plagiarism, or Dishonesty by an undergraduate student.**

#### **IV. PENALTIES FOR ACADEMIC MISCONDUCT**

A. A Faculty Member may consult with the Chair of the ACC if desired or necessary [see section V. C.] regarding the handling of suspected Academic Misconduct. In response to Academic Misconduct, the Faculty Member may take one or more of the following actions:

- Award a Course Penalty, including, but not limited to, an F in the course, a zero on the assignment, and/or a percentage off the final grade;
- Require the completion of additional assignments;
- Give the student a written warning;
- Provide information about forms of assistance from the Counseling Center, the Writing Center, the Learning Resources Center, or other resources; and/or
- Request consideration of an Institutional Penalty by the ACC.

In all cases, the Faculty Member shall submit a report to the Academic Misconduct Reporting Database.

B. If the Academic Misconduct is egregious, the Faculty Member, or the Chair of the ACC, may refer the matter to the ACC to consider that an Institutional Penalty be imposed, in addition to the Course Penalty. Regardless of egregiousness, when the Academic Misconduct reported is not the student's first offense, the ACC may consider the imposition of an Institutional Penalty.

Institutional Penalties are limited to:

- A probationary transcript notation of "academic misconduct" associated with the semester record;
- A permanent transcript notation of "academic misconduct" associated with the semester record;
- Suspension for one or more semesters with a permanent transcript notation of "academic misconduct suspension" associated with the semester record; and
- Expulsion with a permanent transcript notation of "academic misconduct expulsion" associated with the semester record.

C. If a student commits Academic Misconduct in a course in which he or she is not enrolled at the time of the incident (e.g., a student takes an exam or does homework, in a class in which the student is not enrolled, on behalf of another student), the Faculty Member in whose course the misconduct occurred shall submit a report to the Academic Misconduct Reporting Database. The ACC will schedule a hearing with the student. Possible courses of action are:

- No penalty;
- Give the student a written warning;
- Refer the matter to Student Judicial Programs; or
- Any of the Institutional Penalties listed in section IV. B. above.

The committee cannot recommend that students be given retroactive grade changes due to misconduct committed in a course in which they were not enrolled at the time of the incident.

D. An Institutional Penalty requires the consideration and concurrence of the ACC, the ACC's recommendation to the Provost, and consideration and concurrence of the Provost.

E. After graduation from UMBC, a student may petition the Provost to remove a probationary transcript notation of “academic misconduct”. The Provost may grant such petitions provided the student has committed no subsequent incidents of Academic Misconduct at UMBC.

F. A sanction of suspension for Academic Misconduct terminates the student’s status as an enrolled student for one or more semesters. The suspension may take effect immediately, or on some future date to be specified. Suspension prohibits the student’s further matriculation at a University System of Maryland institution during the period of the suspension.

G. A sanction of expulsion permanently terminates a student’s status as an enrolled student, and prohibits the student’s further matriculation at a University System of Maryland institution.

H. Unless a penalty of suspension or expulsion has been imposed, charges of Academic Misconduct shall not interfere with a student’s right to participate in a class that he/she is enrolled in. Students who are facing penalties of suspension or expulsion may continue attending classes and complete all remaining academic exercises while they are awaiting final notification from the Provost. Students who disrupt any university activity as described in Article V. Paragraph B. 9. of the UMBC Code of Student Conduct should be referred to Student Judicial Programs for appropriate administrative action.

I. Occasionally, Academic Misconduct may not be discovered or reported until after the student has completed the course in which the Academic Misconduct is alleged to have occurred. In these cases the ACC may recommend to the Provost the imposition of a retroactive penalty. If the imposition of the penalty involves the revocation of an academic degree already awarded, the Provost will notify the Registrar of the change.

## **V. PROCEDURES FOR REPORTING INCIDENTS OF ACADEMIC MISCONDUCT**

A. Faculty Members have the right and responsibility to deal directly with any case of Academic Misconduct that arises in their course, whether discovered during or subsequent to the semester.

B. In every confirmed case of Academic Misconduct, a Faculty Member shall submit a report to the Academic Misconduct Reporting Database. Submission of an Academic Misconduct report provides a tracking mechanism of the infraction and resolution, which helps to identify repeat offenders and infractions that may be endemic to a particular course or department. Instances of Academic Misconduct may be reported in the following ways:

1. A Faculty Member may assert that an act of Academic Misconduct has occurred.
2. A Grader, Laboratory Assistant, or Teaching Assistant may assert that Academic Misconduct has occurred. Details of the alleged incident shall be reported to the Faculty Member academically responsible for the course, or to the course supervisor, or to the course coordinator, as applicable.
3. A student may assert that Academic Misconduct has occurred. The student should notify the relevant Faculty Member and/or seek the advice of the department chair if necessary.
4. Administrators or staff members receiving reports or having knowledge of alleged Academic Misconduct should notify the Chair of the ACC.

Those reporting and those receiving reports of Academic Misconduct shall treat the incidents and their resolutions as confidential matters. Individuals reporting Academic Misconduct may, if they wish, discuss the matter with the relevant department chair without violating confidentiality.

C. Upon discovery of an incident of Academic Misconduct in their class, the Faculty Member is encouraged to consult with the Chair of the ACC to discuss the nature of the alleged infraction and possible appropriate penalties, and to review the steps involved in filing a report of Academic Misconduct. If the Faculty Member wishes to request an Institutional Penalty be imposed, prior consultation with the ACC Chair is required. The ACC Chair will not communicate to the Faculty Member information regarding prior reports of Academic Misconduct by the student.

D. The Faculty Member shall notify the student of the alleged Academic Misconduct and invite the student for a meeting to discuss the issue. An email sent to the student at his/her UMBC email address shall be considered sufficient notification.

E. The Faculty Member will then meet with the student. During the meeting the Faculty Member will describe the basis for the allegation, explain the proposed course resolution, and offer the student the opportunity to provide an explanation.

F. No report should be filed if the Faculty Member finds that no Academic Misconduct occurred.

G. If the Faculty Member concludes that Academic Misconduct did occur, or should the student not make himself or herself available for a meeting within a reasonable amount of time, the Faculty Member will file a report of the Academic Misconduct through the Academic Misconduct Reporting Database. The report should include the penalty intended by the Faculty Member, copies of the course syllabus, and all documentary evidence (e.g., assignment sheets, laboratory reports, cheat sheets) relied upon by the Faculty Member. The Faculty Member shall preserve all originals.

H. If final course grades are assigned before the case is resolved, the Faculty Member shall assign a letter grade that includes the Course Penalty.

I. If the penalty imposed by the Faculty Member is an F in the course, the Chair of the ACC will notify the Registrar. The Registrar shall ensure that the student does not drop the course in question or withdraw from the university avoiding the grade of F. If the student has already done so, the Registrar will re-enroll the student in the course of consequence.

J. After the Faculty Member submits the report to the Academic Misconduct Reporting Database, the Chair of the ACC will email the student providing a link to the Policy and explaining the circumstances under which a student is entitled to request a hearing before the ACC (as set forth in Section VI. B., below).

K. If, in the process of committing an act of Academic Misconduct, the student may have violated other university rules, the Chair will refer the Faculty Member to Student Judicial Programs for investigation of the matter.

L. Course Penalties and other non-Institutional Penalty outcomes (See Section IV.A.) issued by the Faculty Member due to Academic Misconduct are final and not Institutionally reviewable or appealable, except as provided for in Section VI.B.

## **VI. STUDENT PROCEDURES FOR RESPONDING TO A REPORT OF ACADEMIC MISCONDUCT**

A. Students have the right to respond to any accusation of Academic Misconduct. Students may:

1. Seek redress during the meeting between the Faculty Member and the student(as described in Section V.E. above),
2. Request a hearing,
3. Accept the Faculty Member's determination that Academic Misconduct occurred and the Faculty Member's intended Course Penalty or outcome by not requesting a hearing, and
4. Request that additional statements or documents be added to the file.

B. Students may request a hearing before the ACC to demonstrate that Academic Misconduct did not occur.

C. The purpose of a hearing is to establish whether or not Academic Misconduct took place. Dissatisfaction with a Course Penalty assigned for Academic Misconduct is not grounds for a hearing before the ACC. If similarly situated students assert that they received disparate or unfair Course Penalties from the same Faculty Member for Academic Misconduct, they should be referred to the UMBC Policy for Review of Arbitrary and Capricious Grading in Undergraduate Courses.

D. Students have fifteen university working days, after email notification of the Academic Misconduct report by the Chair of the ACC, to request a hearing. The request must be submitted in writing to the Chair of the ACC. The request must state the reasons for the hearing request, substantiate with particularity and specificity the factual basis on which the hearing request is made, and state the remedy sought.

E. Requests for a hearing will be reviewed promptly by the ACC following receipt of the written request. Failure to allege and substantiate with particularity and specificity the factual basis on which the hearing request is based (See Section VI. B. above) will result in the denial of the request for a hearing.

## **VII. HEARING PROCEDURE**

A. The Chair will schedule a hearing typically within sixty days of receipt of the student's request for a hearing.

B. When assembly of the ACC for the purpose of conducting a hearing is not possible, such as during summer, a graduating senior may:

1. Wait until the next regular semester for a hearing before the full ACC, or
2. Have a hearing conducted by an ad-hoc committee consisting of the Chair of the ACC, a representative from the Provost's office, a representative of the President of the Student Government Association, and a representative of the Dean of the College who will be awarding the student's degree. If the Chair of the ACC is not available, a Faculty Member will be appointed to act as the Chair by the President of the Faculty Senate.

C. Prior to the hearing the ACC Chair will compile the charges, the Faculty Member's intended outcome, documentary and evidentiary materials, and witness accounts provided by the student and the Faculty Member. Copies will be provided to ACC members, the Faculty Member, and the student. These materials may include:

1. A statement from the Faculty Member describing the Academic Misconduct and intended penalty, and
2. The student's reasons for requesting a hearing and the remedy sought, and
3. Any statement, documents, or list of witnesses who will provide testimony that is pertinent to the facts of the case, and
4. Any available additional pertinent information requested by the Faculty Member, the student, or ACC members.

D. The Chair of the ACC will convene and chair the hearing. Either the Chair or the parties may call pertinent witnesses, and ACC members may question any of the parties or witnesses during the hearing.

E. An advisor for the student and an advisor for the Faculty Member may attend the hearing but will not be allowed to address anyone except the advisee. Advisors may not participate as witnesses.

F. Conduct of the hearing:

1. The Faculty Member shall present a case and offer evidence and /or witnesses; and then
2. The student shall present a case by offering responses to the evidence and testimony, by questioning the Faculty Member and any witnesses, and by offering the student's witnesses and evidence; and then
3. The Faculty Member may respond to the student's case, evidence, and witnesses; and question the student and the student's witnesses; then
4. The student may present final arguments or statements.

G. ACC members shall deliberate in a closed session as soon as possible after the hearing's conclusion.

H. If a simple majority of the ACC members deliberating determine that it is more likely than not that Academic Misconduct occurred, the report of Academic Misconduct will be affirmed.



I. If a simple majority of the ACC members deliberating cannot agree that it is more likely than not that Academic Misconduct occurred, the Faculty Member will reverse any Course Penalties and the ACC Chair will expunge the report from the Academic Misconduct Reporting Database.

J. If a simple majority of the ACC members deliberating determine that the incident was egregious, the ACC may recommend that Institutional Penalties be considered.

K. The ACC Chair shall report the ACC's findings and decision to the student and the Faculty Member in writing via UMBC email.

L. If, following the hearing, a student is a candidate for an Institutional Penalty, the Chair of the ACC will invite the student to submit a written personal statement for the ACC to consider while deliberating Institutional Penalties. The student will have 10 university working days to submit the statement. Thereafter, the ACC will consider whether to recommend that the Provost impose an Institutional Penalty

M. The ACC's determination of whether Academic Misconduct occurred is final, and not subject to appeal within the university, except as provided in section VIII.A.

### **VIII. INSTITUTIONAL PENALTY**

A. If a student is a candidate for an Institutional Penalty, the ACC Chair will notify the student that an Institutional Penalty may be imposed, in addition to any Course Penalties. The Chair will direct the student to respond in writing whether or not he/she requests an Institutional Penalty Review.

B. If the student is eligible for an Institutional Penalty due to multiple incidents of Academic Misconduct, the student may file a written request for an In-Person Institutional Penalty Review.

C. If the student is eligible for an Institutional Penalty due to egregious Academic Misconduct, the student may file a written request for a Written Institutional Penalty Review, but not an In-Person Institutional Penalty Review.

D. The Chair of the ACC will notify the Provost if an Institutional Penalty is recommended by the ACC. If the Provost concurs with the ACC's recommendation, the Provost will contact the Registrar to implement the Institutional Penalty.

### **IX. INSTITUTIONAL PENALTY REVIEW**

A. For a Written Institutional Penalty Review, the Chair of the ACC will invite the student to submit a written personal statement for the ACC to consider while deliberating an Institutional Penalty. The student will have 10 university working days, from notification, to submit the statement to the Chair of the ACC. Thereafter, the ACC will consider whether to recommend that the Provost impose an Institutional Penalty.

B. For an In-Person Institutional Penalty Review, the student will be scheduled a date for the Review and will be allowed to present, verbally or in written form, relevant information for the ACC to consider while deliberating an Institutional Penalty.

C. The Chair will schedule an Institutional Penalty Review typically within sixty days of receipt of the student's request for a review.

D. When assembly of the ACC for the purpose of conducting a review is not possible, such as during summer, a graduating senior may:

1. Wait until the next regular semester for a review before the full ACC, or
2. Have a review conducted by an ad-hoc committee consisting of the Chair of the ACC, a representative from the Provost's office, a representative of the President of the Student Government Association, and a representative of the Dean of the College who will be awarding the student's degree. If the Chair of the ACC is not available, a Faculty Member will be appointed to act as the Chair by the President of the Faculty Senate.

E. Prior to the review the ACC Chair will compile the report(s) of the egregious Academic Misconduct or the multiple incidents of Academic Misconduct by the student.

F. The Chair of the ACC will convene and chair the review. The student may provide testimony or documentation addressing the issue of the imposition of an Institutional Penalty. The student may only address the issue of egregiousness or multiple incidents in the review. The ACC members may question any persons present.

E. An advisor for the student may attend the hearing but will not be allowed to address anyone except the advisee. Advisors may not participate as witnesses.

F. ACC members shall deliberate in a closed session as soon as possible after the review's conclusion.

G. A simple majority of the ACC members deliberating must be in agreement to recommend an Institutional Penalty to the Provost.

H. The ACC Chair shall report the ACC's decision to the student in writing via UMBC email.

I. The Chair of the ACC will notify the Provost of the Institutional Penalty the ACC recommends. If the Provost concurs with the ACC's recommendation, the Provost will contact the Registrar to implement the Institutional Penalty.

## **X. APPEAL PROCEDURE**

A. A student may appeal the results of a hearing to the Provost under the following circumstances:

1. There is new evidence not available at the time of the hearing,
2. There were procedural errors during or prior to the hearing which resulted in an unfair hearing, or
3. The Institutional Penalty recommended to the Provost was disproportionate to the Academic Misconduct.

B. An appeal cannot dispute the ACC's finding that Academic Misconduct occurred. Decisions made by the ACC as to whether or not Academic Misconduct occurred are final.

C. A student may not appeal a Course Penalty imposed by the Faculty Member.

D. If a student does not request a hearing before the deadline set by Section VI.D. of this Policy, or if his/her request for a hearing is denied, the student may appeal the Institutional Penalty subsequently recommended by the ACC, but may not appeal on the basis of whether or not the Academic Misconduct occurred.

E. Appeals should be in writing, should be addressed to the Provost of the University, and should be received within fifteen university working days of the later of:

1. the conclusion of the hearing, or
2. receiving notice that the ACC has recommended to the Provost that an Institutional Penalty be imposed.