

BUFFALO STATE COLLEGE

DIRECTORY OF POLICY STATEMENTS

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SUBJECT: **Academic Misconduct**

All Buffalo State students are expected to display honesty and integrity in completing course requirements and following college academic regulations. "Academic misconduct" refers to any form of plagiarism, fraud, or cheating in connection with academic coursework, and is inconsistent with the aims and goals of Buffalo State College. Instances of academic misconduct include but are *not* limited to:

- Presenting as one's own work the words or ideas of another individual without proper acknowledgment ("copying" or plagiarism)
- Fabricating facts, data, or other forms of evidence for use in coursework
- Reusing coursework from another course without the permission of the instructor
- Performance of coursework for another individual
- Misrepresenting an individual's share of responsibility for collaborative coursework and/or assignments
- Working with other students on course assignments without the permission of the instructor
- Cheating on an exam or quiz (looking at another's exam, participating in unauthorized communications, using "cheat sheets," failing to follow the rules of an exam stipulated by an instructor or proctor, etc.)
- Prior acquisition, selling, or possession of an examination, written assignment, or similar assessment without the permission of the instructor
- Providing false information on or tampering with attendance records, academic records, or other official documents or means of identification
- Enabling another student to commit any act of academic misconduct described above

I. General Considerations

Statement on Notification

Students will be provided with information about academic misconduct in the Handbook of Student Policies and during Orientation. In addition, it is good practice for instructors to provide notification about academic misconduct policies and potential penalties for engaging in academic misconduct to students in their classes. Instructors should include a clear statement

about academic misconduct in their syllabi. Instructors also may wish to provide abbreviated statements about academic integrity for individual assignments, exams, or projects.

Statement on Due Process

No penalty for any alleged instance of academic misconduct may be imposed unless the student has been apprised of the allegation, the penalty, and the procedures of due process that are available under this policy. Neither the instructor nor the student should be represented or accompanied by an attorney at any point in the proceedings. Throughout the entire process the student is expected to continue attending classes and complete all coursework.

Statement of Resolution

The Statement of Resolution is a written record of an allegation of academic misconduct and the resolution of the allegation. *A signed Statement of Resolution is an essential component of any allegation of academic misconduct.* The Statement of Resolution consists of two sections: **Section A**, which provides documentation of a student's being found *not* to have engaged in an act of academic misconduct, and **Section B**, which details the sanctions imposed if it is found that a student has engaged in academic misconduct.

Preliminary ("Informal") Procedure

The course instructor, any student, or any Buffalo State employee who has personally witnessed or has knowledge of an act of academic misconduct can initiate the charge of academic misconduct against a student. Allegations of academic misconduct that do not originate with the course instructor must be made in writing and delivered to the instructor in charge of the course in which the alleged act of misconduct occurred. The course instructor is responsible for investigating any personally observed or reported instances of alleged academic misconduct in his or her class. Allegations of academic misconduct are initially handled through a preliminary ("informal") procedure. This preliminary process allows the instructor and the student to engage in a dialog aimed toward arriving at an agreeable resolution to the allegation. The student may wish to seek advice or counsel from an adviser, a faculty member, a staff member, or support services on campus. During the preliminary procedure, if the student admits academic misconduct, the instructor may suggest imposing any of the following sanctions:

1. Issue a written warning
2. Allow the student to repeat or resubmit academic work, telling the student what grade penalty, if any, will be assessed
3. Assign a grade penalty on an assignment(s)
4. Submit a recalculated grade for the course
5. Submit a failing grade for the course. Note that the J component of the EJ, FJ, or UJ assigned for academic misconduct will be recorded on the student's "internal" audit but will not appear on the student's official transcript, and quality points will be averaged, if applicable, even if the student repeats the course. In addition, students found to have engaged in academic misconduct may be required to complete an academic misconduct educational program. If the student accepts responsibility for engaging in academic misconduct and accepts the suggested sanctions, a Statement of Resolution form must be completed by the instructor, signed by the parties noted on the form, and filed in the Academic Standards Office, the student's major department office, and the department office of the course in which the

academic misconduct occurred.

NOTE: The Academic Standards Office will review the Statement of Resolution form when it is received to see if the student has prior academic misconduct findings against him or her. If so, the Academic Misconduct Committee will be convened to review the appropriateness of the agreed-upon sanction and may revise the sanction if warranted based on past academic misconduct violations. If the student disputes the allegation of academic misconduct or the sanctions proposed by the instructor, then the student has the right to appeal and will follow the formal procedure for resolution of the case.

Formal Procedure

The formal procedure describes a step-by-step appeal process for resolving the case, which must be carefully adhered to by all those involved. At any point in the process, the student has two choices: (1) to accept the allegation of academic misconduct and the stipulated consequences indicated in the Statement of Resolution prepared by the instructor, or (2) to continue the formal procedure. Failure of the student to comply with the timeline or to cooperate with the described procedure will be construed as an acceptance of the stipulations and sanctions in the Statement of Resolution. Throughout the description of the formal process, the term “business day” is defined as a day upon which classes are held at the college, with the exception of Saturdays and Sundays.

Academic Misconduct Committee

The Academic Misconduct Committee serves as the body of appeal in the formal review process. The committee also reviews all cases of academic misconduct where it has been determined that the student is a repeat offender of the policy. The committee is composed of eight members:

- The director of academic standards (chair)
- The associate dean from each instructional school (4)
- The judicial inquiry officer
- The chair of the College Senate Committee on Standards for Students
- The chair of the College Senate Committee on Student Welfare, or designee

Grading and Course Repeats

A J designation associated with a grade is used to indicate academic misconduct. A failing grade of EJ, UJ, or FJ may be given as a result of a charge of academic misconduct and will become a permanent part of the student’s “internal” audit, but the J component of the grade will not appear on the student’s official transcript. An EJ will not be removed from a student’s internal audit by repeating the course, and further, a student will be allowed to repeat a course with an EJ only by obtaining the written permission of the chair of the department that offers the course. Copies of written permission to repeat the course must be sent to the Registrar’s Office and the Academic Standards Office. Quality points will be computed using the average of the two grades.

If a student withdraws from a course while academic misconduct allegations are being addressed, the student will receive a W at the time of withdrawal. If it is substantiated through

the academic misconduct due process procedure that the student engaged in academic misconduct during the course, the grade will be converted to a WJ. The J component of the grade will be recorded on the student's "internal" audit but will not appear on the student's official transcript. If the charges are not substantiated, the grade will remain a W.

II. Process for Alleged Academic Misconduct in Connection with a Course

A. Preliminary Procedure

1. Preliminary discussion between the student and the instructor should be the first course of action in resolving a question of academic misconduct. When an instructor suspects that a student has committed an act of academic misconduct, the instructor shall consult with the student first within a reasonable period of time (after the suspected misconduct is discovered but before the end of the following semester [spring or fall]). As part of this preliminary process, the instructor will complete a Statement of Resolution, inform the department chair and the student of the allegation, and set up a meeting to discuss the allegations with the student. The department chair may also be present at the meeting. This meeting may take place via videoconference or similar technology if a student is unable to travel to campus. The instructor must provide the student with a copy of the Academic Misconduct Policy at least one business day prior to this meeting. Prior to the meeting, the student is encouraged to seek advice or counsel from an adviser, a faculty or staff member, or support services on campus. At the meeting, the student will have the opportunity to explain any alleged misconduct, to present evidence of innocence, or give information relevant to the investigation. The student will receive an N grade for the course until the matter is resolved.
2. If a student is found *not* to have engaged in academic misconduct during the preliminary discussion, the instructor completes and retains a copy of the Statement of Resolution and provides a copy to the student. The instructor will change the grade of N if necessary, and the situation is resolved at this point.
3. If a student is found to have engaged in academic misconduct during the preliminary discussion and has accepted the sanction(s) proposed by the instructor, the instructor completes and retains a copy of the Statement of Resolution and provides a copy to the student. Additional copies are also forwarded to the Academic Standards Office, the course's departmental office, and the student's major program departmental office, where it will remain on file for a period of seven years. The instructor then imposes the sanction(s) and changes any grades as necessary.
4. If the matter is unresolved in the preliminary discussion or the student disputes the proposed sanctions, then the student has the right to appeal and will follow the formal procedure described in Section IIB.
5. Upon receipt of a Statement of Resolution where a student has admitted to academic misconduct and accepted sanctions, the Academic Standards Office will review the student's record and determine if the new instance of academic misconduct represents a first offense or if the student is a repeat offender of the Academic Misconduct Policy.
 - a. If the Academic Standards Office determines that this is the student's first offense, the student may be directed to attend an academic misconduct educational program.

The situation is resolved at this point.

- b. If the Academic Standards Office determines that the student is a repeat offender of the policy, the matter will be referred to the Academic Misconduct Committee, and the Academic Misconduct Committee will be convened to review the appropriateness of the agreed-upon sanction and may revise the sanction if warranted based on past academic misconduct violations.

B. Formal Procedure

1. In the case of an allegation of academic misconduct where the preliminary procedure fails to resolve the situation, the instructor must notify his or her chair in writing explaining the alleged misconduct, steps taken to resolve it, and proposed sanctions *within five business days* of the conclusion of the preliminary procedure.

(NOTE: In the event that the instructor making the allegation is the department chair, step 1 will consist of sending notification of the allegation to the associate dean of the appropriate school, who will assume the duties of the chair as indicated below.)

2. *Within five business days* of the receipt of the instructor's written notification, the chair of the instructor's department will send a registered letter to the student's local address or address of record informing the student of the allegations and possible consequences, and enclosing a copy of this policy, thereby informing the student of his or her right to due process.
3. The student must submit to the department chair a written request for review of the allegation of academic misconduct *within five business days* of receipt of the department chair's written notification.
4. The department chair, *within five business days* of receipt of the student's request, will forward copies of the request to the chair of the Academic Misconduct Committee.
5. The chair of the Academic Misconduct Committee, *within five business days* of receipt of the department chair's request, will forward copies of the request to the instructor, the department chair, and the dean of the appropriate school.
6. The Academic Misconduct Committee will schedule a meeting as soon as possible with the student, the instructor, and the department chair. Prior to the meeting, copies of all previous correspondence and any evidence concerning the allegation of academic misconduct will be gathered and forwarded to all committee members for review. At the meeting of the Academic Misconduct Committee, testimony will be received from all parties in the presence of the student, instructor, and department chair. This meeting may take place via videoconference or similar technology if a student is unable to travel to campus. The student has the right to cross-examine any witnesses who have presented evidence against him or her. The committee has the right to schedule further meetings or seek further evidence as necessary. The Academic Misconduct Committee's final judgment will be reached in private conference, with two-thirds majority vote being required for the binding decision.

7. *Within five business days* following the meeting, the chair of the Academic Misconduct Committee will prepare a written decision and complete a new Statement of Resolution form, which will stand as the final determination of the allegation of academic misconduct. The chair of the Academic Misconduct Committee will send copies to the student (via registered mail), the instructor, the department chair, the appropriate dean, and all members of the committee.
 - a. If the Academic Misconduct Committee determines that the allegation of academic misconduct is not substantiated, the instructor will submit a grade consistent with the instructor's grading policies and procedures as stated in the instructor's syllabus for this course. The situation is resolved at this point.
 - b. If the Academic Misconduct Committee determines that the allegation of academic misconduct is substantiated, the sanctions will be outlined in the Statement of Resolution. Sanctions may be determined with input from the instructor.
 - c. If it is determined that a student has engaged in multiple academic misconduct offenses, the penalty may be more severe, up to and including academic dismissal from the college.
8. Students shall be informed of their final right to appeal in the Academic Misconduct Committee's written decision. Students may appeal, in writing, to the provost *within five business days* of receipt of the Academic Misconduct Committee's decision.

III. Process for Alleged Academic Misconduct in Settings Not Related to a Course

Any allegations of academic misconduct that occur outside the setting of a course will follow the formal procedure (Section IIB), with the supervisor of the academic activity in which the misconduct allegedly occurred assuming the duties of the instructor and his or her immediate supervisor assuming the duties of the department chair.

IV. Complicity in Academic Misconduct

When it has been determined by an instructor that another student(s) in the class has been involved or assisted with the alleged misconduct of a student, the alleged accomplice(s) will meet with the instructor to discuss his or her role in the incident. If the instructor feels that there is sufficient evidence to indicate complicity in the misconduct, the case will be treated as a potential act of academic misconduct and the procedures outlined in Section II will be followed. If the alleged accomplice is not a member of the instructor's class, then the student will be referred directly to the student judicial system for formal resolution.

V. Record Keeping and Access

1. Each confirmed instance of academic misconduct will result in a signed Statement of Resolution that will be advanced to the Academic Misconduct Committee Chair and kept in the Academic Standards Office for seven years.
2. A student file containing all relevant materials to the academic misconduct proceedings will be kept in the Academic Standards Office for seven years.
3. Academic misconduct records may be accessed in accordance with the FERPA guidelines outlined by the college. Any college employee asked for assistance in

obtaining a student's academic misconduct records will be responsible for assisting the student until the student's records have been obtained.