

Proposed Revisions to
 U Policy 3364-71-04
 Academic Dishonesty

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Note: A companion document is currently being written to specify details on the implementation of this policy. Because title of that document is not determined at this time, it is designated as the “<*Provost’s Procedures on Academic Misconduct*>.” throughout this draft policy.

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A. Policy statement

The university values responsible and ethical behavior in all academic endeavors. Academic misconduct is prohibited at The University of Toledo and is punishable by sanctions, including lowered grades, failing grades, suspension, and expulsion. Academic honesty is expected of all students in higher education. Fatigue, stress, and personal problems do not justify academic misconduct. Students accused of academic misconduct are entitled to due process and appellate rights as outlined below.

B. Purpose of Policy

B.1 The purpose of this policy is to establish procedures that the university will use to address academic misconduct by students, as well as procedures for appealing decisions by instructors, department chairs, College Committees on Academic Misconduct, and Academic Standing Committees.

B.2 Any reference to “days” in this policy shall mean any day other than a Saturday, Sunday, or holiday when the university is closed.

B.3 For the purpose of this policy, unless specified otherwise, any reference to

- (a) “misconduct” shall mean academic misconduct;
- (b) “student” shall mean the student accused of academic misconduct;
- (c) “complainant” shall mean the individual making the formal accusation of academic misconduct against the student;
- (d) “course” shall mean the course impacted by the alleged academic misconduct unless specified otherwise;
- (e) “instructor” shall mean the instructor of record for the course;
- (f) “department” or “college” shall mean the department or college which offered the course;
- (g) “chair” or “dean” shall mean the department chair or dean of the college which offered the course;
- (h) “College Council” shall mean the faculty body within a college empowered to legislate on behalf of the college;
- (i) “College Academic Misconduct Committee” refers to the appeal committee within the college which offered the course.

B.4 (a) If the student is or was enrolled in the course at the time of the alleged misconduct, the complainant is the instructor of the course, and the department chair is the appropriate administrator to receive the report on the misconduct.

(b) If the educational opportunities for students enrolled in the course are adversely impacted by the student, and the student is not or was not enrolled in the course, the complainant may be either the instructor or department chair. If the complainant is the instructor, the appropriate administrator to receive the report is the department chair; if the complainant is the chair, the appropriate administrator is the dean.

(c) If academic misconduct occurs outside a formal course (for example, fabrication or falsification of information, sources, signatures, etc.), the complainant may be any full-time, continuously employed individual with faculty status at this university. In this case, the appropriate administrator is the provost.

C. Scope

C.1 This policy applies to all students enrolled at the University of Toledo.

D. Examples of Academic Misconduct

D.1 It is not acceptable for a student to engage in any form of academic misconduct. The *<Provost's Procedures on Academic Misconduct>* will establish a list of examples of academic misconduct. This list is not meant to be exhaustive, but instead is intended to assist the university community in better understanding which actions constitute academic misconduct. The categories of academic misconduct addressed in this list will include, but are not limited to the following issues:

- (a) plagiarism;
- (b) deleterious actions during an educational setting, graded activities, or those involving damage to equipment;
- (c) deleterious actions involving authorship and collaboration;
- (d) fabrication or falsification of data or official documents;
- (e) deleterious actions having an adverse academic or educational impact on others;
- (f) falsely accusing others of academic misconduct.

D.2 Colleges may develop and publish elaborations on examples of academic misconduct which augment the list maintained by the Office of the Provost.

E. Responsibilities

Students and instructors are responsible for understanding this policy and applicable procedures. They should direct questions about this policy and procedures to their college office. Students seeking clarification as to what constitutes academic misconduct are responsible for consulting their instructors, department chair, or college dean.

E.1 Students

E.1.1 Students are responsible for knowing what constitutes academic misconduct and possible repercussions of academic misconduct.

E.1.2 Students are responsible for knowing and understanding the ethical standards and behavior within an academic environment. They are responsible for knowing and understanding that materials and procedures authorized for use in the preparation of, or during, a graded activity and that which is permissible in a particular course may not be authorized for a different course (e.g., the use of technological devices, text materials, etc.). Students are responsible for consulting their instructors for clarification of such issues.

E.1.3 A student accused of academic misconduct must admit or deny the accusation. Failing to admit or deny the accusation after formal notification of the accusation will be interpreted as an admission of guilt.

- E.1.4 If a student provides false information pertaining to an allegation of academic misconduct made against himself/herself or another student, such action is considered academic misconduct.
- E.1.5 A student observing or having knowledge of others violating this policy is encouraged to report the misconduct to the instructor or department chair.

E.2 Instructors

- E.2.1 Instructors should refer students to this policy on all course syllabi.
- E.2.2 Instructors are expected to inform their students of the materials and procedures authorized for use in the preparation of graded activities (e.g., the use of technological devices, text materials, etc.). However, students are responsible for consulting the instructor if they have questions on such issues.
- E.2.3 Although the instructor may informally notify the student of the accusation of academic misconduct, the instructor must provide a formal notification in writing to the student. To ensure academic integrity and equitable treatment of students across departments and colleges, the instructor will concurrently deliver a copy of this formal notification to the department chair.
- E.2.4 Instructors are expected to respond to concerns expressed about academic misconduct occurring in their courses.
- E.2.5 Examination proctors are expected to report incidents of suspected academic misconduct to the instructor, program director, or department chair.

E.3 College and University

- E.3.1 While an accusation of academic misconduct is either pending or being adjudicated, the student
- (a) cannot drop or withdraw from the course;
 - (b) cannot graduate from the university;
 - (c) cannot have their academic transcripts transmitted in any form to themselves, other individuals, or other academic institutions. The *<Provost's Procedures on Academic Misconduct>* shall specify the text to be used to respond to such requests.

F. Accusation of Academic Misconduct

- F.1 If the student is or was enrolled in the course at the time of the alleged misconduct, the sanction to be imposed on the accused student by the instructor shall be limited to the scope of the course: a reduced grade for a particular assignment and/or the course grade, including an "F" or another grade lower than what the student would have otherwise earned. This does not preclude additional sanctions that may subsequently be imposed on the student by the university if, for example, the student has multiple violations of this policy.
- F.2 If the accused student is not or was not enrolled in the course at the time of the alleged misconduct, the instructor will notify the department chair in writing of the alleged misconduct. The *<Provost's Procedures on Academic Misconduct>* will establish

- (a) the notification process for all relevant parties;
 - (b) the adjudication process to be followed by the College Academic Misconduct Committee;
 - (c) documentation requirements of the student, instructor, and College Academic Misconduct Committee; and
 - (d) when appropriate, recommendations by the College Academic Misconduct Committee for academic sanctions to be imposed on the student and implemented by the provost as well as disciplinary sanction(s) implemented by the appropriate administrator.
- F.3 The *<Provost's Procedures on Academic Misconduct>* shall establish the time frame by which the student is notified in writing of the specific allegation of academic misconduct, the sanction, and the student's right to appeal the instructor's decision.
- F.4 The instructor's determination of academic misconduct by the student shall be considered by all levels of appeal as evidence in support of the allegation of misconduct. The *<Provost's Procedures on Academic Misconduct>* shall establish the instructor's responsibilities regarding
- (a) the gathering of other potential evidence in support of the allegation against the student,
 - (b) the time frame by which the instructor will notify the department chair of the accused student's name, specific form of academic misconduct, supporting evidence, sanction, and other relevant information.
- F.5 If the student accepts responsibility for academic misconduct, the department chair will notify the Office of the Provost of the student's responsibility and the sanction to be imposed on the student. The Office of the Provost will determine whether the student has previously violated this policy.
- F.6 A student denying responsibility for academic misconduct may first appeal the accusation to the department chair.
- (a) Upon receipt of the appeal, the department chair will forward to the student a copy of this policy and the *<Provost's Procedures on Academic Misconduct>*.
 - (b) The *<Provost's Procedures on Academic Misconduct>* will establish the acceptable written format of such appeals, the information to be contained in the appeal, the time frame by which an appeal must be submitted to the department chair, and the time frame a decision must be made by the chair and distributed to all relevant parties.
 - (c) If a student appeals the accusation of academic misconduct to the department chair, the implementation of the instructor's sanction is suspended until all appeals have been adjudicated.

G. Submitting an Appeal

G.1 Levels of Appeal

- G.1.1 A student's appeal to the department chair is the first level of the appeal process. Subsequent levels of appeal available to both the student and complainant(s) include a College Academic Misconduct Committee and, if appropriate, an Academic Standing Committee.

Faculty members serving on these committees must be full-time, continuously employed individuals with faculty status at this university. Committee members may not hold an administrative position above that of a department chair.

No ex officio or non-voting members shall be appointed to college or university level appeal committees. An individual serving on one level of appeal is not permitted to serve on another level hearing the same case.

G.1.2 A College Academic Misconduct Committee will be established in each college to hear and adjudicate student appeals of decisions made by department chairs within that college.

- (a) The *<Provost's Procedures on Academic Misconduct>* will specify the minimum number faculty members to serve on a College Academic Misconduct Committee. Members of this committee will be chosen by their College Council.
- (b) Only members of the Graduate Faculty may adjudicate cases involving graduate students. Therefore, the *<Provost's Procedures on Academic Misconduct>* will recognize that colleges offering both undergraduate and graduate degree programs may choose to concurrently seat differentiated College Academic Misconduct Committees. Student Government shall appoint one undergraduate student to serve on each committee involving accusations against undergraduate students. The Graduate Student Association will do the same for those involving graduate students.

G.1.3 Academic Standing Committees hear and adjudicate appeals of decisions made by College Academic Misconduct Committees. No student or complainant(s) may submit an appeal to an Academic Standing Committee without first receiving a prior decision rendered by a College Academic Misconduct Committee. Two Academic Standing Committees will be established:

- (a) The Undergraduate Academic Standing Committee will consider cases involving alleged academic misconduct occurring in undergraduate courses. Membership will consist of one undergraduate student appointed by Student Government and one faculty member from each college offering undergraduate degree program(s) appointed by the Faculty Senate according to its Bylaws. Decisions of this committee are to be implemented by the Office of the Provost in a timely manner.
- (b) The Graduate Academic Standing Committee will consider all cases involving alleged academic misconduct occurring in graduate courses. Undergraduate students enrolled in graduate courses shall be held to the same ethical standards as the graduate students in those courses. Graduate Academic Standing Committee membership will consist of one graduate student appointed by the Graduate Student Association and one tenured Full Member of the Graduate Faculty from each college offering graduate degree program(s) appointed by the Graduate Council according to its Bylaws. Decisions of this committee are to be implemented by the Dean of the College of Graduate Studies in a timely manner.
- (c) If an ambiguity exists regarding which committee has jurisdiction over an appeal, the provost, as the Executive Vice President for Academic Affairs, shall determine jurisdiction.

G.1.4 For each level of review, the *<Provost's Procedures on Academic Misconduct>* will establish documentation requirements for

- (a) submitting an appeal;
- (b) notification of all relevant parties that an appeal has been received;

- (c) process and timeline for scheduling date(s) of the appeal hearing, along with the information to be specified in the notification of a scheduled appeal hearing including, but not limited to, the time and location of the hearing;
- (d) content requirements of the written report specifying the decision on the appeal; and
- (e) the distribution list of that report at each level of appeal.

G.2 Department Level

The *<Provost's Procedures on Academic Misconduct>* will establish the following requirements and processes:

- G.2.1 The department chair's written notification to the Instructor must indicate that an appeal of the Instructor's decision has been received and must specify the number of days available to the chair to schedule meetings with the Instructor and the accused Student. The department chair will meet with the student and instructor either jointly or separately to discuss the merits of the allegation of academic misconduct. The student may present a statement and evidence in order to contest the allegation(s).
- G.2.2 The chair's decision is restricted to either grant or deny the student's appeal of the instructor's accusation of academic misconduct. This decision shall be based exclusively on the evidence of academic misconduct. The chair's decision shall not alter the instructor's sanction decision. If new and relevant information is presented during this appeal the instructor may choose to modify the proposed sanction against the student or withdraw the accusation of academic misconduct.
- G.2.3 The *<Provost's Procedures on Academic Misconduct>* will establish the time frame by which the chair's written report will be distributed concurrently to the student, instructor, and *<Dean (or Dean's Designee)>*.

G.3 College and University Levels

- G.3.1 The *<Provost's Procedures on Academic Misconduct>* will establish and maintain a single form for submitting an appeal to a college or university level academic misconduct committee, and the information to be included on this form. This form shall be used by all colleges and will be available in paper format in each college office and in electronic format on each college website.
- G.3.2 Appeals to either a College Academic Misconduct Committee or an Academic Standing Committee are to be submitted to the appropriate college. The college *<Dean (or Dean's Designee)>* has the following responsibilities:
 - (a) Receiving submitted appeals, providing guidance to the student and complainant(s) regarding the appeal process and serving as the exclusive contact person for all communication pertaining to the appeal. This communication includes that between the appeal committee, student, complainant(s), and department chair.
 - (b) Following the guidelines specified by the *<Provost's Procedures on Academic Misconduct>* with regards to the following issues.
 - (i) Notifying all parties that an appeal has been received, forwarding a copy of this policy and the *<Provost's Procedures on Academic Misconduct>* to the student and complainant(s).

- (ii) For appeals submitted to a College Academic Misconduct Committee, the *<Dean (or Dean's Designee)>* will invite the both the student and complainant(s) to submit documents and evidence which were not submitted to the department chair during that level of appeal. The content of such documents shall be limited to the academic merits of the allegation(s) and shall not include personal statements. Submission of evidentiary documents will conclude with an appeal to a College Academic Misconduct Committee and the case documents will be considered complete. No such subsequent submission is permitted if an appeal is made to an Academic Standing Committee.
- (iii) Gathering all case documents considered and generated during prior levels of appeal and any additional pertinent documents described above.
- (iv) Forwarding all case documents to the appropriate appeal committee for adjudication and, subsequently, notifying all parties of the appeal committee's decision and whether the option of a further appeal is available.

H. Equitable Treatment

H.1 Academic Hearings

H.1.1 A new accusation of academic misconduct submitted to a college or university appeal committee is adjudicated through an academic hearing. Hearings should be conducted with civility.

H.1.2 The student shall receive a hearing of any new accusation of academic misconduct without reference to any past record of academic misconduct. Decisions and recommendations of College Academic Misconduct Committees and Academic Standing Committees shall be based exclusively on the evidence received at the hearing and, if appropriate, documentation from prior levels of appeals.

The student and complainant(s) will have an opportunity to present any relevant information to the committee relating to the allegations. The student and complainant(s) may present affidavits of persons unavailable to come before the committee, exhibits, witnesses and any other similar information for the committee to consider in issuing its findings and recommendations. If the student or complainant(s) desires to distribute written materials to the committee members, the student must present these at least three (3) days prior to the meeting for copying.

H.1.3 Appeal committees shall meet with both the student and complainant(s). At their discretion, an appeal committee may choose to meet with the two parties either jointly or separately. The student and complainant(s) shall cooperate in the hearing. The complainant(s) cannot be guaranteed anonymity.

H.1.4 Both the student and complainant(s) are permitted to be accompanied by up to two third party individuals who witnessed to the events leading to the alleged academic misconduct. The student or the complainant(s) may ask questions of a third-party witness called to speak before the committee on his/her behalf. Neither the student nor the complainant(s) is permitted to ask questions of any witness called by the other party.

H.1.5 Both the student and complainant(s) will be permitted to make any statements relevant to the issue(s) being addressed. The student, complainant(s), and witnesses will be permitted

to answer any questions posed by any member of the committee. Personal statements or narratives beyond the academic merits of the accusation are not permitted during academic hearings.

H.1.6 Both the student and complainant(s) may be accompanied by one additional person acting as an advisor. For example, a student's advisor may be a family member, a faculty member, or a fellow student; the complainant(s)'s advisor may be, for example, his/her department chair or another colleague.

H.1.7 The appeal hearing is an academic process and is not and should not be construed to be a legal trial. An advisor does not serve as legal counsel. When the student or complainant(s) is questioned by the committee, the student or complainant(s) may confer privately with their advisor, but the advisor may not directly address the appeal committee. When such questioning is completed, the committee may invite each advisor to make a brief statement on the academic merits of the accusation to the committee. The advisor of one party may not ask questions of the appeal committee, the other party, witnesses, or the advisor of the other party.

H.2 Consistency

H.2.1 The *<Provost's Procedures on Academic Misconduct>* will be established to ensure consistent application of this policy across the university through a single process for adjudicating all cases involving a student accused of academic misconduct.

H.2.2 The establishment, maintenance, and revision of the *<Provost's Procedures on Academic Misconduct>* shall be through a committee comprised of an equal number of appointments by the provost, Faculty Senate, and Graduate Council. Because the *<Provost's Procedures on Academic Misconduct>* impact graduate students, members of this committee must hold Full Membership in the Graduate Faculty.

H.2.3 An appeal by a student to a College Academic Misconduct Committee or Academic Standing Committee shall be granted if the committee fails to comply with established deadlines. If an appeal by either a student or complainant(s) is submitted after the specified deadline then appeal is denied, the prior decision stands, and no further appeal is permitted. If appropriate, the *<Dean (or Dean's Designee)>* shall notify the appropriate administrator of the sanction(s) to be imposed.

H.2.4 The *<Provost's Procedures on Academic Misconduct>* are to address issues not otherwise specified in this policy to ensure institutional integrity, equitable treatment of both students and faculty members, and the functionality of the appeal process. This includes but is not limited to:

- (a) Establishing documentation requirements for all levels of appeals along with information to be contained in the written report on each appeal.
- (b) Establishing deadlines for appeals submitted to a department chair, College Academic Misconduct Committee, and Academic Standing Committee, along with deadlines for intermediate stages within each level of appeal. The *<Provost's Procedures on Academic Misconduct>* will also specify the circumstances by which extensions may be granted to such deadlines and which administrator(s) have the authority to grant such extensions.

- (c) The process and deadlines for notifying all parties that an appeal has been submitted and of all relevant deadlines to be in compliance with this policy and the *<Provost's Procedures on Academic Misconduct>*.
- (d) The text and form by which academic misconduct is stated on the academic transcript of a student responsible for academic misconduct.

I. Committee Responsibilities

I.1 Hearings

- I.1.1 The *<Provost's Procedures on Academic Misconduct>* will specify the duties and responsibilities not otherwise specified in this policy of College Academic Misconduct Committees and Academic Standing Committees and their respective committee chairs.
- I.1.2 Minutes will be kept at hearings of College Academic Misconduct Committees and Academic Standing Committees. The *<Provost's Procedures on Academic Misconduct>* will establish permissible forms for the minutes, including audio recording and transcription, and quorum requirements for business.
- I.1.3 The minutes shall record the names of committee members present for each meeting and those absent.
- I.1.4 The procedures will establish the criteria and process for removing or replacing a member of a College Academic Misconduct Committee or an Academic Standing Committee.

I.2 Decisions

- I.2.1 A decision of College Academic Misconduct Committees and Academic Standing Committees shall be either granting the appeal, denying the appeal, or, when appropriate and at the discretion of the appeal committee, remanding the case to a lower level of review for reconsideration, if a procedural error occurred at that lower level. Their decision shall be based exclusively on whether academic misconduct occurred.
- I.2.2 Decisions of an Academic Standing Committee are final and, barring a procedural error made by this committee, may not be appealed or overturned. If evidence of a procedural error by the Academic Standing Committee is presented to the provost by either the student or instructor, and if the provost determines such an error is relevant to the committee decision, the provost will remand this case to a newly constituted Academic Standing Committee for reconsideration.

I.3 Sanctions Imposed by the College and University

- I.3.1 If either (a) a College Academic Misconduct Committees determines academic misconduct did not occur and the complainant(s) does not submit an appeal to the appropriate Academic Standing Committee or (b) an Academic Standing Committee determines academic misconduct did not occur, then no sanction will be imposed on the student and no official record of this accusation against the student will be recorded or maintained by the complainant(s), instructor, department, college, or university.
- I.3.2 If a College Academic Misconduct Committees determines academic misconduct occurred and the student does not submit an appeal to the appropriate Academic Standing Committee,

then the committee shall respect the academic standards of the instructor and not impose an academic sanction less severe than that determined by the instructor. This committee may choose to impose more severe academic sanctions if doing so reflects the academic standards of the college. This includes but is not limited to a recommendation of dismissal from an academic program by the college dean.

If a dean's administrative decision on dismissal from an academic program is necessary, the dean will personally review all evidence presented in the hearing(s) and shall confer with the College Academic Misconduct Committee prior to rendering a decision. The dean's written decision will be based exclusively on the evidence and academic perspective provided by the College Academic Misconduct Committee, will include a detailed rationale for the decision, and will be distributed to the student, complainant(s), instructor, and each member of the College Academic Misconduct Committee.

- I.3.3 If an Academic Standing Committee determines academic misconduct occurred, then the committee will impose an academic sanction which reflects the academic standards of the university. This includes but is not limited to, the sanction proposed by the instructor, a recommendation of dismissal from an academic program by the appropriate college dean, and expulsion from the university by the appropriate administrator.

If a dean's administrative decision on expulsion is necessary, the dean will personally review all evidence presented in the hearing(s) and shall confer with the Academic Standing Committee prior to rendering a decision. The dean's written decision will be based exclusively on the evidence and academic perspective provided by the Academic Standing Committee, will include a detailed rationale for the decision, and will be distributed to the student, complainant(s), instructor, and each member of the Academic Standing Committee.

- I.3.4 Implementation: Sanctions are to be implemented in a timely manner by the appropriate administrator. Sanctions imposed on undergraduate students will be implemented by the provost. Sanctions for graduate students will be implemented by the Dean of the College of Graduate Studies. Removal of a graduate student from their academic program constitutes expulsion from the university by the Dean of the College of Graduate Studies.

Sanctions imposed by either a College Academic Misconduct Committee or an Academic Standing Committee do not preclude additional academic and disciplinary sanctions that may subsequently be imposed on a student by the university if, for example, the student has multiple violations of this policy.

J. Recidivism

- J.1 The *<Provost's Procedures on Academic Misconduct>* will establish and maintain a list of students responsible for academic misconduct and will establish a process to determine if a student has multiple academic misconduct offenses. Undergraduate students with a single violation of this policy will have their name expunged from this list within [30 business days (???)] of their date of graduation from the University of Toledo.
- J.2 The *<Provost's Procedures on Academic Misconduct>* will establish the university officials who will have access to the list of students responsible for academic misconduct. The name of any student on this list shall not be revealed to any other person, office, or agency without the expressed written permission of the provost.

- J.3 The <*Provost's Procedures on Academic Misconduct*> will establish the schedule by which students with multiple academic misconduct offenses are reported to the appropriate Academic Standing Committee. For each such student, that Academic Standing Committee will be convened to determine additional academic sanctions to be imposed on the student and implemented by the provost. This determination will be made by the committee without additional external input. Such sanctions may include suspension or expulsion from the university by the provost. The student's record of academic misconduct is germane to both these deliberations and the additional sanction(s) that will be imposed on the student.