312 Academic Misconduct

Approved by Board of Trustees
Effective Date: __________, 2018
Responsible Division: Academic Affairs
Responsible Office: University Provost
Responsible Officer: Vice Provost for Faculty Affairs

I. Purpose

This policy sets out the procedure to be followed when a Middle Tennessee State University (MTSU or University) faculty member believes a student has engaged in academic misconduct.

II. Scope

This policy applies only to situations where a faculty member charges a student with academic misconduct. Any allegations of misconduct related to research or other scholarly activity should first be evaluated under Policy 211 Misconduct in Scholarly Activities and Research. Students wishing to appeal final course grades must do so through the process set out in Policy 313 Student Grade Appeals.

III. Definitions

A. Academic exercise. All forms of work submitted by a student for credit or hours.

B. Academic Misconduct. Academic misconduct may consist of acts of plagiarism, cheating, or fabrication.

1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another exercise and uses it without proper citation of its reuse.

2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Cheating includes unapproved collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member.
3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

C. Academic Misconduct Committee (Committee) refers to the committee established under Policy 32 University Committees.

D. Faculty member. For the purposes of this policy, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.

E. Director of Student Academic Ethics (DSAE). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The DSAE does not vote in academic misconduct hearings.

F. Notice. For the purposes of this policy, a notice is a written communication sent to a student as directed by this policy. A notice provided to a student will be sent via the student’s official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student’s local address as indicated in the student information system. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

IV. Process

A. Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, an Academic Misconduct Faculty Referral Form (referral) must be submitted to the DSAE within five (5) business days from the time the faculty member concludes that the alleged misconduct occurred. The referral will provide:

1. the name of the student;
2. the course in which the academic misconduct occurred;
3. a description of the misconduct;
4. supporting documentary evidence (if available);
5. the course syllabus.

B. A referred student may not drop a course in which misconduct is alleged, pending final resolution of the case. Students may continue attending class, absent a disciplinary
sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student may not drop the course. Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under Policy 540 Student Conduct.

C. The referring faculty member will assign neither a grade on the referred assignment, nor a final grade for the course, pending the resolution of the referral (if the referred assignment will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of "incomplete" (I) until the case is resolved.

D. The DSAE will review the case within three (3) business days of receipt of the referral. If, in the DSAE's opinion, the referral lacks substance or is otherwise deficient, the DSAE may consult with the referring faculty member and either indicate that additional information is needed or encourage that the referral be withdrawn. Such a consultation may take place before and/or after the DSAE has met with the student.

E. For any referral not withdrawn by mutual consent between the DSAE and the referring faculty member, the DSAE will contact the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can admit responsibility to the DSAE, or request that the case be heard by the Academic Misconduct Committee. If the student admits responsibility, the DSAE will decide on sanctions (see Section V.) appropriate to the case, and the matter will be resolved at that point. The DSAE will note the resolution on the referral and provide copies to the faculty member and the department chair.

F. If a referred student fails to attend a scheduled meeting with the DSAE without a reasonable excuse, the DSAE may find the student responsible in absentia and determine appropriate sanctions.

G. If the student chooses to have the case heard by the Committee, or has previously been found responsible for academic misconduct, the DSAE will:

1. Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Section VII, below. A waiver of this option must also be in writing.

2. Form the Committee from the pool of members for the purpose of the hearing.

H. Institutional Hearing
1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the DSAE’s receipt of the referral, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.

2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:

   a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or

   b. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.

3. The DSAE will advise the student, in writing, of the following:

   a. The conduct violation and the circumstances alleged by the faculty member to constitute academic misconduct;

   b. The date, time, and place of the hearing;

   c. That the student may appeal a grade given by the faculty member in response to academic misconduct.

4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.H.5.-6. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the DSAE.

5. The rights applicable to the referred student at the hearing:

   a. The right to present evidence pertinent to the case and to hear and respond to all testimony;

   b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;

   c. The right to call witnesses; and

   d. The right to confront witnesses in support of the misconduct allegation.

6. The rights applicable to the referring faculty member at the hearing:
a. The right to present evidence pertinent to the case and to hear and respond to all testimony;

b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;

c. The right to call witnesses; and

d. The right to confront witnesses against the misconduct allegation.

7. The hearing will not be open to the public.

8. The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.

9. Decisions shall be by majority vote of the Committee members present and voting. The DSAE is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.

10. The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.

11. The DSAE will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty Affairs. For graduate students found responsible of misconduct, the decision will also be provided to the student's academic advisor, graduate program director, and department chair.

12. The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.

13. Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the exercise or examination and/or course.

V. University Sanctions for Academic Misconduct
A. For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student’s academic advisor, graduate program director and department chair.

B. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.

C. Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the DSAE will inform the sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee’s determination of responsibility in the present case in order to avoid prejudice.

D. Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Section VII. for conducting the hearing required in such a case.)

E. Sanctions that may be issued include, but are not limited to:

1. Reprimand. A written or verbal reprimand or notice may be given to any student whose conduct violates any part of these policies, and provides notice that any further violation(s) may result in more serious consequences;

2. Specified Educational Program. Requirement to participate in specified educational program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;

3. Restriction. A restriction upon a student’s privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (labs, etc.).

4. Probation. Official notice that the continued enrollment of a student on probation will be conditioned upon adherence to these policies. Any student placed on probation will be notified in writing of the terms and length of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion;

5. Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (i.e., on ground, on-line, distance
education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of 48 hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit.

6. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student’s admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students a minimum of 48 hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision during the time of their visit.

7. Revocation of Admission, Degree, or Credential.

8. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student’s individual need for education, growth, and reform.

VI. Appeal of Decision

A. The student or faculty member may appeal the DSAE's or Committee's decision to the Provost within five (5) business days of receipt of the decision.

B. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:

1. An error in procedural due process that prejudiced the DSAE or committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and

2. The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the DSAE or Committee.
C. The Provost may:

1. Affirm the decision;
2. Reverse the decision in whole or in part; or
3. Return the matter to the DSAE or Committee for reconsideration of the sanction.

D. The decision of the Provost is final.

VII. UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-101, et. seq., and shall be processed in accordance with MTSU Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act, unless the student waives the right to such a hearing in writing.

VIII. Records Maintenance

Whenever there is a finding or admission of responsibility under this policy, these records will be maintained by the Vice Provost for Faculty Affairs permanently.

Forms:

Academic Misconduct Faculty Referral

Revisions: none.

References: T.C.A. § 4-5-101, et. seq., Policies 32 University Committees; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 211 Misconduct in Scholarly Activities and Research; 313 Student Grade Appeals.