

# ACADEMIC MISCONDUCT POLICY (REVISED 12-4-18)

## A. General Policy

The preservation of freedom of discussion, inquiry, and expression is possible only in an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

Accordingly, the University has developed regulations and policies pertaining to students and to student organizations. Any student or organization violating an established policy or regulation of the University is subject to disciplinary action according to the provisions outlined in these Codes of Student Conduct. Personal conduct on University-owned or University-controlled property or at University-sponsored events is subject to University jurisdiction. The University may also enforce its own disciplinary policy and procedures, regardless of where misconduct occurs, when personal or organizational conduct directly, seriously, or adversely interferes with or disrupts the educational missions, programs, or other functions of the University. In addition to the guidelines of conduct set forth elsewhere in the Faculty Handbook and other official University publications, acts of conduct for which disciplinary action may be taken and the disciplinary procedures, which apply for the fair adjudication of alleged violations, follow.

## B. Code of Academic Conduct

### Academic Honor Code

- a. All students in attendance at The University of Alabama are expected to be honorable and observe standards of conduct appropriate to a community of scholars. The University of Alabama expects from its students a higher standard of conduct than the minimum required to avoid discipline. When enrolled at The University of Alabama, students are expected to abide by the Academic Honor pledge. Additionally, at the discretion of the course instructor, each student will be expected to sign an Honor Pledge.
- b. The Academic Honor Pledge reads as follows: *I promise or affirm that I will not at any time be involved with cheating, plagiarism, fabrication, or misrepresentation while enrolled as a student at The University of Alabama. I have read the Academic Honor Code, which explains disciplinary procedures that will result from the aforementioned. I understand that violation of this code will result in penalties as severe as indefinite suspension from the University.*

## C. Cases of Academic Misconduct

### 1. Academic Misconduct

- a. Academic misconduct by students includes all acts of dishonesty in any academic-related matter and any knowing or intentional help or attempt to help, or conspiracy to help, another student commit an act of academic dishonesty. Academic dishonesty includes, but is not limited to, each of the following acts when performed in any type of academic or academic-related matter, exercise, or activity.
  - (1) Cheating: using or attempting to use unauthorized materials, information, study aids, or computer-related information.
  - (2) Plagiarism: representing words, data, pictures, figures, works, ideas, computer programs or outputs or anything generated by someone else, as one's own. Self-Plagiarism: resubmitting your own previously submitted work without proper citation and permission from the current instructor to whom the original work is subsequently submitted.

(3) Fabrication: presenting as genuine any invented or falsified citation, data or material.

(4) Misrepresentation: falsifying, altering, or misstating the contents of documents or other materials related to academic matters, including schedules, prerequisites, and transcripts.

b. Except in divisions that have an alternate academic misconduct policy that has been approved by the Provost, academic misconduct cases shall be resolved by the divisional academic misconduct monitor or the academic dean of the division in which the alleged action took place. Appeals from the monitor's decisions may be made to the academic dean; appeals from the academic dean's decisions may be made to the Office for Academic Affairs.

### 2. Resolution of Academic Misconduct

- a. A course instructor, or any other person(s), who has reasonable cause to believe a student has engaged in an act of academic misconduct shall report, immediately upon discovery, the matter to the divisional academic misconduct monitor (appointed by the academic dean) of the division within which the alleged misconduct occurred. The matter must be reported by the course instructor or department chair in a timely manner. In most cases the academic misconduct monitor should receive the report within 2-3 weeks of the student's alleged act of misconduct. The instructor will take no other action in the matter until a decision has been reached by the monitor or the dean. When suspected incidents of academic misconduct occur in settings other than an academic division, the matter will be reported to and processed through the divisional academic misconduct monitor where oversight of the course occurs.
- b. The course instructor should submit all evidence to the academic misconduct monitor for review. If any electronic device is confiscated by an instructor as part of the package of evidence presented to the monitor, the device will be returned promptly once pertinent information related to the accusation has been documented.
- c. When a course instructor reports alleged academic misconduct by a student to an academic monitor, the academic monitor will attempt to notify the student via e-mail, phone or letter of a required meeting with the academic misconduct monitor. If initial attempts to communicate in these manners are unsuccessful, certified mail is recommended. If the student does not respond to the notice of the accusation of academic misconduct within two weeks from the date of such notice, a general hold will be placed on the student's university account. If the student does not respond to the notice of the accusation before the end of the semester in which the alleged academic misconduct occurred, the academic monitor will advise the course instructor to assign a grade of "Incomplete" to the student.
- d. The academic monitor will promptly place a hold on the student's account indicating the student cannot drop the course. When such an accusation is made prior to the 10-week drop date, the student will not be allowed to drop the course in which the academic misconduct is alleged to have occurred until the misconduct resolution process is complete. If the student is found not to have engaged in academic misconduct, the student will be allowed to drop that course even if the 10-week drop period has expired and the hold prevented them from dropping on time. If the student is

## 2 Academic Misconduct Policy (revised 12-4-18)

found responsible for misconduct by the academic misconduct monitor, they will not be allowed to drop the course at any time. A grade of "Incomplete" will be immediately assigned so the student cannot drop the course. At the end of the semester or after the adjudication if this occurs after the end of the semester, the "Incomplete" will be replaced with the student's earned grade.

e. The monitor will discuss the circumstances involved with the course instructor and/or other appropriate person(s) and review any pertinent materials in order to determine if a reasonable basis exists for believing that academic misconduct may have been committed. If the monitor concludes that there is a reasonable basis for believing an act of academic misconduct may have been committed, the monitor will determine whether the student has been disciplined for any prior academic misconduct offense(s) and will arrange a conference with the student. This conference can be held electronically/virtually if the student is not available for an in-person meeting. The monitor may invite the course instructor to join the conference.

f. When a student is accused of academic misconduct, the monitor contacts the Office for Academic Affairs about any prior misconduct findings for that student before proceeding with the investigation. If prior offense(s) have occurred, the monitor will refer the case to the academic deans (or their designee) for resolution. "Second offense accusations" presume resolution of first offenses at the college level (i.e., finding of guilt) prior to the second act. Multiple misconduct accusations, where the accusations have not been resolved at the college level, may result in a penalty more severe than is typical in first offenses, including indefinite suspension. For second-offense cases that are in progress at the beginning of a semester, a student will be allowed to enroll and continue through completion of semester even if the outcome of the accusation is suspension. If an academic misconduct case is underway during a student's final semester, the awarding of the degree may be dependent upon the resolution of the case.

g. At the conference, the student will be informed at the start that an issue of possible academic misconduct exists and will be given a copy of this Academic Misconduct Disciplinary Policy and will sign to acknowledge receipt of the policy. The monitor will call the student's attention to the following provisions:

- (1) The student is not required to make any statement at all regarding the matter under investigation.
- (2) The student may make a voluntary statement if he or she chooses.
- (3) The student has a right to present any evidence, supporting witnesses, and other information to the misconduct monitor.
- (4) The student has a right to be advised and accompanied by any one person of his or her choice.
- (5) The student is entitled to a recess in the conference for one week in order to take advantage of the rights listed in items 3 and 4.

h. At the conference, the student will be informed that options are available as to how the resolution of the charges will occur:

- (1) The matter can be dismissed by the monitor if evidence is presented that leads the monitor to conclude that a preponderance of evidence does not exist that the student engaged in an act of academic misconduct.

(2) The matter can be concluded at the conference level and a penalty imposed if the student makes a voluntary written admission that they engaged in an act of academic misconduct. The student will be given written notice of the penalty. Copies of this notice will be given to the instructor and to the Office for Academic Affairs. If the penalty imposed by the monitor includes assignment of a grade, the course instructor must approve the specific grade before the grade can be assigned. If the course instructor does not approve the grade recommendation, the response will be treated as an appeal and forwarded on to the academic dean.

(3) The matter will be forwarded to the academic dean:

- (a) if it is not dismissed by the monitor and the student does not make a written admission of academic misconduct, or
- (b) if, within one week from the date the conference is concluded, either the student or the course instructor appeals the decision of the monitor, including dismissal or penalty, and requests that there be further review.

## 3. Penalties for Academic Misconduct

a. Penalties for academic misconduct can range from a reprimand to a penalty as severe as suspension for a definite time or even indefinite suspension. Indefinite suspension normally requires a minimum of one semester. After one semester students may appeal for reinstatement. Academic deans have the authority to impose the full range of penalties. Divisional academic misconduct monitors may impose penalties only after receiving a voluntary written confession. Misconduct monitors are authorized to impose penalties up to but not including suspension, and may impose penalties of suspension or indefinite suspension if authority to do so has been delegated by the academic dean. All persons who admit to or are found guilty of an academic offense for which a penalty less than an indefinite suspension is imposed will receive a penalty of indefinite suspension if they admit to or are found guilty of another offense of academic misconduct. In all cases that involve suspension as a penalty, the academic misconduct monitor will place a hold on the student's record to prevent further enrollment. The Office of the University Registrar will facilitate dropping any existing future enrollment.

b. A penalty of indefinite suspension is generally mandated for a finding of guilt on all second offenses. It is preferred the students who are indefinitely suspended due to a second offense sit out for one academic year, but one major semester (fall or spring) is generally the minimum requirement. The dean of the college where the offense occurred should notify the student's home college of the indefinite suspension at the time of suspension. Additionally, the dean who suspends the students should consult with the dean of the student's home college in determining reinstatement. In cases that involve suspension as a penalty, the dean's office of the college where the misconduct occurred will place a hold on the student's record to prevent further enrollment.

## 4. Resolution by the Academic Dean

a. The dean will consider timely appeals from students or instructors who are not satisfied with the dismissal or the penalty imposed by the academic monitor. The dean will also make decisions concerning guilt and penalties for students who have not made an admission of misconduct.

b. Any matter not resolved by the misconduct monitor will be resolved by the academic dean. The dean may act alone or in conjunction with a standing divisional committee or an ad hoc committee appointed by the dean, but the dean shall make the decision. The academic dean will confer with the course instructor, the student, and any other appropriate persons, to discuss the matter in question. The dean may arrange an individual or group conference to discuss the matter. The student will be allowed to make a statement and to present evidence, witnesses, and other relevant materials; the student may be accompanied and advised by any one person the student chooses. This adviser, who may be an attorney, may privately consult with and advise the student, but may not question witnesses, make statements, or otherwise directly participate in the conference discussing the matter. Any fees charged by the adviser are the sole responsibility of the student. The dean or committee may remove or dismiss a support person/adviser who becomes disruptive or who does not abide by the limitations on their participation. The dean will seek the advice of the course instructor prior to assigning a grade penalty. However, the dean is not obligated to follow the instructor's recommendation since a penalty is being assigned rather than an evaluation of academic work. Notice of the dean's decision will include a statement of the academic misconduct charges and will be sent to the student with copies to the instructor and other involved parties; the student or the instructor may appeal the dean's decision to the Office for Academic Affairs if the appeal is filed within 15 working days of the date of mailing of the dean's decision.

No penalty will be imposed until:

- (1) the time for appeal has expired, or
- (2) a decision on the appeal has been reached.

c. The dean's decision(s) may be appealed to the Office for Academic Affairs within 15 working days of the mailing of the dean's decision(s). Appeals must be based on substantive grounds such as procedural errors, new evidence, or inconsistencies in penalties assigned. After 15 days, appeals are not accepted and the penalties will be imposed.

#### 5. Appeal to Office for Academic Affairs

When an appeal is received by the Office for Academic Affairs, an official from that office will schedule a conference(s) with the student and other concerned parties to discuss the reasons for the appeal. If meetings with the student and other concerned parties result in an agreeable solution to the matter, the appeal process will end. If no such solution is reached, the official from the Office for Academic Affairs will recommend to the Provost, giving reasons for the recommendation, whether the appeal should be heard or denied. The appeal will not be granted unless there are substantive grounds to support the appeal, such as procedural errors, new evidence that was not previously available, or inconsistencies in the penalties assigned. If the Provost denies the appeal, the appeal process will end. If the appeal is to be heard, the official from the Office for Academic Affairs will convene a panel to resolve the issues that remain.

The panel will consist of a person designated by the Vice President for Student Life, a person designated by the Provost (not the official convening the panel), one student (appointed by the President of the SGA), and one course instructor (appointed by the President of the Faculty Senate); both the student and the course instructor will come from the division holding jurisdiction for resolving the alleged misconduct if it is possible to find such people who have no prior connection with the case. In cases involving graduate students, the faculty and student

members of the appeal panel should hold graduate faculty or graduate student status, respectively. The person designated by the Provost will serve as hearing administrator and will coordinate and preside at all meetings conducted to resolve the academic misconduct appeal.

The hearing by a panel is an administrative hearing and the proceedings will be informal rather than those used in courts of law. The panel may admit any evidence that is of probative value in determining the issues, subject to the panel's judgment as to the relevance, credibility, and weight of the evidence. The panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses. The party requesting the hearing (in most cases, the student) may be accompanied and advised by any one person they choose.

This advisor, who may be an attorney, may privately consult with and advise their client, but may not question witnesses, make statements, or otherwise directly participate in the conference discussing the matter; only the client may participate in the hearing in this manner. Any fees charged by the adviser are the sole responsibility of the party who invited the adviser. The person designated by the Provost may remove or dismiss an adviser who becomes disruptive or who does not abide by the limitations on their participation. The panel will decide each of the issues raised in the appeal. The panel's decision will be final and will conclude the process insofar as the University is concerned. A decision contrary to the student's position must be supported by the votes of at least three of the four panel members. The panel will give written notice of its decision(s) to the student, the course instructor, the dean, and the Provost.

#### 6. Records

Records documenting investigations and/or disciplinary actions taken against UA students charged with academic misconduct shall be maintained by the academic division for as long as required pursuant to the University's record retention schedule ([https://www.lib.ua.edu/wp-content/uploads/RDA\\_2017edition.pdf](https://www.lib.ua.edu/wp-content/uploads/RDA_2017edition.pdf)).