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Marshall University Faculty Senate, "SR 22-23-54 FS" (2023). *Recommendations*. 2079.
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**FACULTY SENATE
RECOMMENDATION**

SR 22-23-54 FS

Recommends that item 8.2.9 of BOG Policy AA-12, "Academic Dishonesty," be revised as shown in the attached documents.

RATIONALE:

The current policy language in item 8.2.9 says a student's advisor or counsel "may not participate in the hearing." Marshall's University's Office of General Counsel advises that this blanket prohibition is permissible under WV Supreme Court precedent (*North v. WVU Board of Regents*). The court held that due process in disciplinary hearings at state universities requires the ability of a student to be represented by counsel. In the extreme, the blanket prohibition could risk of a court overturning a dismissal.

The proposed language removes the blanket prohibition from item 8.2.9. This does not prevent Marshall from establishing procedures, such as in places like student disciplinary procedures, that describe the permissible role of an advisor or counsel at an academic dishonesty hearing.

FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE:  DATE: 4/20/2023

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED:  DATE: 4/20/23

DISAPPROVED: _____ DATE: _____

COMMENTS: _____

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. AA-12

ACADEMIC DISHONESTY

1. Academic Dishonesty
 - 1.1. Scope: Academic policy regarding graduate student academic dishonesty.
 - 1.2. Authority: WW Code § 18B-1-6
 - 1.3. Passage Date: _____
 - 1.4. Effective Date: _____
 - 1.5. Controlling over: Marshall University
 - 1.6. History: (FS-02-03-(37)37 BAPC, February 27, 2003). This policy was updated and approved by the Marshall University Board of Governors on December 19, 2019. Recommended changes in this document were passed by Faculty Senate (SR-19-20- 27 BAPC, February 27, 2020). Further recommended changes were passed by the Graduate Council on March 25, 2022, and by the Faculty Senate (SR-21-22-44 BAPC) on April 21, 2022.
2. Introduction
 - 2.1. As described in the Marshall University Creed, Marshall University is an “Ethical Community reflecting honesty, integrity, and fairness in both academic and extracurricular activities.”
 - 2.2. Academic dishonesty is fundamentally opposed to the goal of “assuring the integrity of the curriculum through the maintenance of rigorous standards and high expectations for student learning and performance,” as described in Marshall University’s Statement of Philosophy. As such, acts of academic dishonesty will not be tolerated.
 - 2.3. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by Marshall University accepts the academic requirements and criteria of the institution. It is the student’s responsibility to be aware of policies regulating academic conduct, including the definitions of academic dishonesty, the possible sanctions, and the appeal process.
 - 2.4. For the purposes of this policy, an academic exercise is defined as any assignment, whether graded or ungraded, that is given in an academic course or must be completed toward the completion of degree or certification requirements. This includes, but is not limited to: Exams, quizzes, papers, oral presentations, data gathering and analysis, practica, and creative work of any kind.
3. Definitions of Academic Dishonesty
 - 3.1. Below are definitions of some common types of academic dishonesty. Each instructor may modify the general definition of academic dishonesty to fit the immediate academic needs within that particular course of study, provided the instructor defines, in writing and preferably in the course syllabus, the details of any departure from the general definition.

- 3.1.1. Cheating: Any action which, if known to the instructor in the course of study, would be prohibited.
 - 3.1.1.1. The unauthorized use of any materials, notes, electronic devices, sources of information, study aids, or tools during an academic exercise.
 - 3.1.1.2. The unauthorized assistance of a person other than the course instructor during an academic exercise.
 - 3.1.1.3. The unauthorized viewing of another person's work during an academic exercise.
 - 3.1.1.4. The unauthorized securing of all or any part of assignments or examinations, in advance of distribution by the instructor.
- 3.1.2. Fabrication/Falsification: The unauthorized invention or alteration of any information, citation, data, or means of verification in an academic exercise, official correspondence, or a university record.
- 3.1.3. Plagiarism: Submitting as one's own work or creation any material or an idea wholly or in part created by another. This includes
 - 3.1.3.1. Oral, written, and graphical material.
 - 3.1.3.2. Both published and unpublished work.
 - 3.1.3.3. It is the student's responsibility to clearly distinguish their own work from that created by others. This includes the proper use of quotation marks, paraphrase, and the citation of the original source. Students are responsible for both intentional and unintentional acts of plagiarism.
- 3.1.4. Bribes/Favors/Threats: Attempting to unfairly influence a course grade or the satisfaction of degree requirements through any of these actions is prohibited.
- 3.1.5. Complicity: Helping or attempting to help someone commit an act of academic dishonesty.

4. Sanctions

- 4.1. Sanctions of academic dishonesty may be imposed by the instructor of the course, the department chairperson, the academic dean, or the associate provost.
- 4.2. Students may not withdraw from the course until all appeals are complete. The student should continue to attend class and complete all assignments during the appeals process.
- 4.3. The appropriate sanction(s) for an act of misconduct must be decided on a case-by-case basis as appropriate by academic discipline, teaching method, course level, and degree of misconduct. When possible, the sanction should be selected with the aim of aiding the student in understanding the seriousness of their behavior and the consequences of ethical misconduct. The faculty member may issue any of the sanctions listed below. The instructor may impose at their discretion the following sanctions should the student choose not to appeal or loses an appeal of an academic dishonesty charge:
 - 4.4. Undergraduate Student Sanctions
 - 4.4.1. Warning letter

- 4.4.2. Retake/Replace Assignment: An appropriate sanction for minor violations in which the student admits culpability for a minor violation, generally poor citations, or other plagiarism without intent to defraud, is allowing a student to retake an assignment or to make-up an assignment with different work. These assignments should have a maximum score less than that of the initial assignment.
- 4.4.3. No Credit (“0”) for the Assignment: This is the recommended sanction for most minor academic dishonesty. This sanction is appropriate for collaborating on homework and/or minor plagiarism in a writing assignment. If this action affects the student’s final grade, a grade of “Incomplete” should be given at the end of a semester pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- 4.4.4. Exclusion from class activities: When an individual student’s conduct may negatively impact another student’s academic performance, such as in labs or group work, the instructor may assign the identified student to work independently on any required assignments/labs. This action may be taken immediately, prior to the conclusion of the appeal.
- 4.4.5. Reduction of Final Course Grade/Failure of the Course: These sanctions are recommended for most major violations of academic integrity. Such violations include cheating on a midterm or final exam, plagiarizing a term paper, or other misconduct on a major cumulative experience. A grade of “Incomplete” should be given at the end of a semester pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- 4.4.6. Temporary Prohibition from Retaking the Class: A student who is appealing a charge of academic dishonesty may not retake the same course in which the charge was made, with the instructor who made the charge, until the appeal is complete, unless such a prohibition would necessarily delay the student’s graduation.

4.5. Graduate Student Sanctions

- 4.5.1. No credit (“0”) for the Assignment: This is the recommended sanction for most minor academic dishonesty. This sanction is appropriate for collaborating on homework and/or minor plagiarism in a writing assignment. If this action affects the student’s final grade, a grade of “Incomplete” should be given at the end of a semester, pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- 4.5.2. Reduction of the Final Course Grade/Failure of the Course: These sanctions are recommended for major violations of academic integrity. Such violations include cheating on a midterm or final exam, plagiarizing a term paper, or other misconduct on a major cumulative experience. A grade of “Incomplete” should be given at the end of a semester, pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- 4.5.3. Temporary Prohibition from Retaking the Class: A student who is appealing a charge of academic dishonesty may not retake the same course in which the charge was made, with the instructor who made the charge, until the appeal is

complete, unless such a prohibition would necessarily delay the student's graduation.

- 4.6. In those cases, in which the offense is particularly flagrant or where there are other aggravating circumstances, additional non-academic sanctions may be pursued through the Office of Student Conduct.
 - 4.7. The instructor or responsible office must notify any student accused of an offense within five (5) instructional days of the discovery of the incident, in writing, and outline any charges and subsequent sanctions imposed for academic dishonesty. Written notification of academic dishonesty charges (and inclusion of confirmed charges/sanctions in the student's records) is designed to inform a student of the potential repercussions of repeat offenses and their rights of appeal.
 - 4.8. Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within five (5) instructional days of the accusation.
 - 4.9. In addition, the Office of Academic Affairs will inform the student and the student's academic dean of the accusations made, the sanctions prescribed, the repercussions of repeat offenses, and their right of appeal. A copy of the report will go into the student's college file. Any subsequent action taken (additional sanctions imposed, the lessening of sanctions, the withdrawal of accusations, the result of appeals, etc.) must be reported to the Office of Academic Affairs within ten (10) instructional days of the action.
 - 4.10. The Office of Academic Affairs will maintain a file of academic dishonesty incidents. These will be reported in summary form (no student or faculty names will be included) to the Academic Deans and the Faculty Senate at the end of each academic year.
5. Undergraduate Repeat Offenses
- 5.1. The Office of Academic Affairs will impose sanctions for repeated academic dishonesty charges after consultation with the appropriate department chairs and deans.
 - 5.1.1. A student's record of academic dishonesty charges will be maintained throughout their enrollment at Marshall University. As a result of the first offense, a student can choose to be enrolled in an Academic Integrity Seminar within thirty (30) instructional days of the sanction. The first offense will be expunged from the student's record upon successful completion of the Academic integrity seminar, but a record of this offense will remain with Academic Affairs. Students who appeal the academic dishonesty charge can enroll in the seminar if the appeal is unsuccessful. Again, the student must enroll within thirty (30) instructional days of the end of the appeal. Specific information regarding the Academic Integrity Seminar can be obtained in the Office of Student Advocacy, Memorial Student Center, Room 2W40.
 - 5.1.2. A student who has successfully completed the Academic Integrity Seminar, and is charged with a second offense, may not retake the seminar. This student will be placed on academic probation for a period of one calendar year. If this student is charged with a third offense, they will be suspended for a period of one academic

year. If this student is charged with a fourth offense, they will be expelled from the university.

- 5.1.3. If a student elects not to complete the Academic Integrity Seminar, they will be suspended after their second offense and expelled after their third offense.
- 5.1.4. A suspension issued due to academic dishonesty must be served prior to any degree being awarded to the student.

5.2. Graduate Student Repeat Offenses

- 5.2.1. The Office of Academic Affairs will impose a sanction of expulsion for confirmed second offenses of academic dishonesty charges after consultation with the appropriate department chairs and academic deans.
- 5.2.2. A student's record of academic dishonesty charges will be maintained throughout their enrollment in graduate school at Marshall University. A graduate student may receive any available sanction for the first offense of academic dishonesty. The second confirmed offense will result in an automatic expulsion from the Graduate College.

6. Reporting

- 6.1. Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within five (5) instructional days of the accusation.
- 6.2. Notice of an act of academic dishonesty will be reported to the Office of Academic Affairs through the completion of an "Academic Dishonesty Report Form" (described below). The "Academic Dishonesty Report Form" will include:
 - 6.2.1. Instructor's Name
 - 6.2.2. Course Information (Term, Number, Section)
 - 6.2.3. Student's Name
 - 6.2.4. Student's University Identification Number
 - 6.2.5. Brief Description of the Charge
 - 6.2.6. Date of Accusation
 - 6.2.7. Brief Description of the Sanction
- 6.3. Instructors are encouraged to give a copy of the "Academic Dishonesty Report Form" to a student accused of an offense. However, with ten (10) instructional days of receipt of the "Academic Dishonesty Report Form" the Office of Academic Affairs will inform the student and the student's dean of the accusations made, the sanctions prescribed, the repercussions of repeat offenses, and their rights of appeal. A copy of the report will go into the student's college file.

7. Undergraduate Student Appeal Process

- 7.1. In cases where the instructor imposes sanctions and does not refer the matter to the department chairperson for additional sanctions, the student may appeal the sanction in

accordance with the procedures described for grade appeal (see listing under “Grade Appeal” described in the Undergraduate Catalog). This includes lowered grades, exclusion from class activities and failure of the course.

- 7.2. If allegations of academic dishonesty are referred to the department chairperson for additional sanctions, it must be within ten (10) days from the date of the alleged offense. The process starts with the dean if there is no department chairperson.
 - 7.2.1. The department chairperson will bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.
 - 7.2.2. If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson feels that the penalties are insufficient for the act complained of, the case will be forwarded in writing by the chairperson to the student’s academic dean within five (5) days from the date of the meeting. The academic dean will bring together the student, faculty member or other complainant, and the department chairperson to review the charges within five (5) days from the date of referral. The academic dean may impose any sanction permitted by this policy.
 - 7.2.3. Should the student, faculty member, or other complainant be dissatisfied with the determination of the academic dean, the case may be appealed in writing within five (5) instructional days of the written decision to the Budget and Academic Policy Committee, who will refer the case to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and five (5) instructional days after the hearing to make written notification of the determination to the student and instructor. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However, every effort will be made to schedule appeal hearings in a timely and reasonable manner.
 - 7.2.4. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board or the Hearing Panel, then they may file an appeal with the Chief Academic Officer (CAO) within fifteen (15) days from the receipt of the written decision of the Board. The decision of the CAO shall be final.
 - 7.2.5. Only individual allegations of academic dishonesty may be appealed. If a previous offense was not appealed within the time limit, or was appealed unsuccessfully, then subsequent offenses will be counted as repeat offenses and additional sanctions will be levied by the Office of Academic Affairs as described under the section on “Sanctions.”

8. Graduate Student Appeal Process

8.1. Sanctions resulting from an Academic Disciplinary Action as defined in Section 4 of these rules, shall take effect immediately, regardless of whether the student appeals the sanction. Provided that, in exceptional circumstances, the graduate college dean or the CAO may suspend the imposition of sanctions pending the resolution of an appeal. The burden of proof will be with the appealing graduate student.

8.2. The Graduate College has adopted Administrative Procedure, PERFORMANCE APPEAL, that outlines the appeal process. <https://www.marshall.edu/graduate/graduate-student-appeals/> The appeals process is as follows:

- 8.2.1. The director/coordinator of the graduate program, chairperson/department/unit head, or graduate dean will notify a graduate student in writing of the academic action.
- 8.2.2. The academic action may be prescribed by those departments that publish a student handbook that includes sanctions its faculty may impose for academic dishonesty or other actions in violation of the ethical guidelines of the discipline.
- 8.2.3. Before initiating a formal appeal, the graduate student must first seek informal resolution from the person who imposed the sanction.
- 8.2.4. If there is no informal resolution, the graduate student must submit an appeal to the Dean of the Graduate College within ten (10) instructional days of attempting the informal resolution.
- 8.2.5. Within ten (10) instructional days of receiving the appeal, the Dean of the Graduate College will issue a written decision and provide copies of the decision to the student and person who imposed the sanction.
- 8.2.6. If the graduate student is not satisfied with the decision of the graduate dean, within ten (10) instructional days of receiving the decision, the graduate student may request a hearing of an ad hoc committee of the Graduate Council by contacting the Chair of the Graduate Council.
- 8.2.7. Upon receipt of the request for a hearing, the graduate dean will forward the decision and all attachments to the Chair of the Graduate Council. The academic dean will also be notified and will serve in an advisory role to the Chair of the Graduate Council.
- 8.2.8. The Chair of the Graduate Council will convene an ad hoc committee and will schedule a hearing and give all parties ten (10) instructional days written notice of the hearing. The ad hoc committee will include three (3) individuals that may include the Chair of the Graduate Council, the Vice Chair of the Graduate Council, the Secretary, or another member of the Graduate Council.
- 8.2.9. The ad hoc committee will review the appeal with all attachments and provide the graduate student and the individual who imposed the sanction the opportunity to review and respond to all evidence. The participants may bring an advisor or legal counsel to the hearing ~~who may not participate in the proceedings but may advise the student at their own expense.~~

- 8.2.10. The ad hoc committee will operate with due respect to the rights of graduate students, faculty, and administrators including, the conduct of interviews, the right of all parties to review and address allegations, and the right to a fair hearing.
- 8.2.11. Within ten (10) instructional days of the hearing, the ad hoc committee will render a written decision and forward it to the graduate student, the individual imposing the sanction, the Dean of the Graduate College, and the CAO.
- 8.2.12. If the graduate student is not satisfied with the ad hoc committee's decision, within ten (10) instructional days of receipt of the decision, the graduate student may submit an appeal to the CAO.
- 8.2.13. The CAO's review shall be limited to substantive or procedural issues regarding the hearing. The decision of the CAO is final.