

BUFFALO STATE COLLEGE DIRECTORY OF POLICY STATEMENTS

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Subject: Academic Misconduct

All students at the college are expected to display honesty and integrity in completing course requirements and following college academic regulations.

“Academic misconduct” refers to any form of plagiarism or cheating on examinations or assignments, and is inconsistent with the aims and goals of the State University College at Buffalo. Instances of academic misconduct include, but are not limited to:

- Prior acquisition or possession of an examination and submission of false data
- Submission of the work of another individual without proper acknowledgement
- Performance of work in a course for another individual while registered in the same course

PROCEDURES AND DUE PROCESS IN CASES OF ALLEGED ACADEMIC MISCONDUCT

Throughout the following description of the possible steps in the review process, the term “regular business day” is to be defined as a day upon which classes are held at the college, with the exception of Saturdays and Sundays.

The Academic Misconduct Committee serves as the final level of appeal in the review process. It is composed of eight (8) committee 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

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.

I. For Alleged Academic Misconduct in Connection with a Course.

Throughout the entire process the student is expected to continue attending classes and complete all coursework. At any point in the process, the student has two choices: to accept the allegation of academic misconduct and the stipulated consequences indicated below in the Statement of Resolution or continue the Formal Procedure (B) as detailed below:

Statement of Resolution

The Statement of Resolution is a written record of an allegation of academic misconduct and the resolution of the allegation in keeping with the Buffalo State College Policy on Academic Misconduct.

The Resolution of the allegation consists of two sections: Section A which provides documentation of a student 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.

If the student admits academic misconduct, the instructor has the authority to impose 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. Submit a recalculated grade for the course
4. 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

If the student feels he/she has not engaged in an act of academic misconduct, or disputes the allegation or sanctions, then the student has the right to appeal and will follow the procedure outlined below.

If the 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.”

A. PRELIMINARY PROCEDURE

1. Preliminary discussion between the student and the instructor should be the first course of action in resolving the question of academic misconduct. When an instructor suspects that a student has cheated on a paper, exam, project, or any assignment, 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 inform the department chair and the student of the allegation and set up a time to discuss the allegations with the student. The department chair may also be present at the meeting. The instructor will provide the student with a copy of the Academic Misconduct Policy and procedures prior to this meeting.

The student will have the opportunity to explain any supposed or alleged misconduct, to present evidence of innocence or give information relevant to the investigation. If this meeting occurs after the semester has ended, the student will receive an “N” grade for the course until the matter is resolved.

2. If this matter is unresolved in the preliminary discussion or the student disputes the sanctions, then the student has the right to appeal and will follow the formal procedure. If this is the case,

then the original grade of “N” will remain on the transcript until the student has completed due process.

3. 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 (see attached). The student receives a copy. A copy of this form will remain on file in the Academic Standards Office for a period

of seven (7) years. The situation is resolved at this point by the completion of the Statement of Resolution.

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/her chair

in writing explaining the alleged misconduct and steps taken to resolve it within *five (5) working days* of the conclusion of the preliminary procedure.

(NOTE: -- In the event that the instructor making the allegation is a department chairperson, 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 (5) working 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/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 (5) working days of receipt of the department chair’s written notification.

4. The department chair, within *five (5) working 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 (5) working days* of receipt of the student's department chair's request, will forward copies of the request to the instructor, the department chair and the dean, and will schedule a meeting as soon as possible with the student, the instructor, the department chair, and the members of the Academic Misconduct Committee. Prior to the meeting, copies of all previous correspondence concerning the allegation of academic misconduct will be 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. The student has the right to cross-examine any witnesses who have presented evidence against him/her. The committee has the right to schedule further meetings and/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.

6. Within *five (5) working days* following the meeting, the chair of the Academic Misconduct Committee will prepare a written decision and complete the 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 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.

- 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. The Statement of Resolution form will be kept on file in the Office of Academic Standards for a period of seven (7) years.
 - c. If it is determined that a student engages in a second academic misconduct offense the penalty may be academic dismissal from the college.
7. Students shall be informed of their right to appeal in the Academic Misconduct Committee's written decision. Students must appeal, in writing, to the Provost within *five (5) working days* of receipt of the decision

C. GRADING & COURSE REPEAT

A failing grade with a "J" designation which is given as a result of a charge of academic misconduct and is substantiated throughout the review process will become a permanent part of the student's "internal" audit (but will not appear on the student's official transcript) and may not be changed by repeating the course. The student will be allowed to repeat the course only with written permission of the department chair. Copies of written permission must be sent by the department chair, the Registrar's Office and Academic Standards Office. Quality points will be computed using the average of the two grades.

II. For Alleged Academic Misconduct in Other Settings Not Related to a Course

A. PRELIMINARY PROCEDURE

1. The supervisor of the examination will meet with the student within *five (5) working days* of the date of the examination to discuss the incident and

attempt resolution. The student will have the opportunity to explain his/her behavior and to present relevant information.

2. If this matter is unresolved in the preliminary discussion or the student disputes the sanctions, then the student has the right to appeal and will follow the formal procedure.
3. If a student is found not to have engaged in academic misconduct during the preliminary discussion, the supervisor completes and retains a copy of the Statement of Resolution (see attached). The student receives a copy. A copy of this form will remain on file in the Academic Standards Office for a period of seven (7) years. The student's examination results will then be appropriately recorded. The situation is resolved at this point by the completion of the Statement of Resolution. If it is determined that a student has engaged in a second academic misconduct offense, the penalty may be academic dismissal from the college.

B. FORMAL PROCEDURE

1. In the case of an allegation of academic misconduct, where the preliminary procedure fails to resolve the situation (e.g., the student does not concur with

the supervisor of the exam) the supervisor of the exam must notify the director of the Academic Skills Center in writing explaining the alleged misconduct

and steps taken to resolve it within *five (5) working days* of the conclusion of the preliminary procedure.

2. Within *five (5) working days* of receipt of the exam supervisor's written notification, the director of the Academic Skills Center 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/her right to due process.

3. The student must submit to the director of the Academic Skills Center a written request for review of the allegation of academic misconduct within *five*

(5) working days of receipt of the director of the Academic Skills Center's written notification.

4. The director of the Academic Skills Center, within *five (5) working 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 (5) working days* of receipt of the student's Academic Skills Center director's request, will forward copies of the request to the instructor/exam supervisor and the dean, and will schedule a meeting as soon as possible with the student, the instructor/exam supervisor, and the Academic Skills Center director, and the members of the Academic Misconduct Committee. Prior to the meeting, copies of all previous correspondence concerning the allegation of academic misconduct will be 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, exam supervisor, and director of the Academic Skills Center. The student has the right to cross-examine any witnesses who have presented evidence against him/her. The committee has the right to schedule further meetings and/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.

6. Within *five (5) working days* following the meeting, the chair of the Academic Misconduct Committee will prepare a written decision and complete the

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/exam supervisor, the Academic Skills Center director, and all members of the committee.

a. If the Academic Misconduct Committee determines that the allegation of academic misconduct is not substantiated, the chair of the committee, after consultation with the exam supervisor, will require the exam supervisor to submit a score. The student and exam supervisor will receive a copy of the Statement of Resolution with Section A completed.

b. If the Academic Misconduct Committee determines that allegation of academic misconduct is substantiated, the sanctions will be outlined in the Statement of Resolution. Sanctions may be determined with input from the supervisor. The Statement of Resolution form will be kept on file in the Academic Standards Office for a period of seven (7) years.

c. If it is determined that a student engages in a second academic misconduct offense the penalty may be academic dismissal from the college.

7. Students shall be informed of their right to appeal in the Academic Misconduct Committee's written decision. Students must appeal, in writing, to the Provost *within five (5) working days* of receipt of the decision

III. 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 will meet with the instructor to discuss his/her role in the incident. If the instructor feels that there is sufficient evidence to indicate complicity in the misconduct, the procedures outlined above will be followed. If the accomplice is not a member of the class, the accomplice will be referred directly to the student judicial system for formal resolution.

IV. RECORD KEEPING & ACCESS

- A. A student file containing all relevant materials to the academic misconduct proceedings will be kept on file in the Academic Standards Office for seven (7) years.

- B. These 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.