

12. APPENDIX C

ACADEMIC MISCONDUCT CODE

This Code applies to students, former students, and graduates.

12.1 ACADEMIC MISCONDUCT

Academic Misconduct includes any act which improperly affects the evaluation of a student's academic performance or achievement, including but not limited to the following:

- (a) Cheating: the use of unauthorized materials, methods, or information in any academic exercise, including improper collaboration;
- (b) Plagiarism: the representation of the words or ideas of another as one's own, including:
 - 1) direct quotation without both attribution and indication that the material is being directly quoted; e.g., quotation marks;
 - 2) paraphrase without attribution;
 - 3) paraphrase with or without attribution where wording of the original remains substantially intact and is represented as the author's own;
 - 4) expression in one's own words, but without attribution, of ideas, arguments, lines of reasoning, facts, processes, or other products of the intellect where such material is learned from the work of another and is not part of the general fund of common academic knowledge;
- (c) Fabrication: the falsification or invention of any information or citation in an academic exercise;
- (d) Fraud: the falsification, forgery, or misrepresentation of academic or clinic work, including the resubmission of work performed for one class for credit in another class without the informed permission of the second instructor; or the falsification, forgery, or misrepresentation of other academic or medical records or documents, including admissions materials, transcripts, and patient records; or the communication of false or misleading statements to obtain academic advantage or to avoid academic penalty;
- (e) Destruction, misappropriation, or unauthorized possession of University property or the property of another;
- (f) Bribery or intimidation;
- (g) Assisting others in any act proscribed by this Code; or
- (h) Attempting to engage in such acts.

It is the responsibility of each faculty member and each student to be familiar with the definitions, policies, and procedures concerning academic misconduct.

12.2 REPORTING ACADEMIC MISCONDUCT

12.2.1 WHO MAY FILE

Any University administrative, faculty, or staff member may bring a complaint of academic misconduct by submitting a written report as provided hereafter. Students who identify an act of academic misconduct should report that act to an administrative, faculty, or staff member so that a complaint may be forwarded to and filed by the instructor of the course involved.

12.2.2 INVESTIGATION OF MISCONDUCT

Before imposing a grade penalty or filing a complaint of academic misconduct, the faculty or staff member may initiate a preliminary inquiry to determine whether the incident meets the definition of misconduct under [Section 12.1](#). During the course of this inquiry the faculty or staff member may discuss the matter with the student suspected of misconduct.

12.2.3 FACULTY MEMBER ELECTS TO RECOMMEND ADMONITION

12.2.3.1 A faculty member may conclude that an incident that meets the definition of misconduct under [Section 12.1](#) nevertheless merits an admonition rather than a disciplinary sanction as defined in [Section 12.5](#). In particular, a faculty member might conclude (but is not required to conclude) that the incident is more appropriately treated as an instructional rather than a disciplinary matter. When the faculty member concludes that an admonition is the more appropriate action, the faculty member may elect to reduce a student's grade and/or require additional, remedial academic work without first filing a charge of academic misconduct, subject to the following limitations and conditions:

- (a) **NOTE:** The admonition option is intended for assignments and examinations that do not involve a semester-long activity and when the incident in question is not of an egregious nature. The faculty member may not use the admonition option for an incident of misconduct on a final examination, a term paper or project, an examination that determines the status of graduate students (e.g. qualifying, candidacy, general, comprehensive and certification examinations and defenses of theses and dissertations), a master's thesis, or a doctoral dissertation;
- (b) A faculty member who elects to use the admonition option may impose no grade reduction greater than loss of all credit for the assignment at issue. Unless otherwise specified in the course syllabus. Provided, however, in no event shall a student receiving an admonition receive a grade penalty of F or U for the course; and,
- (c) A faculty member who elects to use the admonition option must do the following within 10 University business days after discovery of the incident, and before imposing the grade reduction or other requirement:
 - 1) inform the student of the nature of and basis for the misconduct;

- 2) give the student an opportunity to explain;
- 3) inform the student of the intent to recommend admonition to the Vice Provost for Academic Affairs, admonish the student and explain the grade reduction or other requirement to be imposed;
- 4) where appropriate, instruct the student to resolve any confusion the student may have had regarding what constitutes proper academic conduct; and
- 5) inform the student how to appeal the decision. Notice of procedures for appeal shall be provided in writing; such notice shall be presumed adequate if provided in the course syllabus with a reference to this policy on the consequences of accepting the admonition and the procedures for appeal.
- 6) The student may contest the admonition by contacting the Vice Provost for Academic Affairs within ten (10) University business days from the date of the instructor's notice to the student and scheduling a meeting as provided below in [Section 12.3](#).

12.2.3.2 The faculty member shall notify their dean in writing of the incident and the recommendation for admonition, ordinarily within 10 University business days of discovery of the incident. The dean shall forward notice of the incident to the student's dean, if different, and to the Vice Provost for Academic Affairs, ordinarily within 10 University business days of receipt of notice from the faculty member. Following consultation with the faculty member's dean and the student's dean, the Vice Provost for Academic Affairs shall notify the faculty member and the student whether the recommendation for admonition is accepted.

12.2.3.3 Unless the Vice Provost for Academic Affairs imposes a disciplinary sanction as described in [Section 12.5](#), a student who accepts an admonition and resulting grade reduction under this subsection shall not be deemed to have admitted guilt for an act of academic misconduct; provided, the record of the admonition may be used in any subsequent academic misconduct proceeding, as appropriate, to establish the student's prior familiarity with the fundamental rules of academic integrity.

12.2.3.4 In cases of repeated offenses or otherwise as appropriate, the Vice Provost for Academic Affairs may announce a disciplinary sanction as provided in [Section 12.5](#). Prior to imposing such a sanction, the Vice Provost for Academic Affairs shall send notice to the student, ordinarily within 10 University business days of receipt of notice of repeated offense(s) from the student's dean but in no case more than 45 University business days after discovery of the incident. Notice of the Vice Provost for Academic Affairs intent to impose a sanction shall be treated as a "complaint" for purposes of notice and hearing as provided in [Sections 12.3 and 12.4](#) of this Code. The disciplinary sanction

shall not be imposed until the student is permitted the opportunity to respond as provided in Sections 12.3 and 12.4 of this Code.

12.2.4 FACULTY MEMBER ELECTS TO FILE A CHARGE OF ACADEMIC MISCONDUCT

12.2.4.1 Notification of Dean

The individual bringing the complaint of academic misconduct must notify the dean in writing with a brief description of the evidence within ten University business days after discovery of the incident, exclusive of University breaks or academic intercessions.

- (a) If the incident is discovered by a faculty member in a particular course, he or she must notify his or her dean with a brief description of the evidence as well as the student's dean, if different, and impose a grade penalty as noted below. A faculty member who concludes that a student has engaged in, or is engaging in, academic misconduct must fail the student on the examination or paper and may set additional penalties to the extent of denying credit in the course. The faculty member's grade sanctions will not become final until the student is found guilty by the Academic Misconduct Board, defaults, or admits the charges. The student's dean has the responsibility to confirm that the appropriate grade is recorded on official student records.
- (b) If the incident is discovered by someone other than a faculty member in a course, or is reported by a student or other person, the dean of the accused student shall be notified. If no particular class is involved (e.g., submission of a falsified application), the Vice Provost for Academic Affairs shall be notified.

12.2.4.2 Notification of the Student

The student's dean shall initiate academic misconduct procedures against the student. The dean shall notify the student in writing of the charge of academic misconduct, describing the alleged act and the grade penalty determined by the instructor, if a course is involved, and of the student's right to request a hearing by serving the student in person or by mail to the last address provided to the University. The dean shall simultaneously send notification to the Vice Provost for Academic Affairs.

A student may continue his or her regular enrollment in the University pending administrative resolution of misconduct allegations. However, until such resolution, a student may not graduate or receive a transcript without approval of the Senior Vice President and Provost, and any official transcript released during such period shall bear a notation that student code proceedings are ongoing.

12.3 CONFERENCE WITH VICE PROVOST FOR ACADEMIC AFFAIRS

Within five University business days of the date of the Dean's notification letter, the student shall contact the Vice Provost for Academic Affairs and schedule a conference to discuss the matter.

If the student fails to respond within the prescribed time or fails to meet as directed, the student shall be in default and thereby waives the right to all University hearings, appeals, and challenges.

In the event of a default at this point, the Vice Provost shall notify the student's dean who shall confirm imposition of grade penalties and implement disciplinary sanctions.

At the conference between the student and the Vice Provost for Academic Affairs, the Vice Provost shall describe the academic misconduct process, possible sanctions, and the student's right (a) to a hearing with adequate notice; (b) to be represented by an attorney at the student's expense in which case the University reserves the right to be represented by University Legal Counsel; and (c) to refrain from discussing the matter or from making any statement regarding the matter. At the conclusion of the conference, the student may:

- (a) **Deny the charges** – If the student denies the charges and wishes a hearing to contest them, the student must submit a written request for such a hearing to the Vice Provost within five University business days of the conference. Failure to submit a written request within the prescribed time shall waive the student's right to any University hearings, appeals, or challenges of the charges or of any sanctions imposed as a result of the academic misconduct. The student may also use this written request to respond in writing to the allegation.
- (b) **Admit the charges** – If the student admits to the charges at this time or denies the charges but fails to submit a request for a hearing, the Vice Provost will inform the student's dean and the dean of the college offering the course. The grade penalty shall be confirmed, and the student's dean shall make his or her decision regarding disciplinary sanctions, if any. Provided, however, that if the student admits to the charges but wants to confer with the dean or to submit a written statement concerning extenuating circumstances affecting disciplinary sanctions, the student may do so only if done within five University business days of the date of the admission to the charge. Failure to do so within the five days will result in the dean making his or her decision without such information.

Nothing in this policy is intended to preclude the student from discussing the incident with the person initiating the charge, if that person agrees. Such a meeting should be scheduled after the conference between the student and the Vice Provost for Academic Affairs. Any such meeting shall not extend the period of time for requesting a hearing.

The person initiating the charge of academic misconduct may withdraw the charge at any time prior to the commencement of a hearing by the AMB or, if no hearing is held, prior to the imposition of a final sanction by sending written notice to the student's dean. The dean shall inform, in writing, the Vice Provost and others involved that the charge has been withdrawn and, at his or her discretion, may terminate the case.

12.4 HEARING

12.4.1 Academic Misconduct Boards

Each college shall establish an Academic Misconduct Board (AMB) consisting of two students and three members of that college's faculty to hear each case.

Membership of the AMB shall be determined by the dean on an ad hoc basis from a pool of ten faculty and ten students. The faculty members for the pool shall be determined by the faculty of the college. Student members shall be appointed or selected from nominations submitted by appropriate student organizations. Terms of service shall begin September 1 and end August 31

except that, if a hearing is in progress at this time, any retiring member shall be continued on the board until the case in progress is closed.

The dean of the college shall appoint an additional faculty member who shall be nonvoting to chair the AMB and to be responsible for the board's administrative matters, including scheduling of cases, notification of hearings and decisions, and maintenance of records.

12.4.2 Selection of AMB to Hear the Appeal

In a case in which a hearing has been requested, the facts of the case shall be determined by the AMB of the student's college.

12.4.3 Scope of Hearing

The Board will consider the information and arguments presented, make findings of facts of matters in dispute, and determine whether the student did engage in the alleged act.

The Board will also hear any evidence and argument by the parties concerning extenuating circumstances that may affect decisions about what disciplinary actions might be imposed and may make recommendations to the dean concerning disciplinary sanctions. (Section 12.5)

12.4.4 Hearing Procedures

- (a) Each AMB shall establish the procedures to be followed for the hearing.
- (b) Prior to the hearing each party shall furnish to the other party a list of witnesses to be called and exhibits to be used at the hearing, as requested by the AMB chair.
- (c) Students who elect to have legal counsel representation at the hearing shall furnish the name of such counsel, when identified, but no later than ten University business days before the hearing to the dean and the chair of the AMB.
- (d) Written notification of a hearing must be distributed to the parties involved at least ten University business days in advance of the hearing date, and shall include:
 - (1) The authority for the hearing and the hearing body;
 - (2) Reference to the specific rule or rules involved;
 - (3) Date, time, nature, and place of the hearing;
 - (4) A brief faculty statement of the charges and issues involved;
 - (5) Names of AMB members and a statement that parties have a right to challenge any member no later than 5 days prior to the hearing.
- (e) Students who fail to appear after proper notice will be deemed to have admitted to the charges against them.
- (f) Hearings shall be closed to the public and shall be confidential.
- (g) Hearings shall be tape recorded or transcribed.

- (h) Witnesses shall be asked to affirm that their testimony is truthful.
- (i) The burden of proof shall be upon the complainant, who must establish the guilt of the student by a preponderance of the evidence.
- (j) Prospective witnesses other than the complainant and the student are excluded from the hearing during the testimony of other witnesses. All parties, witnesses, and the public shall be excluded during AMB deliberations.
- (k) Formal rules of evidence shall not be applicable in these proceedings. The chair of each AMB shall give effect to the privileges recognized by law.
- (l) The AMB shall not receive or consider arguments about the legality of any provision under which a charge has been brought or the legality of the procedures under which the hearing is proceeding. Such questions should be presented in writing to the Senior Vice President and Provost.
- (m) Principals in the case shall have reasonable opportunity to question witnesses and present information and argument deemed relevant by the AMB.
- (n) Final decisions of all AMBs concerning guilt or innocence and recommendations to the student's dean regarding disciplinary sanctions shall be by majority vote of the members present and voting. The final report shall contain a written statement setting forth findings of fact and the decision on each of the charges, and may contain recommendations for disciplinary sanctions with the reasoning behind these recommendations. A minority report may be filed.

12.4.5 Findings of AMB

- (a) If the AMB finds that the facts do not support the allegations, the charges will be dismissed. The chair of the AMB shall transmit the finding in writing to the student's dean, the dean of the college offering the course, if different, and the Vice Provost for Academic Affairs within five University business days of the conclusion of the hearing. The student's dean shall notify the student and the Vice Provost for Academic Affairs in writing of the decision of the AMB and the dismissal of the charges within ten university business days after receiving the AMB decision. The matter is then ended, and the grade is recorded appropriately. The AMB record of the case shall be destroyed by the chair of the AMB 20 days after transmittal of the decision.
- (b) If the AMB finds that the facts support the allegations against the student, the student shall be found guilty, and the AMB may recommend disciplinary sanctions (See 12.5). The AMB's finding and recommendations must be transmitted to the student's dean, along with the recording of the hearing, and to the Vice Provost for Academic Affairs in writing within five University business days of the conclusion of the hearing. The student's dean shall notify the student and the Vice Provost for Academic Affairs in writing of the finding and recommendations of the AMB and of the dean's decision. A letter to the student at the address last provided the University by the student shall be sufficient to meet this requirement. Copies of the letter may also be provided to other parties who have a legitimate need to know of the action. Implementation of the appropriate action or disciplinary sanction by the student's dean shall end the process.

12.5 DISCIPLINARY SANCTIONS

12.5.1 Additional Recommendation of Disciplinary Sanctions

The AMB may recommend to the student's dean disciplinary sanctions including, but not limited to, those noted below:

- (a) **Censure** – A written reprimand for violation of acceptable standards of academic conduct. This action takes formal notice of the student's act of academic misconduct and provides a formal warning that a further act of academic misconduct will result in far more severe action.

Censure shall not be noted on a student's transcript, but it will be noted in the Office of the Vice Provost for Academic Affairs. Copies of the letter of censure shall be provided to the student, the Vice Provost for Academic Affairs, the appropriate deans, and the instructor.

- (b) **Limited Notation Suspension** – Suspension from classes and other privileges for a period of not less than one semester or more than one calendar year. During this period, the student will not be allowed to earn credits for transfer to the University of Oklahoma at any other institution. Any credits earned at another institution during a period of suspension shall not be recorded on the student's University of Oklahoma transcript and shall not be acceptable transfer credit at the University of Oklahoma. A notation of suspension for academic misconduct shall be made on the student's transcript. Such transcript notation shall be removed upon the student's graduation from the University or four years from the date of suspension, whichever comes first. The student's college is responsible for notifying the Registrar to remove the notation.
- (c) **Permanent Notation Suspension** – Suspension from classes and other privileges for a period of not less than one semester nor more than one calendar year. During this period, the student will not be allowed to earn credits for transfer to the University of Oklahoma at any other institution. Any credits earned at another institution during a period of suspension shall not be recorded in the student's University of Oklahoma transcript and shall not be accepted as transfer credit at the University of Oklahoma. A permanent notation of suspension for academic misconduct shall be made on the student's transcript.
- (d) **Expulsion** – Termination of student status for an indefinite period, intended to be permanent. A permanent notation of expulsion for academic misconduct shall be made on the student's transcript. Such notation shall be permanent. If a student is reinstated after an expulsion, it is only after a complete reconsideration of his or her case by the Senior Vice President and Provost.

12.5.2 Determination of Disciplinary Sanction

The student's dean shall determine the appropriate disciplinary sanction. The dean may consider the evidence in the record regarding extenuating circumstances and may request additional information prior to making his/her decision.

12.6 APPEALS

Decisions regarding the facts and the disciplinary sanction shall be final and not appealable within the University, unless (1) manifest procedural irregularities effectively denied the student a fair hearing, (2) new and significant evidence becomes available which could not have been discovered by a reasonably diligent student before or during the original hearing; or (3) probable inequity exists in the disposition of the matter. Such appeals must be made within ten days of the time such grounds for the appeal are discovered or should have been discovered.

Appeals shall be made in writing to the Senior Vice President and Provost. Consideration of such appeals may be made by the Senior Vice President and Provost upon the basis of written statements and such other evidence as the Senior Vice President and Provost may require according to procedures he deems appropriate.

Harmless deviations from prescribed procedures may not be used to invalidate the decision or proceeding. Technical departures from these procedures and errors in their application shall not be grounds to withhold disciplinary sanctions unless, in the opinion of the Senior Vice President and Provost, the technical departure or errors were such as to have prevented a fair determination of the issues.

In all cases, the President and the Board of Regents reserve the right to review, at their discretion, any decision of a hearing body for manifest error or inequity.

(Regents, 6-9-98, 1-26-99, 12-3-02, 6-25-08)

13.1 ACADEMIC MISCONDUCT IN OFF-CAMPUS COURSES

The principles of academic integrity, due process, and confidentiality apply fully in all courses offered by any Health Sciences Center academic unit. When an allegation of academic misconduct arises in a course in which instruction is primarily given or received in a place other than the Health Sciences Center campus, procedures shall be employed which are consistent with those in **Section 12** to protect the rights of all parties as provided by law and University policy. The definition of academic misconduct in such classes and the procedure for filing a charge, notification, hearing, appeal, and sanction shall be the same as those for the Health Sciences Center campus, as cited in **Section 12**. All travel and related costs shall be borne by the student.

(Regents, 6-25-08)