Academic Misconduct
Review of New Policy and Procedure Meeting
January 11, 2012

I. New Language and Implementation

II. New Academic Misconduct Procedures

III. Steps in the Process

IV. Flow Chart of Process
(6) Academic Misconduct Procedures

Academic misconduct will be subject to disciplinary action. Any act of dishonesty in academic work constitutes academic misconduct. Penalties for academic misconduct, beginning with the first offense, will vary with the seriousness of the offense and may include, but are not limited to: a grade of “F” on the work in question, a grade of “F” of the course, reprimand, probation, suspension, and/or expulsion. For a second academic misconduct offense the penalty may be permanent expulsion from the University. Allegations of academic misconduct will be handled pursuant to the procedures described below as distinct from other student disciplinary matters. In any cases where suspension or expulsion are possible sanctions, the student shall be entitled to the option of having a TUAPA hearing (detailed in Part 6 Disciplinary Procedures, Paragraph (2) TUAPA) and shall be given at least five (5) days in which to choose the TUAPA or the formal hearing process.

(a) Administration of Discipline Procedures

1. Charges of academic misconduct may be brought by members of the faculty, staff, or student body.

2. For undergraduate and graduate students, cases in which an instructor, or other individual, determines that a student has committed an act of academic misconduct, the matter will be reported in writing to both the student and to the dean of the school or college in which the alleged misconduct occurred. Cases of alleged academic misconduct involving graduate students (including those enrolled in the Ph.D. program in Biomedical Sciences within the College of Medicine) will be reported to the Dean of the Graduate School. Alleged violations of students at the Quillen College of Medicine (COM) or the Gatton College of Pharmacy (COP) will be adjudicated through the respective college procedure: the Student Honor System as detailed in the COM Student Handbook and the Academic Misconduct section of the COP Student Handbook.

3. The dean of the school or college in which the alleged misconduct occurred or their designee will investigate the report of misconduct and will obtain all information pertinent to the investigation. After having made this investigation, the official will arrange a conference with the student against whom the allegations of misconduct have been made. At this conference the student will be informed, in writing, of the allegations.

4. The student will not be subjected to any form of pressure to coerce admission of guilt or information about his/her conduct or that of others after gathering all the facts of the case.

5. Based on the investigation of the reported misconduct, including any information provided by the accused student, the official shall determine whether the allegations have been substantiated. In cases where the charges are substantiated, the official shall determine an appropriate sanction, and attempt to resolve the matter without initiating a formal disciplinary hearing. Potential sanctions may include any penalty up to, but not including, suspension or expulsion from the institution.
6. The student may accept the proposed resolution of the matter or elect to have a formal hearing. In the event the student elects to waive the hearing and accept the suggested punishment the official shall prepare a waiver of hearing for the student's signature.

(b) Formal Hearing Procedures

For undergraduate and graduate students, the student will be informed, in writing, of the time and place of the hearing, as well as the specific allegations. The student also will be advised of the structure and procedure for the hearing, the range of possible punishment, and his/her right to be accompanied by an advisor. Such notice should be given at least seven (7) days in advance of the hearing. The dean or designee will designate three (3) faculty members and three (3) students, from a standing college or school committee on academic misconduct to hear the charges. The standing committee shall be appointed by the Dean of each school or college for one year and shall consist of a minimum of eight (8) members, four (4) faculty members and four (4) students. Neither the individual bringing the charges, nor the dean or his/her agent shall be members of the hearing committee.

1. Both the accused and the accuser shall be entitled to be present throughout the hearing, until the hearing committee goes into executive session.

2. At the hearing, it shall be the responsibility of the dean or designee to be present and to coordinate the presentation of evidence relevant to the alleged misconduct.

3. The student will bear the burden of proof by a preponderance of the evidence.

4. The student may be accompanied by an advisor.

5. The student shall be given an opportunity to testify and present evidence and witnesses relevant to the charges and penalties involved and to cross-examine any witnesses. In no case will the committee consider statements against the student unless he/she has been advised of their contents and the names of those who made them and given opportunity to rebut any unfavorable inferences which might be drawn from them. The student may decline to testify, with knowledge that silence may be considered as evidence.

6. The committee is not bound by strict rules of evidence. Determinations as to the admissibility of evidence in the hearings rest solely in the discretion of the committee.

7. The disciplinary hearing shall be private, unless otherwise requested by the student, in writing, and a record of it shall be made.

8. After all evidence has been presented; members of the committee will meet in executive session to deliberate on the charges. The committee's decision and recommendation shall be based on a majority vote of the six committee members, all of whom must be present at the hearing.
9. Upon a finding against the student, the committee shall recommend such penalty as deemed appropriate.

10. If the committee recommends expulsion or suspension and the dean concurs, the approval of the vice president for academic affairs must be obtained. The dean then advises the student of the dean’s decision and of the student’s right to appeal to the president.

(c) Appeals

Appeal from a finding of guilt of academic misconduct and the imposition of a sanction for the offense may be taken to the president of the university. (See Part 6 Disciplinary Procedures, Paragraph (3) Institutional Procedures, Subpart (d) Appeals)

(1) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

(2) The president of East Tennessee State University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.
Steps in the Academic Misconduct Procedure @ ETSU

1. The faculty member makes a determination that the academic misconduct policy has been violated:
   a. See ETSU Institutional Disciplinary Rules, Part 2, Disciplinary Offenses (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
      1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one’s own without proper attribution,
      2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
      3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

2. The faculty member decides to discuss the situation with the student, issue a verbal warning, and use the situation as a teachable moment. No sanction is applied and the issue is considered closed.

3. Faculty member decides to apply a grade sanction including, but not limited to a grade of “F” on the work in question or a grade of “F” in the course.
   a. Faculty member informs the student of their finding of a violation and the related sanction being applied. Written notice must be provided. Communication should be sent to the student’s ETSU email/GoldMail account. The communication should indicate the grade sanction being applied, whether or not a request is being made to the Dean’s Office of the college where the violation occurred for a formal disciplinary hearing to take place, and the process by which a student may file an appeal. *See sample of acceptable notice.
   b. Communication should be copied to the Dean of the college in which the violation occurred.

4. Dean’s office of the college where the violation occurred files copy of the communication with the Designee for Academic Affairs/Director of University Advisement, the central reporting point for all violations.
   a. If a repeat offender, all related information will be shared with the Dean’s office of the College where the violation occurred by the Designee for Academic Affairs/Director of University Advisement

5. Dean’s office contacts the Registrar’s office and requests that a hold and note be applied to the student’s records pending the final resolution. This ensures the class cannot be dropped until the situation is resolved.

6. If the timeframe for appeal expires without an appeal:
   a. the case is considered closed, proceed to number 9
      or
b. information obtained from the Designee for Academic Affairs/Director of University Advisement or the severity of the violation causes the case to proceed to number 8

7. If the student files and appeal then proceed to number 8

8. The Academic Misconduct Procedures are implemented.

   a. The TUAPA option is explained to student by Dean or their Designee if suspension or expulsion are possibilities. If TUAPA is chosen the case is forwarded to University Counsel for adjudication.

9. Dean’s office requests hold and note are removed from student’s record following notification of final resolution.

10. Final results are shared with the Designee for Academic Affairs/Director of University Advisement

*sample of acceptable notice:

This communication serves as official notification that, pursuant to ETSU policy, you have been found in violation of ETSU’s academic misconduct policy for (list offense(s) - cheating, plagiarism, fabrication) for the assignment, (assignment name), that was submitted in (course rubric, section number, and course name). The specific characteristics of this assignment that justify this finding are (attach the documentation, or describe the violation(s), or both).

This action will be filed with the Dean of the (college where violation occurred). Repeated or flagrant academic misconduct violations can lead to suspension and/or expulsion from the university.

The following sanction will be applied to the assignment: (explain sanction here; for example, grade on assignment will be lowered to ___; for example, a grade of ___ will be assigned for the course).

You have a due process right to appeal this finding and/or the sanction applied to this assignment. To exercise the right of appeal, contact the Dean’s office of the college where the violation occurred as noted above, no later than (the date that falls one week from the notification of sanction).

I have decided to take this action as the course instructor. It is also within my purview to request that the Dean of the college where the violation occurred also pursue a formal disciplinary hearing. I (am or am not) requesting that this formal disciplinary hearing be held, although the final decision rests with the Dean. Charges of academic misconduct are adjudicated through procedures detailed within the East Tennessee State University Institutional Disciplinary Rules - Academic Misconduct Procedures.
ETSU Academic Misconduct Flow Chart

1. Faculty Member determines Academic Misconduct occurred
   - Faculty Member discusses with student- "Teachable Moment"
   - Faculty Member applies a grade sanction
   - Student files an appeal
     - Faculty Member sends written notice to student & Dean’s office
       - Previous violations or seriousness cause case to proceed
         - TUAPA explained if suspension or expulsion possible, may be waived
           - TUAPA option chosen, case forwarded to University Counsel for adjudication
         - Dean’s office files with Designee for Academic Affairs & asks Registrar’s office to apply hold/note
           - Designee for Academic Affairs notifies Dean if previous violations
             - Registrar’s office removes hold and note from student record
               - Final results shared with Designee for Academic Affairs
                 - Registrar’s office
                   - Academic Misconduct Procedures implemented
                   - Issue is considered resolved
                   - Case is considered closed

Legend - Responsibility by area/color
Blue - Faculty Member
Orange - Student
Purple - Academic Affairs Designee
Red - Dean’s office or Designee
Green - Registrar’s office
Teal - Final Resolution