




## University Senate CHARGE

<b>Date:</b>	February 26, 2014
<b>To:</b>	Jason Speck Chair, Student Conduct Committee
<b>From:</b>	Vincent Novara Chair, University Senate 
<b>Subject:</b>	Code of Academic Integrity Changes
<b>Senate Document #:</b>	13-14-26
<b>Deadline:</b>	September 15, 2014

The Senate Executive Committee (SEC) requests that the Student Conduct Committee review the proposal entitled, “Code of Academic Integrity Changes”, and consider whether the requested changes are appropriate.

Specifically, we ask that you:

1. Review the University of Maryland, College Park Code of Academic Integrity (III-1.00 [A]).
2. Review similar codes of academic integrity at our peer institutions.
3. Consult with the Director of the Office of Student Conduct.
4. Consult with the University’s Office of Legal Affairs.
5. If appropriate, make recommendations on whether the University of Maryland, College Park Code of Academic Integrity (III-1.00 [A]) should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than September 15, 2014. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



## University Senate PROPOSAL FORM

<b>Name:</b>	Andrea Goodwin (Director of Student Conduct), Kevin Pitt (Assistant Director of Academic Integrity), Noah Niederhoffer (Chair Student Honor Council)
<b>Date:</b>	2/1/2014
<b>Title of Proposal:</b>	Code of Academic Integrity Changes
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<b>Unit/Department/College:</b>	Office of Student Conduct/Division of Student Affairs
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Staff, Undergraduate
<b>Description of issue/concern/policy in question:</b>	The Code of Academic Integrity last saw significant amendments in the early 1990's. Since then there have been significant changes to the student population, and significant increases in the amount of academic integrity violations the Office of Student Conduct has managed. To better serve both students who are referred for allegedly violating the Code of Academic Integrity and faculty/students who refer allegations of academic integrity we are recommending policy changes that will update the Code of Academic Integrity. With these changes we expect to better reflect the current needs of an increasing case load and to make the adjudication process more efficient for our stakeholders.
<b>Description of action/changes you would like to see implemented and why:</b>	Currently the university's Code of Academic Integrity has a limited definition of " <b>Cheating</b> " (intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise). The staff in the Office of Student Conduct is increasingly seeing acts of dishonesty occurring within the classroom that would be traditionally classified as cheating but fall outside the scope of our current definition (i.e. submitting a fake doctor's note to a professor to miss an exam). We are recommending that this definition be expanded to define "cheating" as, "fraud, deceit, or dishonesty in an academic exercise in an attempt to gain an unfair advantage and/or intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise."

**“Disciplinary Conference”:** Currently in the Code of Academic Integrity a student has only two options, take full responsibility for the alleged act of academic dishonesty or request an Honor Review. We are recommending the creation of the “Disciplinary Conference” which will be an option for students to request who have allegedly committed an offense that would not normally result in suspension or expulsion, have no prior judicial history and who are not facing expulsion or suspension. The “Disciplinary Conference” will be a one on one meeting between an OSC staff member and a student. The staff member will hear the facts of the case and make a determination of responsibility and assign an appropriate sanction with the referring faculty’s guidance if the student is found responsible. Disciplinary Conferences are currently used successfully with students who violate the Code of Student Conduct; we seek to replicate that model.

**Additional Changes:** In an attempt to more accurately reflect how academic integrity cases are currently adjudicated, we are also recommending the following changes:

- In the current Code of Academic Integrity there are multiple references to **“Dean or designee” and the “Chair of the Student Honor Council”** performing various functions; these functions. The functions are not currently completed by the Dean or the Chair of the Student Honor Council” they are currently completed by the “Director of Academic Integrity” (who is the Dean’s designee). In an effort to clarify and simplify the language of the Code of Academic Integrity we are recommending that “Dean or designee” and Chair of the Student Honor Council” be changed to “Director of Academic Integrity” throughout the Code of Academic Integrity (*see attached revised Code of Academic Integrity for specific references and details*)
- **Who to Inform when Violations have been Witnessed:** On page 3 (section 11) of the current Code of Academic Integrity it states that any member of the university community who has witnessed an apparent act of academic dishonesty...has the responsibility to inform the “honor council” promptly in writing. To better reflect current practices and to better serve our stakeholders we recommend changing “honor council” to the “Office of Student Conduct”.
- **Self-Referral:** On page 2 (section 7) of the current Code of Academic Integrity it states that students should report themselves to the “Student Honor Council”. To better reflect current practices and to better serve our stakeholders we

recommend changing “honor council” to the “Office of Student Conduct”.

- **Student Notification Time Adjustments:** On page 5 (Section 20) of the current Code of Academic Integrity it states, “The Presiding Officer of designee will select the date, time and place for the Honor Review, and notify the student in writing a minimum of ten (10) days prior to the review.” This timeframe has been problematic in the past when OSC staff have made attempts to schedule hearings quickly for students who request to have a hearings quickly. To increase our administrative efficiency and to offer better service to our stakeholders we are recommending that the Code of Academic Integrity be revised to state the following, “The Director of Academic Integrity or designee will select the date, time and place for the Honor Review, and notify all parties within a minimum of (5) business days prior to the review.”

- **Appeal Timeline and Language Adjustments:** On page 7 (section 24) under “Appeals” the current Code of Academic Integrity states, “In cases where an Honor Board has determined the appropriate sanction be less than suspension or expulsion, both the finding or responsibility and the sanction(s) of the Honor Board will be final, unless, within 15 business days after the board’s decision is sent to the student, and the Dean of the College where the incident occurred, the student or the Dean or designee notifies the Honor Council in writing of the intention of filing an appeal. The student may appeal both the findings and the penalty. The Dean or designee may appeal the penalty only.”

To better reflect current practice, increase our administrative efficiency and to offer better service to our stakeholders we are recommending that the Code of Academic Integrity be revised to state the following, *“In cases where an Honor Board has determined the appropriate sanction to be less than suspension or expulsion, both the finding of responsibility and the sanction(s) of an Honor Board will be final, unless, within 5 business days after the Board’s written*

*decision is sent to the student, and referring faculty member, the student or the referring faculty member notifies the Director of Academic Integrity in writing of the intention of filing an appeal. The student may appeal both the findings and the penalty. The referring faculty member may appeal the penalty only.”*

- **De Novo Hearings Defined:** On page 8 (section 26) of the current Code of Academic Integrity “De Novo” hearings is referenced but not defined clearly. We are recommending that the revised Code of Academic Integrity state the following to better clarify the term for our stakeholders, “...De Novo hearings (re-hearing of original case without deference to lower board’s ruling) shall not be conducted.”
- **Student Honor Council Appointment Time Adjustment:** On page 9 (Section 34) of the current Code of Academic Integrity it states that Student Honor Council are “normally appointed in the Spring for the academic year...” to better reflect current practices with regards to SHC selection we are recommending that the revised Code of Academic Integrity state the SHC members will be, “...normally appointed in the Fall for the following semester, and who may each be reappointed for an additional one year terms.”
- **Procedures for Reporting & Preliminary Interview and Informal Resolution:** On page 2 (section 12) of the current Code of Academic Integrity it states that “if the Honor Council determines that a report of academic dishonesty is supported by reasonable cause, the case shall be referred to the Dean of the College where the incident occurred. The Dean or designee...will inform the accused student in writing of the charges, and shall offer him/her an opportunity for an informal meeting to review the case.”  
We recommend changing that portion of the Code of Academic Integrity to state the following, *“If the Director of Academic Integrity determines that a report of academic dishonesty is supported by reasonable cause, the Office of Student Conduct shall offer him/her an opportunity for an preliminary interview to review the allegations and any supportive evidence that was provided to the Office of Student Conduct staff. The faculty of the course may be included in the meeting. The Office of Student Conduct shall*

*also provide the accused student with a copy of this Code, and a statement of procedural rights approved by the Honor Council. The Director of Academic Integrity or a designee, the student and the referring faculty member may reach a collective agreement concerning how a case should be resolved. This informal resolution and the sanction imposed will become final.”*

**Procedures: Resolution by a Disciplinary Conference or an Honor Review:**

As mentioned earlier in this proposal we would like to recommend the creation of the “Disciplinary Conference” option for students who have allegedly violated policy that would not normally result in suspension or expulsion from the university. We are recommending that the following passage be added to the Code of Academic Integrity: *Referred students may elect to resolve the matter in a Disciplinary Conference if the student: (1) has no prior record of academic dishonesty or other significant judicial history<sup>1</sup>; (2) has allegedly committed an act of academic dishonesty that would not normally result in suspension or expulsion, as defined by the Code of Academic Integrity; students facing separation from the university are typically not eligible for a disciplinary conference.*

**DISCIPLINARY CONFERENCE** *Students electing to participate in a Disciplinary Conference in the Office of Student Conduct are accorded the following procedural protections:*

- (a) Written notice of charges at least 3 days prior to the scheduled conference.*
- (b) Reasonable access to the case file prior to and during the conference.*
- (c) An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.*
- (d) The option to be accompanied and assisted by a representative, who maybe an attorney. All representatives are subject to the restrictions of Parts 35 and 36 of the Code of Student Conduct.*
- (e) A plea of not responsible will be entered for respondents who fail to attend their scheduled disciplinary conference; the proceedings will proceed in their absence and the respondents will be notified via electronic mail of the conference outcome and sanctioning determination.*

*Disciplinary conferences shall be conducted by the Director of Academic Integrity or a designee. Director of Academic*

*Integrity or a designee reserve the right to refer complex or contested cases to an Honor Review for adjudication. Respondents will be notified in writing via electronic mail of the conference outcome and sanctioning determination. No appeal will be granted for any decision made regarding finding of responsibility or sanctioning in a Disciplinary Conference.*

- **Terms Additions:** We are recommending that the following changes be made to the “Terms” portion of the revised Code of Academic Integrity: DISCIPLINARY CONFERENCE—meeting between respondent and Director of Academic Integrity or designee to resolve a case of academic dishonesty. Director of Academic Integrity or designee will be responsible for the finding of facts, determination of responsibility and sanctioning if respondent is found responsible. HONOR BOARD—body appointed by the Student Honor Council to hear and resolve a case of academic dishonesty. The board consists of five voting members (three student members of the Honor Council, two faculty or staff members and one non-voting Presiding Officer). PRELIMINARY INTERVIEW—informal meeting between Director of Academic Integrity and respondent/student who has been accused of violating Code of Academic Integrity. Meeting takes place before a Disciplinary Conference or Honor Review and is an opportunity to discuss the allegations and corresponding charges, the student’s rights and responsibilities and what options the student has to resolve the matter. PRESIDING OFFICER—individual on the Honor Board responsible for directing proceedings during the Honor Review. The presiding officer votes only in cases of a tie and is selected by the Director of Student Conduct. STUDENT HONOR COUNCIL—students appointed by the Director of Student Conduct and Director of Academic Integrity. These students are charged with conducting Honor Reviews to resolve alleged academic integrity violations.
- **Footnote Additions (see attached revised Code of Academic Integrity for corresponding text):** We recommend that the following footnotes be added to the revised Code of Academic Integrity: (1) *We are grateful to our colleagues and*

	<p><i>friends at the Center for Student Conduct at the University of California, Berkeley for inspiring this revised definition of “Cheating” for our Code of Academic Integrity and for granting the university permission to use and repurpose this portion of their Code of Conduct. (7) At the conclusion of the preliminary interview students reserve the right to request that the Director of Academic Integrity or a designee immediately conduct a disciplinary conference to resolve the matter in question (13) In the event the University Appellate Board Committee is unable to convene in a reasonable period the Director of Academic Integrity can serve as a designee for the review of XF Removal petitions.</i></p>
<p><b>Suggestions for how your proposal could be put into practice:</b></p>	<p>Above recommended changes and amendments to the Code of Academic Integrity could be made by the University Senate.</p>
<p><b>Additional Information:</b></p>	<p>A copy of the current Code of Academic Integrity, the proposed revised Code of Academic Integrity and “Addendum For Consideration” regarding “separable and non-separable offenses” are attached to this proposal.</p>

***Please send your completed form and any supporting documents to [senate-admin@umd.edu](mailto:senate-admin@umd.edu) or University of Maryland Senate Office, 1100 Marie Mount Hall, College Park, MD 20742-7541. Thank you!***

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### III-1.00(A) UNIVERSITY OF MARYLAND CODE OF ACADEMIC INTEGRITY

*Approved by President August 1, 1991; Amended May 10, 2001; Amended May 5, 2005; Technical Amendments June 2012*

#### **INTRODUCTION**

The University is an academic community. Its fundamental purpose is the pursuit of knowledge. Like all other communities, the University can function properly only if its members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty. Accordingly, the *Code of Academic Integrity* is designed to ensure that the principle of academic honesty is upheld. While all members of the University share this responsibility, the *Code of Academic Integrity* is designed so that special responsibility for upholding the principle of academic honesty lies with the students.

#### **DEFINITIONS**

1. **ACADEMIC DISHONESTY:** any of the following acts, when committed by a student, shall constitute academic dishonesty:
  - (a) **CHEATING:** intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.
  - (b) **FABRICATION:** intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
  - (c) **FACILITATING ACADEMIC DISHONESTY:** intentionally or knowingly helping or attempting to help another to violate any provision of this *Code*.
  - (d) **PLAGIARISM:** intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

#### **RESPONSIBILITY TO REPORT ACADEMIC DISHONESTY**

2. Academic dishonesty is a corrosive force in the academic life of a university. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, a responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of academic dishonesty is not a neutral act. Histories of institutions demonstrate that a laissez-faire response will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for academic dishonesty are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by students and faculty alike.

All members of the University community-students, faculty, and staff-share the responsibility and authority to challenge and make known acts of apparent academic dishonesty.

## **HONOR STATEMENT**

3. Letters informing both graduate and undergraduate students of their acceptance at the University, as well as appointment letters for members of the faculty, shall contain a short statement concerning the role of the Student Honor Council, as well as the obligation of all members of the University of Maryland, College Park community to promote the highest standards of academic integrity.

## **HONOR PLEDGE**

4. On every examination, paper or other academic exercise not specifically exempted by the instructor, the student shall write by hand and sign the following pledge:

*I pledge on my honor that I have not given or received any unauthorized assistance on this examination.*

Failure to sign the pledge is not an honors offense, but neither is it a defense in case of violation of this *Code*. Students who do not sign the pledge will be given the opportunity to do so. Refusal to sign must be explained to the instructor. Signing or non-signing of the pledge will not be considered in grading or judicial procedures. Material submitted electronically should contain the pledge, submission implies signing the pledge.

5. On examinations, no assistance is authorized unless given by or expressly allowed by the instructor. On other assignments, the pledge means that the assignment has been done without academic dishonesty, as defined above.
6. The pledge is a reminder that at the University of Maryland students carry primary responsibility for academic integrity because the meaningfulness of their degrees depends on it. Faculty is urged to emphasize the importance of academic honesty and of the pledge as its symbol. Reference on syllabuses to the pledge and to this *Code*, including where it can be found on the Internet and in the Undergraduate Catalog, is encouraged.

## **SELF-REFERRAL**

7. Students who commit acts of academic dishonesty may demonstrate their renewed commitment to academic integrity by reporting themselves in writing to the Chair of the Honor Council. Students may not exercise the self-referral option more than once during their enrollment at the University.
8. If an investigation by the Honor Council Executive Committee or designee reveals that no member of the University had a suspicion of a self-referring student's act of academic dishonesty, then the student will not be charged with academic dishonesty, or left with a

disciplinary record. Instead, the Student Honor Council will notify the Dean or a designee and the faculty member where the incident occurred. The Dean or designee shall then convene a conference between the student and the faculty member. The purpose of this conference will be to ensure that the self-referral provisions of this *Code* are followed, not to levy a sanction, or to create a disciplinary record. The Dean will notify the Student Honor Council in writing of the outcome of the conference.<sup>1</sup>

9. In all cases where a student self-referral is accepted, the student will be required to successfully complete the non-credit integrity seminar offered by the Student Honor Council. Also, the student will have any grade for the academic exercise in question reduced one letter grade, or to an “F” or a zero, in the discretion of the faculty member involved.
10. If the Honor Council Executive Committee or designee determines that a suspicion of academic dishonesty existed at the time the student admitted the act, then the matter will be resolved in accordance with the procedures specified in this *Code* for resolving academic dishonesty allegations. The student’s admission may be considered a mitigating circumstance for purposes of sanctioning.

#### **PROCEDURES: REPORTING AND INFORMAL RESOLUTION**

11. Any member of the University community who has witnessed an apparent act of academic dishonesty, or has information that reasonably leads to the conclusion that such an act has occurred or has been attempted, has the responsibility to inform the Honor Council promptly in writing.
12. If the Honor Council determines that a report of academic dishonesty is supported by reasonable cause<sup>2</sup>, the case shall be referred to the Dean of the College where the incident occurred.<sup>3</sup> The Dean or designee, (who must not be the referring faculty member), will inform the accused student in writing of the charges, and shall offer him/her an opportunity for an informal meeting to review the case.<sup>4</sup> The faculty of the course may be included in the meeting. The Dean or designee shall also provide the accused student with a copy of this *Code*, and a statement of procedural rights approved by the Honor Council<sup>5</sup>, which shall include the right of the student to request the presence of a member of the Honor Council at the informal meeting.
13. If the accused student has no prior record of academic dishonesty or serious disciplinary misconduct<sup>6</sup>, the Dean or designee and the student may reach an agreement concerning how the case should be resolved. The standard “XF” grade penalty will normally be imposed if it is agreed by the student that he/she committed an act of academic dishonesty. Any other sanction agreed upon by the student and the Dean or designee will constitute a recommendation to the Honor Council, and must be supported by a written statement signed by the student and the dean or designee. The written statement will be reviewed by the Honor Council<sup>7</sup>, which shall inform both the student and the Dean or designee of the sanction imposed.

## **PROCEDURES: RESOLUTION BY AN HONOR REVIEW**

14. Cases not resolved in accordance with Part 13 of this *Code* shall result in an Honor Review.<sup>8</sup> An Honor Review is conducted by an Honor Board. The Board is convened by the Student Honor Council. It will normally consist of six persons, five of whom will be voting members. Determinations of the Honor Board will be by a majority vote (three votes or more). Honor Boards are selected as follows:
  - (a) Three students selected by the Student Honor Council from among its members. In the event the student accused of academic dishonesty is a graduate student, then at least two of the student members shall be graduate students.
  - (b) Two faculty members selected in accordance with procedures established by the Vice President for Academic Affairs. In the event the student accused of academic dishonesty is a graduate student, then at least one of the persons selected shall be a regular member of the graduate faculty.
  - (c) The Honor Board shall have one non-voting member, who shall serve as the Presiding Officer. The Presiding Officer may be a student, faculty, or staff member of the University. The Presiding Officer will be selected by the Director of Student Conduct.
15. If the Vice President for Academic Affairs determines that the Student Honor Council or an Honor Board cannot be convened within a reasonable period of time after an accusation is made, the Vice President or a designee may review the case. If there is reasonable cause to believe that an act of academic dishonesty has occurred or has been attempted, the Vice President or designee will convene an ad hoc Honor Board by selecting and appointing two students and one faculty/staff member. Whenever possible, student members of ad hoc Honor Boards shall be members of the Student Honor Council. A non-voting presiding officer shall be appointed by the Director of Student Conduct.
16. The Campus Advocate or a designee shall serve as the Complainant at an Honor Review. The principal responsibilities of the Complainant are:
  - (a) To prepare a formal charge of academic dishonesty, and deliver it to the student and the Honor Board. The student will be deemed to have received such notice on the date of personal delivery, or if certified mail is used, on the date of delivery at the most recent address provided to the University by the student;
  - (b) To present the evidence and analysis upon which the charge is based to the Honor Board during the Honor Review;
  - (c) To perform such other duties as may be requested by the Student Honor Council or the Honor Board.

17. The charge of academic dishonesty serves to give a student a reasonable understanding of the act and circumstances to be considered by the Honor Board, thereby placing the student in a position to contribute in a meaningful way to the inquiry. It also serves to provide initial focus to that inquiry. It is not, however, a technical or legal document, and is not analogous to an indictment or other form of process. The charge may be modified as the discussion proceeds, as long as the accused student is accorded a reasonable opportunity to prepare a response.
18. The purpose of an Honor Review is to explore and investigate the incident giving rise to the appearance of academic dishonesty, and to reach an informed conclusion as to whether or not academic dishonesty occurred. In keeping with the ultimate premise and justification of academic life, the duty of all persons at an Honor Review is to assist in a thorough and honest exposition of all related facts.

The basic tenets of scholarship--full and willing disclosure, accuracy of statement, and intellectual integrity in hypothesis, in argument and in conclusion--must always take precedence over the temptation to gain a particular resolution of the case. An Honor Review is not in the character of a criminal or civil legal proceeding. It is not modeled on these adversarial systems; nor does it serve the same social functions. It is not a court or tribunal. Rather, it is an academic process unique to the community of scholars that comprise a university.

19. The role of the Presiding Officer is to exercise impartial control over the Honor Review in order to achieve an equitable, orderly, timely and efficient process. The Presiding Officer is authorized to make all decisions and rulings as are necessary and proper to achieve that end, including such decisions and rulings as pertain to scheduling and to the admissibility of evidence. If in the judgment of the Presiding Officer there is reasonable cause to question the impartiality of a board member, the Presiding Officer will so inform the Honor Council, which will reconstitute the board.
20. The Presiding Officer or designee will select the date, time and place for the Honor Review, and notify the student in writing a minimum of ten (10) days prior to the review.
21. The sequence of an Honor Review is necessarily controlled by the nature of the incident to be investigated and the character of the information to be examined. It thus lies within the judgment of the Presiding Officer to fashion the most reasonable approach. The following steps, however, have been found to be efficient, and are generally recommended:
  - (a) Complainant, and then the student or the student's advocate, summarize the matter before the Honor Board, including any relevant information or arguments.
  - (b) The Complainant, and then the student, present and question persons having knowledge of the incident, and offer documents or other materials bearing on the case. The Complainant, the student and all members of the Honor Board may question any person giving testimony.

- (c) The members of the Honor Board may ask the Complainant or the student any relevant questions. The members may also request any additional material or the appearance of other persons they deem appropriate.
- (d) The Complainant, and then the student or the student's advocate, may make brief closing statements.
- (e) The Honor Board meets privately to discuss the case, and reaches a finding by a majority vote.
- (f) The Honor Board will not conclude that a student has attempted or engaged in an act of academic dishonesty unless, after considering all the information before it, a majority of members believe that such a conclusion is supported by clear and convincing evidence. If this is not the case, the Honor Board will dismiss the charge of academic dishonesty.
- (g) If the Honor Board finds the student has engaged in an act of academic dishonesty, both the Complainant and the student or the student's advocate, may recommend an appropriate sanction. Pertinent documents and other material may be offered. The Honor Board then meets privately to reach a decision, which must be by a majority vote of its members.
- (h) The Presiding Officer will provide the Complainant and the student with a written report of the Honor Board's determination.

22. Role of Advocate and Advisor:

- (a) The accused student may be assisted by an advocate, who must be a registered, degree-seeking student at the University. The role of the advocate will be limited to:
  1. Making brief opening and closing statements, as well as comments on appropriate sanction.
  2. Suggesting relevant questions which the Presiding Officer may direct to witness.
  3. Providing confidential advice to the student.
- (b) The accused student may also be accompanied by an advisor, who may be an attorney. The role of the advisor during an Honor Review will be limited to providing confidential advice only to the accused student, not the advocate, provided such advice is given without interfering with or disrupting the Honor Review. Even if accompanied by an advocate and/or an advisor, the student must take an active and constructive role in the Honor Review. In particular, the student must fully cooperate with the Honor Board and respond to its inquiries without undue intrusion by an advocate or advisor. In consideration of the limited role of advocates and advisors, and of the compelling interest of the University to expeditiously conclude the matter, the work of an Honor Board will not, as a general practice, be delayed due to the unavailability of an advocate or an advisor.
- (c) Honor Reviews may be tape recorded or transcribed. If a recording or transcription is not made, the decision of the honor board must include a summary of the testimony and shall be sufficiently detailed to permit review on appeal.
- (d) Presence at an Honor Review lies within the judgment of the Presiding Officer. An Honor Review is a confidential investigation. It requires a deliberative and

candid atmosphere, free from distraction. Accordingly, it is not open to the public or other “interested” persons. However, at the student’s request, the Presiding Officer will permit a student’s parents or spouse to observe and may permit a limited number of additional observers. The Presiding Officer may remove from the Honor Review any person who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer. The Presiding Officer may direct that persons, other than the accused student or the Complainant, who are to be called upon to provide information, be excluded from the Honor Review except for that purpose. The members of the Honor Board may conduct private deliberations at such times and places as they deem proper.

- (e) It is the responsibility of the person desiring the presence of a witness before an Honor Board to ensure that the witness appears. If necessary, a subpoena may be requested, in accordance with Part 35 (b) of the *Code of Student Conduct*.<sup>9</sup> Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the latter is discouraged and should not be used unless the individual cannot or reasonably should not be expected to appear. Any written statement must be dated, signed by the person making it, and witnessed by a University employee or by a person approved by the Director of Student Conduct (e.g., a notary). The work of an Honor Board will not, as a general practice, be delayed due to the unavailability of a witness.
- (f) An Honor Review is not a trial. Formal rules of evidence commonly associated with a civil or criminal trial may be counterproductive in an academic investigatory proceeding, and shall not be applied. The Presiding Officer will accept for consideration all matters which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious, irrelevant, or personally abusive material should be excluded.

- 23. If the Honor Board finds that an attempt or act of academic dishonesty did occur, it shall impose an appropriate sanction. The normal sanction for an undergraduate student shall be a grade of “XF” in the course. The normal sanction for a graduate student shall be dismissal (suspension or expulsion) from the University. The Honor Board may impose a lesser or more severe sanction. Generally, acts involving advance planning, falsification of papers, conspiring with others, or some actual or potential harm to other students will merit a severe sanction, i.e. suspension or expulsion, even for a first offense. An attempt to commit an act shall be punished to the same extent as the consummated act.

## **APPEALS**

- 24. In cases where an Honor Board has determined the appropriate sanction to be less than suspension or expulsion, both the finding of responsibility and the sanction(s) of an Honor Board will be final, unless, within 15 business days after the Board’s written decision is sent to the student, and the Dean of the college where the incident occurred, the student or the Dean or designee notifies the Honor Council in writing of the intention of filing an appeal. The student may appeal both the findings and the penalty. The Dean or designee may appeal the penalty only.

A written brief supporting any appeal must be submitted in writing to the Student Honor Council Executive Committee within an additional ten business days. The Executive Committee or designee will provide the opposing party a reasonable opportunity to make a written response.

25. Any member of the Executive Committee who has taken part in an Honor Review that is the subject of an appeal is not eligible to hear the appeal. Substitute Executive Committee members may be selected from experienced Honor Council members, appointed in accordance with Honor Council bylaws.
26. Decisions of the Executive Committee will be by majority vote, based upon the record of the original proceeding and upon written briefs. De novo hearings shall not be conducted.
27. Deference shall be given by the Executive Committee to the determinations of Honor Boards.
  - (a) Sanctions may only be reduced if found to be grossly disproportionate to the offense. Likewise, upon an appeal by a Dean or designee, sanctions may be increased only if the original sanction is deemed to be grossly disproportionate to the offense.
  - (b) Cases may be remanded to a new Honor Board if specified procedural errors or errors in interpretation of this *Code* were so substantial as to effectively deny the accused student a fair hearing, or if new and significant evidence became available that could not have been discovered by a diligent respondent before or during the original Honor Board hearing. On remand, no indication or record of the previous hearing will be introduced or provided to the members of the new Honor Board, except to impeach contradictory testimony, at the discretion of the presiding officer.
  - (c) Cases may be dismissed only if the finding is held to be arbitrary and capricious.
28. If an Honor Board determines to suspend or expel a student, then the student may submit a written appeal to the Senate Committee on Student Conduct, in accordance with procedures set forth in Parts 42-49 of the *Code of Student Conduct*.
29. Regardless of whether an appeal is filed, suspension requires approval by the Vice President for Student Affairs, and may be altered, deferred, or withheld. Expulsion requires approval by the President, and may be altered, deferred, or withheld.

### **THE GRADE OF “XF”**

30. The grade of “XF” is intended to denote a failure to accept and exhibit the fundamental value of academic honesty. The grade “XF” shall be recorded on the student’s transcript with the notation “failure due to academic dishonesty”. The grade “XF” shall be treated in the same way as an “F” for the purposes of grade point average, course repeatability, and determination of academic standing.



31. No student with an “XF” on the student’s transcript shall be permitted to represent the University in any extracurricular activity, or run for or hold office in any student organization which is allowed to use University facilities, or which receives University funds.
32. The student may file a written petition to the Student Honor Council to have the grade of “XF” removed and permanently replaced with the grade of “F”. The decision to remove the grade of “XF” and replace it with an “F” shall rest in the discretion and judgment of a majority of a quorum of the Council provided that:
  - (a) At the time the petition is received, at least twelve months shall have elapsed since the grade of “XF” was imposed; and,
  - (b) At the time the petition is received, the student shall have successfully completed a non-credit seminar on academic integrity, as administered by the Office of Student Conduct; or, for the person no longer enrolled at the University, an equivalent activity as determined by the Office of Student Conduct; and,
  - (c) The Office of Student Conduct certifies that to the best of its knowledge the student has not been found responsible for any other act of academic dishonesty or similar disciplinary offense at the University of Maryland or another institution.
33. Prior to deciding a petition, the Honor Council will review the record of the case and consult with the Director of Student Conduct. Generally, the grade of “XF” ought not to be removed if awarded for an act of academic dishonesty requiring significant premeditation. If the “XF” grade is removed, records of the incident may be voided in accordance with Parts 50 and 51 of the *Code of Student Conduct*. The decision of the Honor Council shall not be subject to subsequent Honor Council review for four years, unless the Honor Council specifies an earlier date on which the petition may be reconsidered. Honor Council determinations pertaining to the removal of the “XF” grade penalty may be appealed to the Vice President for Academic Affairs. If the Vice President removes the grade of “XF” from the student’s transcript, the Vice President shall provide written reasons to the Honor Council.

## **THE STUDENT HONOR COUNCIL**

34. There shall be a Student Honor Council. The Honor Council is composed of qualified graduate and undergraduate students in good academic standing, normally appointed in the Spring for the following academic year, and who may each be reappointed for additional one year terms.<sup>10</sup>
35. The members of the Honor Council are appointed by a committee consisting of the Vice President for Academic Affairs, the Vice President for Student Affairs, the Chair of the Graduate Student Association, the President of the Student Government Association, and the Chair of the Honor Council.

36. All council members are subject to the training and conduct requirements of Parts 26 and 27 of the *Code of Student Conduct*.
37. The Student Honor Council has the following responsibilities and authority:
- (a) To increase awareness throughout the campus of the importance of academic integrity.
  - (b) To develop bylaws subject to approval by the University for legal sufficiency and consistency with the requirements of this *Code of Academic Integrity*, and the *Code of Student Conduct*.
  - (c) To designate from its members students to serve as members of Honor Boards as specified in this *Code*.
  - (d) To consider petitions for the removal of the grade of “XF” from University records in accordance with Part 29 of this *Code*.
  - (e) To receive complaints or reports of academic dishonesty from any source.
  - (f) To assist in the design and teaching of the non-credit seminar on academic integrity and moral development, as determined by the Director of Student Conduct.
  - (g) To advise and consult with faculty and administrative officers on matters pertaining to academic integrity at the University.
  - (h) To issue an annual report to the Campus Senate on academic integrity standards, policies, and procedures, including recommendations for appropriate changes.
38. The campus administration shall provide an appropriate facility, reserved for the primary use of the Honor Council, and suitable for the conduct of hearings. Clerical and secretarial assistance will also be provided.

## **FUTURE SELF GOVERNANCE**

39. Insofar as academic dishonesty is most immediately injurious to the student body, and because the student body is in a unique position to challenge and deter it, it is the intent of the University that ultimately this *Code* will evolve into one where the provisions are marked by complete student administration.

## **TERMS**

**AD HOC HONOR BOARD**—board consisting of two students and one faculty member appointed by the Vice President for Academic Affairs, and a Presiding Officer appointed by the Director of Student Conduct.

**ACADEMIC DISHONESTY**—see Part 1 of this *Code*.

**CHARGE OF ACADEMIC DISHONESTY**—a formal description of the case being considered by the Honor Board.

**CLEAR AND CONVINCING EVIDENCE**—that evidence which results in reasonable certainty of the truth of the ultimate fact in controversy. It requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt. Clear and convincing evidence will be shown where the truth of the facts asserted is highly probable.

**EXECUTIVE COMMITTEE**—a committee of Honor Council officers, selected in accordance with Honor Council bylaws.

**HONOR BOARD**—body appointed by the Student Honor Council to hear and resolve a case of academic dishonesty. The board consists of five voting members (three student members of the Honor Council and two faculty members).

**HONOR REVIEW**—the process leading to resolution of an academic dishonesty case.

**COMPLAINANT**—officer responsible for preparing the charge of academic dishonesty and presenting the case before the Honor Board. The Complainant must be a registered, degree-seeking student.

**PRESIDING OFFICER**—individual on the Honor Board responsible for directing proceedings during the Honor Review. The presiding officer is a non-voting member of the Honor Board selected by the Director of Student Conduct.

**STUDENT HONOR COUNCIL**—students appointed by the Vice Presidents for Academic and Student Affairs, as well as by the President of the Student Government Association, the Chair of the Graduate Student Association, and the Chair of the Honor Council.

## **FOOTNOTES**

- <sup>1</sup> The Dean’s notice shall be maintained in a file of self-referrals, but shall not be considered a disciplinary record.
- <sup>2</sup> Pertinent procedures for determining reasonable cause shall be set forth in the Honor Council bylaws.
- <sup>3</sup> Cases involving graduate students should be reported to the Dean of the Graduate School.
- <sup>4</sup> It is recommended that the meeting be held within ten business days after receipt of the Honor Council report by the Dean.
- <sup>5</sup> The statement shall include a reference to the right to be represented by an advocate, as specified in Part 18(a) of this *Code*.
- <sup>6</sup> In every case the Dean or designee shall check with the Office of Student Conduct to determine if a prior record exists.
- <sup>7</sup> The term “Honor Council,” used throughout the *Code*, permits reliance upon Honor Council committees, appointed in accordance with Council bylaws.
- <sup>8</sup> Statements made by the parties in informal settlement discussions shall not be considered by the Honor Council. However, a student who provides false information to the Dean or designee or the Honor Council may be charged with a violation of the University *Code of Student Conduct*.

<sup>9</sup> Before issuing a subpoena, the Director of Student Conduct may require that a party requesting the subpoena make a reasonable effort to secure voluntary compliance by a potential witness.

<sup>10</sup> The screening committee shall try to create a broadly based Honor Council that reflects the diversity of the campus, and is of sufficient size to resolve cases as promptly as possible.

The determination whether an Honor Council applicant is “qualified” rests within the discretion of the selection committee, provided that no uniform grade point “cutoff” is applied. A history of disciplinary or felonious misconduct may be sufficient grounds to disqualify any candidate.

III-1.00(A) UNIVERSITY OF MARYLAND CODE OF ACADEMIC INTEGRITY

Approved by President August 1, 1991; Amended May 10, 2001; Amended May 5, 2005; Technical Amendments June 2012

**INTRODUCTION**

The University is an academic community. Its fundamental purpose is the pursuit of knowledge. Like all other communities, the University can function properly only if its members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty. Accordingly, the *Code of Academic Integrity* is designed to ensure that the principle of academic honesty is upheld. While all members of the University share this responsibility, the *Code of Academic Integrity* is designed so that special responsibility for upholding the principle of academic honesty lies with the students.

**DEFINITIONS**

1. ACADEMIC DISHONESTY: any of the following acts, when committed by a student, shall constitute academic dishonesty:
  - (a) CHEATING<sup>1</sup>: fraud, deceit, or dishonesty in an academic course or exercise in an attempt to gain an unfair advantage and/or intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.
  - (b) FABRICATION: intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
  - (c) FACILITATING ACADEMIC DISHONESTY: intentionally or knowingly helping or attempting to help another to violate any provision of this *Code*.
  - (d) PLAGIARISM: intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

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**RESPONSIBILITY TO REPORT ACADEMIC DISHONESTY**

2. Academic dishonesty is a corrosive force in the academic life of a university. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, a responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of academic dishonesty is not a neutral act. Histories of institutions demonstrate that a laissez-faire response will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for academic dishonesty are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by students and faculty alike.

All members of the University community—students, faculty, and staff—share the responsibility and authority to challenge and make known acts of apparent academic dishonesty.

### HONOR STATEMENT

- Letters informing both graduate and undergraduate students of their acceptance at the University, as well as appointment letters for members of the faculty, shall contain a short statement concerning the role of the Student Honor Council<sup>ii</sup>, as well as the obligation of all members of the University of Maryland, College Park community to promote the highest standards of academic integrity.

### HONOR PLEDGE

- On every examination, paper or other academic exercise not specifically exempted by the instructor, the student shall write by hand and sign the following pledge:

*I pledge on my honor that I have not given or received any unauthorized assistance on this examination.*

Failure to sign the pledge is not a violation of the Code of Academic Integrity, but neither is it a defense in case of violation of this Code. Students who do not sign the pledge will be given the opportunity to do so. Refusal to sign must be explained to the instructor. Signing or non-signing of the pledge will not be considered in grading or judicial procedures. Material submitted electronically should contain the pledge, submission implies signing the pledge.

- On examinations, no assistance is authorized unless given by or expressly allowed by the instructor. On other assignments, the pledge means that the assignment has been done without academic dishonesty, as defined above.
- The pledge is a reminder that at the University of Maryland students carry primary responsibility for academic integrity because the meaningfulness of their degrees depends on it. Faculty is urged to emphasize the importance of academic honesty and of the pledge as its symbol. Faculty is encouraged to reference the pledge on syllabi and to this Code, including where it can be found on the Internet and in the Undergraduate Catalog.

### SELF-REFERRAL

- Students who commit acts of academic dishonesty may demonstrate their renewed commitment to academic integrity by reporting themselves in writing to the Office of Student Conduct<sup>iii</sup>. Students may not exercise the self-referral option more than once during their enrollment at the University.
- If an investigation by the Director of Academic Integrity or designee reveals that no member of the University had a suspicion of a self-referring student's act of academic

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dishonesty, then the student will not be charged with academic dishonesty, or left with a disciplinary record. Instead, the Director of Academic Integrity or a designee will notify the faculty member instructing the course where the incident occurred, to consult on the matter. The Director of Academic Integrity or designee shall then convene a conference with the student. The purpose of this conference will be to ensure that the self-referral provisions of this *Code* are followed, not to levy a sanction, or to create a disciplinary record. The Director of Academic Integrity or a designee will notify the faculty member instructing the course where the incident occurred in writing of the outcome of the conference.<sup>iv</sup>

9. In all cases where a student self-referral is accepted, the student will be required to successfully complete the non-credit academic integrity seminar offered by the Student Honor Council. Also, the student will have any grade for the academic exercise in question reduced one letter grade, or to an “F” or a zero, in the discretion of the faculty member involved.

10. If the Director of Academic Integrity or designee determines that a suspicion of academic dishonesty existed at the time the student admitted the act, then the matter will be resolved in accordance with the procedures specified in this *Code* for resolving academic dishonesty allegations. The student’s admission may be considered a mitigating circumstance for purposes of sanctioning.

**PROCEDURES: REPORTING AND INFORMAL RESOLUTION**

11. Any member of the University community who has witnessed an apparent act of academic dishonesty, or has information that reasonably leads to the conclusion that such an act has occurred or has been attempted, has the responsibility to inform the Office of Student Conduct promptly.

12. If the Director of Academic Integrity determines that a report of academic dishonesty is supported by reasonable cause<sup>v</sup>, the Office of Student Conduct shall offer him/her an opportunity for a preliminary interview to review the allegations and any supportive evidence that was provided to the Office of Student Conduct staff<sup>vi</sup>. The faculty of the course may be included in the meeting. The Office of Student Conduct shall also provide the accused student with a copy of this *Code*, and a statement of procedural rights approved by the Honor Council<sup>vii</sup>. The Director of Academic Integrity or a designee, the student, and the referring faculty member may reach a collective agreement concerning how a case should be resolved. This informal resolution and the sanction imposed will become final and not subject to appeal.

**PROCEDURES: RESOLUTION BY A DISCIPLINARY CONFERENCE**

13. Referred students may elect to resolve the matter in a Disciplinary Conference if the student: (1) has no prior record of academic dishonesty or other significant judicial history<sup>viii</sup>; (2) has allegedly committed an act of academic dishonesty that would not normally result in suspension or expulsion, as defined by the Code of Academic Integrity;

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students facing separation from the university are typically not eligible for a disciplinary conference.

14. Students electing to participate in a Disciplinary Conference in the Office of Student Conduct are accorded the following procedural protections:
  - (a) Written notice of charges at least 3 days prior to the scheduled conference.
  - (b) Reasonable access to the case file prior to and during the conference.
  - (c) An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.
  - (d) The option to be accompanied and assisted by a representative, who may be an attorney. All representatives are subject to the restrictions of Parts 35 and 36 of the *Code of Student Conduct*.
  - (e) A plea of not responsible will be entered for respondents who fail to attend their scheduled disciplinary conference; the proceedings will proceed in their absence and the respondents will be notified via electronic mail of the conference outcome and sanctioning determination.
  
15. Disciplinary conferences shall be conducted by the Director of Student Conduct or designee. Director of Academic Integrity or a designee reserve the right to refer complex or contested cases to an Honor Review for adjudication. Respondents will be notified in writing via electronic mail of the conference outcome and sanctioning determination. No appeal will be granted for any decision made regarding finding of responsibility or sanctioning in a Disciplinary Conference.
  
16. The standard sanction for undergraduate students who've been found responsible for violating the Code of Academic Integrity during a disciplinary conference is the grade of "XF". Disciplinary Conferences will normally be reserved for students who are accused of an academic integrity violation that will not result in sanction of "suspension" or "expulsion". The Director of Academic Integrity or a designee will receive sanctioning recommendations from the referring faculty member. The Director of Academic Integrity or a designee reserves the right to levy lesser or more severe sanctions depending on factors such as, the nature and importance of the academic exercise; the degree of premeditation or planning; the extent of dishonest or malicious intent; the academic experience of the student; and whether the violation is a first-time or repeat offense.

#### **PROCEDURES: RESOLUTION BY A HONOR REVIEW**

17. An Honor Review is conducted by an Honor Board. The Board is convened by the Student Honor Council. It will normally consist of six persons, five of whom will be voting members. Determinations of the Honor Board will be by a majority vote (three votes or more). Honor Boards are selected as follows:



- (a) Three students selected by the Student Honor Council from among its members. In the event the student accused of academic dishonesty is a graduate student, then at least two of the student members shall be graduate students.
- (b) Two faculty or Staff members selected in accordance with selection procedures established by the Office of Student Conduct. In the event the student accused of academic dishonesty is a graduate student, then at least one of the persons selected shall be a regular member of the graduate faculty.
- (c) The Honor Board shall have member, who shall serve as the Presiding Officer who will only vote in the case of a tie. The Presiding Officer may be a student, faculty, or staff member of the University. The Presiding Officer will be selected by the Director of Academic Integrity.

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18. If the Director of Academic Integrity determines that the Student Honor Council or an Honor Board cannot be convened within a reasonable period of time after an accusation is made, the Director of Academic Integrity or a designee may review the case. If there is reasonable cause to believe that an act of academic dishonesty has occurred or has been attempted, the Director of Student Conduct or designee will convene an ad hoc Honor Board by selecting and appointing two students and one faculty/staff member. Whenever possible, student members of ad hoc Honor Boards shall be members of the Student Honor Council. A non-voting presiding officer shall be appointed by the Director of Student Conduct.

19. The Campus Advocate or a designee shall serve as the Complainant at an Honor Review. The principal responsibilities of the Complainant are:

- (a) To prepare a formal charge of academic dishonesty, and deliver it to the student and the Honor Board. The student will be deemed to have received notice on the date on the date of delivery at the most recent home address or electronic mail address (email) provided to the University by the student.
- (b) To present the evidence and analysis upon which the charge is based to the Honor Board during the Honor Review;
- (c) To perform such other duties as may be requested by the Student Honor Council or the Honor Board.

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20. The charge of academic dishonesty serves to give a student a reasonable understanding of the act and circumstances to be considered by the Honor Board, thereby placing the student in a position to contribute in a meaningful way to the inquiry. It also serves to provide initial focus to that inquiry. It is not, however, a technical or legal document, and is not analogous to an indictment or other form of process. The charge may be modified as the discussion proceeds, as long as the accused student is accorded a reasonable opportunity to prepare a response.

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21. The purpose of an Honor Review is to explore and investigate the incident giving rise to the appearance of academic dishonesty, and to reach an informed conclusion as to whether or not academic dishonesty occurred. In keeping with the ultimate premise and

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justification of academic life, the duty of all persons at an Honor Review is to assist in a thorough and honest exposition of all related facts.

The basic tenets of scholarship--full and willing disclosure, accuracy of statement, and intellectual integrity in hypothesis, in argument and in conclusion--must always take precedence over the temptation to gain a particular resolution of the case. An Honor Review is not in the character of a criminal or civil legal proceeding. It is not modeled on these adversarial systems; nor does it serve the same social functions. It is not a court or tribunal. Rather, it is an academic process unique to the community of scholars that comprise a university.

22. The role of the Presiding Officer is to exercise impartial control over the Honor Review in order to achieve an equitable, orderly, timely and efficient process. The Presiding Officer is charged with casting tie breaking vote during Honor Reviews in the case of tie vote. The Presiding Officer is authorized to make all decisions and rulings as are necessary and proper to achieve that end, including such decisions and rulings as pertain to scheduling and to the admissibility of evidence. If in the judgment of the Presiding Officer there is reasonable cause to question the impartiality of a board member, the Presiding Officer will so inform the Honor Council, which will reconstitute the board.

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23. The Director of Academic Integrity or a designee will select the date, time and place for the Honor Review, and notify all parties in writing a minimum of (5) business days prior to the review.

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24. The sequence of an Honor Review is necessarily controlled by the nature of the incident to be investigated and the character of the information to be examined. It thus lies within the judgment of the Presiding Officer to fashion the most reasonable approach. The following steps, however, have been found to be efficient, and are generally recommended:

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- (a) Complainant, and then the student or the student's advocate, summarizes the matter before the Honor Board, including any relevant information or arguments.
- (b) The Complainant, and then the student, present and question persons having knowledge of the incident, and offer documents or other materials bearing on the case. The Complainant, the student and all members of the Honor Board may question any person giving testimony.
- (c) The members of the Honor Board may ask the Complainant or the student any relevant questions. The members may also request any additional material or the appearance of other persons they deem appropriate.
- (d) The Complainant, and then the student or the student's advocate, may make brief closing statements.
- (e) The Honor Board meets privately to discuss the case, and reaches a finding by a majority vote.
- (f) The Honor Board will not conclude that a student has attempted or engaged in an act of academic dishonesty unless, after considering all the information before it, a majority of members believe that such a conclusion is supported by clear and

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convincing evidence. If this is not the case, the Honor Board will dismiss the charge of academic dishonesty.

- (g) If the Honor Board finds the student has engaged in an act of academic dishonesty, both the Complainant and the student or the student's advocate, may recommend an appropriate sanction. Pertinent documents and other material may be offered. The Honor Board then meets privately to reach a decision, which must be by a majority vote of its members.
- (h) The Presiding Officer will provide the Complainant and the student with a written report of the Honor Board's determination.

25. Role of Advocate and Advisor:

- (a) The accused student may be assisted by an advocate, who must be a registered, degree-seeking student at the University. The role of the advocate will be limited to:
  - 1. Making brief opening and closing statements, as well as comments on appropriate sanction.
  - 2. Suggesting relevant questions which the Presiding Officer may direct to witness.
  - 3. Providing confidential advice to the student.
- (b) The accused student may also be accompanied by an advisor, who may be an attorney. The role of the advisor during an Honor Review will be limited to providing confidential advice only to the accused student, not the advocate, provided such advice is given without interfering with or disrupting the Honor Review. Even if accompanied by an advocate and/or an advisor, the student must take an active and constructive role in the Honor Review. In particular, the student must fully cooperate with the Honor Board and respond to its inquiries without undue intrusion by an advocate or advisor. In consideration of the limited role of advocates and advisors, and of the compelling interest of the University to expeditiously conclude the matter, the work of an Honor Board will not, as a general practice, be delayed due to the unavailability of an advocate or an advisor.
- (c) Honor Reviews may be recorded or transcribed. If a recording or transcription is not made, the decision of the honor board must include a summary of the testimony and shall be sufficiently detailed to permit review on appeal.
- (d) Presence at an Honor Review lies within the judgment of the Presiding Officer. An Honor Review is a confidential investigation. It requires a deliberative and candid atmosphere, free from distraction. Accordingly, it is not open to the public or other "interested" persons. However, at the student's request, the Presiding Officer will permit a student's parents or spouse to observe and may permit a limited number of additional observers. The Presiding Officer may remove from the Honor Review any person who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer. The Presiding Officer may direct that persons, other than the accused student or the Complainant, who are to be called upon to provide information, be excluded from the Honor Review

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except for that purpose. The members of the Honor Board may conduct private deliberations at such times and places as they deem proper.

- (e) It is the responsibility of the person desiring the presence of a witness before an Honor Board to ensure that the witness appears. If necessary, a subpoena may be requested, in accordance with Part 36 (b) of the *Code of Student Conduct*.  
Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the latter is discouraged and should not be used unless the individual cannot or reasonably should not be expected to appear. Any written statement must be dated, signed by the person making it, and witnessed by a University employee or by a person approved by the Director of *Academic Integrity* (e.g., a notary). The work of an Honor Board will not, as a general practice, be delayed due to the unavailability of a witness.
- (f) An Honor Review is not a trial. Formal rules of evidence commonly associated with a civil or criminal trial may be counterproductive in an academic investigatory proceeding, and shall not be applied. The Presiding Officer will accept for consideration all matters which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious, irrelevant, or personally abusive material should be excluded.

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26. If the Honor Board finds that an attempt or act of academic dishonesty did occur, it shall impose an appropriate sanction. The normal sanction for undergraduate students who've been found responsible for violating the Code of Academic Integrity during an Honor Review is the grade of "XF". Honor Review will normally be reserved for students who are accused of separable Code of Academic Integrity Violations. During the sanctioning phase of the hearing the Honor Board will receive sanctioning recommendations from the referring faculty member. The Honor Board will carefully weigh the recommendations of the faculty but reserves the right to levy lesser or more severe sanctions depending on factors such as, the nature and importance of the academic exercise; the degree of premeditation or planning; the extent of dishonest or malicious intent; the academic experience of the student; and whether the violation is a first-time or repeat offense.

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The normal sanction for a graduate student shall be dismissal (suspension or expulsion) from the University. Generally, acts involving advance planning, falsification of papers, conspiring with others, or some actual or potential harm to other students will merit a severe sanction, i.e. suspension or expulsion, even for a first offense, by an undergraduate student. An attempt to commit an act shall be punished to the same extent as the consummated act.

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## APPEALS

27. In cases where an Honor Board has determined the appropriate sanction to be less than suspension or expulsion, both the finding of responsibility and the sanction(s) of an Honor Board will be final, unless, within 5 business days after the Board's written decision is sent to the student, and referring faculty member, the student or the referring faculty member notifies the Director of Academic Integrity in writing of the intention of

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filing an appeal. The student may appeal both the findings and the penalty. The referring faculty member may appeal the penalty only.

A written brief supporting any appeal must be submitted in writing to the Director of Academic Integrity who will share the appeal and all supporting materials and evidence to the University Appellate Board within an additional 7 business days. The University Appellate Board or designee will provide the opposing party a reasonable opportunity to make a written response.

28. Any member of the University Appellate Board who has taken part in an Honor Review that is the subject of an appeal is not eligible to hear the appeal.

29. Decisions of the University Appellate Board will be by majority vote, based upon the record of the original proceeding and upon written briefs. De novo<sup>2</sup> hearings (re-hearing of original case without deference to lower board's ruling) shall not be conducted.

30. Deference shall be given to the determinations of Honor Boards by the University Appellate Board.

- (a) Sanctions may only be reduced if found to be grossly disproportionate to the offense. Likewise, upon an appeal by the referring faculty member, sanctions may be increased only if the original sanction is deemed to be grossly disproportionate to the offense.
- (b) Cases may be remanded to a new Honor Board if specified procedural errors or errors in interpretation of this *Code* were so substantial as to effectively deny the accused student a fair hearing, or if new and significant evidence became available that could not have been discovered by a diligent respondent before or during the original Honor Board hearing. On remand, no indication or record of the previous hearing will be introduced or provided to the members of the new Honor Board, except to impeach contradictory testimony, at the discretion of the presiding officer.
- (c) Cases may be dismissed only if the finding is held to be arbitrary and capricious.

31. If an Honor Board determines to suspend or expel a student, then the student may submit a written appeal to the Senate Committee on Student Conduct, in accordance with procedures set forth in Parts 43-50 of the *Code of Student Conduct*.

32. Regardless of whether an appeal is filed, suspension requires approval by the Vice President for Student Affairs, and may be altered, deferred, or withheld. Expulsion requires approval by the President, and may be altered, deferred, or withheld.

### THE GRADE OF "XF"

33. The grade of "XF" is intended to denote a failure to accept and exhibit the fundamental value of academic honesty. The grade "XF" shall be recorded on the student's transcript with the notation "failure due to academic dishonesty". The grade "XF" shall be treated

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in the same way as an “F” for the purposes of grade point average, course repeatability, and determination of academic standing.

34. No student with an “XF” on the student’s transcript shall be permitted to represent the University in any extracurricular activity, or run for or hold office in any student organization which is allowed to use University facilities, or which receives University funds.

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35. The student may file a written petition to the Student Honor Council to have the grade of “XF” removed and permanently replaced with the grade of “F”. The decision to remove the grade of “XF” and replace it with an “F” shall rest in the discretion and judgment of a majority of a quorum of the Council provided that:

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- (a) At the time the petition is received, at least twelve months shall have elapsed since the grade of “XF” was imposed; and,
- (b) At the time the petition is received, the student shall have successfully completed a non-credit seminar on academic integrity, as administered by the Office of Student Conduct; or, for the person no longer enrolled at the University, an equivalent activity as determined by the Office of Student Conduct; and,
- (c) The Office of Student Conduct certifies that to the best of its knowledge the student has not been found responsible for any other act of academic dishonesty or similar disciplinary offense at the University of Maryland or another institution.

36. Prior to deciding a petition, the Honor Council will review the record of the case and consult with the Director of Student Conduct. Generally, the grade of “XF” ought not to be removed if awarded for an act of academic dishonesty requiring significant premeditation. If the “XF” grade is removed, records of the incident may be voided in accordance with Parts 51 and 52 of the *Code of Student Conduct*. The decision of the Honor Council shall not be subject to subsequent Honor Council review for four years, unless the Honor Council specifies an earlier date on which the petition may be reconsidered.

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Students found responsible for an academic integrity violation and seeking the removal of the “XF” grade penalty may petition to the University Appellate Board<sup>xi</sup> via the Office of Student Conduct only after their designated XF sanction period has elapsed (i.e. 12 months, 6 months etc...); students will be required to provide rationale and demonstrate evidence of maturity and growth since the incident in question. All petitions submitted will be carefully reviewed at a time and place of the University Appellate Board’s choosing and petitions will be denied and approved bases on the merits of the petition. Students whose petitions have been approved will be notified in writing and the Office of Student Conduct staff will contact the Registrar to have the “X” removed from the student’s academic transcript.

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## THE STUDENT HONOR COUNCIL

37. There shall be a Student Honor Council. The Honor Council is composed of qualified graduate and undergraduate students in good academic standing, normally appointed in the Spring for the following academic year, and who may each be reappointed for additional one year terms<sup>41i</sup>.

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38. The members of the Honor Council are appointed by the Director of Student Conduct, Director of Academic Integrity, and the Chair of the Honor Council.

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39. All council members are subject to the training and conduct requirements of Parts 27 and 28 of the *Code of Student Conduct*.

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40. The Student Honor Council has the following responsibilities and authority:

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(a) To increase awareness throughout the campus of the importance of academic integrity.

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(b) To develop bylaws subject to approval by the University for legal sufficiency and consistency with the requirements of this *Code of Academic Integrity*, and the *Code of Student Conduct*.

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(c) To designate from its members students to serve as members of Honor Boards as specified in this *Code*.

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(d) To consider petitions for the removal of the grade of "XF" from University records in accordance with Part 35 of this *Code*.

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(e) To assist in the design and teaching of the non-credit seminar on academic integrity and moral development, as determined by the Director of Student Conduct.

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(f) To advise and consult with faculty and administrative officers on matters pertaining to academic integrity at the University.

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(g) To issue an annual report to the Campus Senate on academic integrity standards, policies, and procedures, including recommendations for appropriate changes.

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41. The campus administration shall provide an appropriate facility, reserved for the primary use of the Honor Council, and suitable for the conduct of hearings. Clerical and secretarial assistance will also be provided.

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## FUTURE SELF GOVERNANCE

42. Insofar as academic dishonesty is most immediately injurious to the student body, and because the student body is in a unique position to challenge and deter it, it is the intent of the University that ultimately this *Code* will evolve into one where the provisions are marked by complete student administration.

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## TERMS

AD HOC HONOR BOARD—board consisting of two students and one faculty member appointed by the Office of Student Conduct, and a Presiding Officer appointed by the Director Academic Integrity.

ACADEMIC DISHONESTY—see Part 1 of this *Code*.

CHARGE OF ACADEMIC DISHONESTY—a formal description of the case being considered by the Honor Board.

CLEAR AND CONVINCING EVIDENCE—that evidence which results in reasonable certainty of the truth of the ultimate fact in controversy. It requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt. Clear and convincing evidence will be shown where the truth of the facts asserted is highly probable.

COMPLAINANT—officer responsible for preparing the charge of academic dishonesty and presenting the case before the Honor Board. The Complainant must be a registered, degree-seeking student.

DISCIPLINARY CONFERENCE—meeting between respondent and Director of Academic Integrity or designee to resolve a case of academic dishonesty. Director of Academic Integrity or designee will be responsible for the finding of facts, determination of responsibility and sanctioning if respondent is found responsible.

EXECUTIVE COMMITTEE—a committee of Honor Council officers, selected in accordance with Honor Council bylaws.

HONOR BOARD—body appointed by the Student Honor Council to hear and resolve a case of academic dishonesty. The board consists of four voting members (three student members of the Honor Council, one faculty or staff member and one non-voting Presiding Officer, who may vote in the case of a tie).

HONOR REVIEW—the process leading to resolution of an academic dishonesty case.

PRELIMINARY INTERVIEW— informal meeting between Director of Academic Integrity or designee and respondent/student who has been accused of violating Code of Academic Integrity. Meeting takes place before a Disciplinary Conference or Honor Review and is an opportunity to discuss the allegations and corresponding charges, the student’s rights and responsibilities and what options the student has to resolve the matter.

PRESIDING OFFICER— individual on the Honor Board responsible for directing proceedings during the Honor Review. The presiding officer votes only in cases of a tie and is selected by the Director of Student Conduct.

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STUDENT HONOR COUNCIL—students appointed by the Director of Student Conduct and Director of Academic Integrity. These students are charged with conducting Honor Reviews to resolve alleged academic integrity violations.

<sup>i</sup> We are grateful to our colleagues and friends at the Center for Student Conduct at the University of California, Berkeley for inspiring this revised definition of “Cheating” for our Code of Academic Integrity and for granting the university permission to use and repurpose this portion of their Code of Conduct.

<sup>ii</sup> The term “Honor Council,” used throughout the Code, permits reliance upon Honor Council committees, appointed in accordance with Council bylaws.

<sup>iii</sup> Students who elect to self-refer for academic integrity violations are encouraged to utilize the Office of Student Conduct electronic referral form on the Office of Student Conduct website to detail incident.

<sup>iv</sup> The final sanction notice to the faculty instructing the course where the incident took place shall be maintained in a file of self-referrals, but shall not be considered a disciplinary record.

<sup>v</sup> Pertinent procedures for determining reasonable cause shall be set forth in the Honor Council bylaws.

<sup>vi</sup> At the conclusion of the preliminary interview students reserve the right to request that the Director of Academic Integrity or a designee immediately conduct a disciplinary conference to resolve the matter in question

<sup>vii</sup> The statement shall include a reference to the right to be represented by an advocate, as specified in Part 25(a) of this Code.

<sup>viii</sup> In every case the Office of Student Conduct should determine if a prior record exists.

<sup>ix</sup> Before issuing a subpoena, the Director of Student Conduct may require that a party requesting the subpoena make a reasonable effort to secure voluntary compliance by a potential witness.

<sup>x</sup> De novo: A second time; afresh. A trial or a hearing that is ordered by an appellate court that has reviewed the record of a hearing in a lower court and sent the matter back to the original court for a new trial, as if it had not been previously heard nor decided.

<sup>xi</sup> In the event the University Appellate Board Committee is unable to convene in a reasonable period the Director of Academic Integrity can serve as a designee for the review of XF Removal petitions.

<sup>xii</sup> The screening committee shall try to create a broadly based Honor Council that reflects the diversity of the campus, and is of sufficient size to resolve cases as promptly as possible. The determination whether an Honor Council applicant is “qualified” rests within the discretion of the selection committee, provided that no uniform grade point “cutoff” is applied. A history of disciplinary or felonious misconduct may be sufficient grounds to disqualify any candidate.

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The determination whether an Honor Council Council applicant is “qualified” rests within the discretion of the selection committee, provided that no uniform grade point “cutoff” is applied. A history of disciplinary or felonious misconduct may be sufficient grounds to disqualify any candidate. .

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case shall be referred to the Dean of the College where the incident occurred.<sup>3</sup> The Dean or designee, (who must not be the referring faculty member), will inform the accused student in writing

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Council<sup>5</sup>, which shall include the right of the student to request the presence of a member of the Honor Council at the informal meeting.

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13. If the accused student has no prior record of academic dishonesty or serious disciplinary misconduct<sup>6</sup>, the Dean or designee and the student may reach an agreement concerning how the case should be resolved. The standard "XF" grade penalty will normally be imposed if it is agreed by the student that he/she committed an act of academic dishonesty. Any other sanction agreed upon by the student and the Dean or designee will constitute a recommendation to the Honor Council, and must be supported by a written statement signed by the student and the dean or designee. The written statement will be reviewed by the Honor Council<sup>7</sup>, which shall inform both the student and the Dean or designee of the sanction imposed.

#### **PROCEDURES: RESOLUTION BY AN HONOR REVIEW**

14. Cases not resolved in accordance with Part 13 of this *Code* shall result in an Honor Review.<sup>8</sup>

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COMPLAINANT—officer responsible for preparing the charge of academic dishonesty and presenting the case before the Honor Board. The Complainant must be a registered, degree-seeking student.