



## University Senate PROPOSAL FORM

<b>Name:</b>	Andrea Goodwin
<b>Date:</b>	August 22, 2017
<b>Title of Proposal:</b>	Revision of the <i>Code of Academic Integrity</i>
<b>Phone Number:</b>	301-314-8204
<b>Email Address:</b>	<a href="mailto:agoodwin@umd.edu">agoodwin@umd.edu</a>
<b>Campus Address:</b>	2117 Mitchell Building
<b>Unit/Department/College:</b>	OVPSA-OSC
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Staff
<b>Description of issue/concern/policy in question:</b>	It is the practice of the Office of Student Conduct (OSC) to conduct a review of the <i>Code of Academic Integrity</i> periodically to ensure that we are incorporating and maintaining best practices within the field of student affairs and student conduct at the University of Maryland. In the past three years since the last update to the <i>Code of Academic Integrity</i> , the University's attention to academic misconduct has increased and it is necessary to make certain changes.
<b>Description of action/changes you would like to see implemented and why:</b>	<p>It has been three years since the <i>Code of Academic Integrity</i> has been revised. In that time, we have noticed changes that needed to be addressed that we believe would make the <i>Code</i> be administered more effectively for students, faculty, and staff. These changes provides the following benefits:</p> <ol style="list-style-type: none"> <li>1. Clearer distinction between the <i>Code of Academic Integrity (CAI)</i>, and the <i>Code of Student Conduct (CSC)</i>. Previous iterations of the CAI had too strong a reliance on the CSC, and these revisions allow it to operate independently of the CSC.</li> <li>2. Consistency of record keeping and appeals process between CAI and CSC</li> <li>3. Clearer understanding of the range of sanctions available to students who may violate the CAI.</li> <li>4. Spelled out explanations of potential sanctions</li> <li>5. Shorter resolution time for alleged violations by shortening the appeal time period and the time between attempts at "XF" petitions.</li> <li>6. Revision of Terms used throughout the CAI</li> <li>7. Clarified role advocates/advisors and their availability for all parts of the academic misconduct process</li> </ol>

<b>Suggestions for how your proposal could be put into practice:</b>	Charge the Student Conduct Committee with revising the CAI to incorporate these revisions. After approval by the Senate and the President, these changes could then be implemented by the Office of Student Conduct as a part of the daily academic misconduct process.
<b>Additional Information:</b>	

***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!***

### 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; Amended November 7, 2014*

#### **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>i</sup>:** fraud, deceit, or dishonesty in any 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 course or exercise.
  - (b) **FABRICATION:** intentional and unauthorized falsification or invention of any information or citation in any academic course or 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 course or 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

- 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, [electronic 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 are urged to emphasize the importance of academic honesty and of the pledge as its symbol. Faculty are encouraged to reference both the pledge and this *Code* on syllabi, including [links to additional materials online](#) ~~where they 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.

8. If an investigation by the Director of Student Conduct<sup>iv</sup> ~~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 Director of Student Conduct ~~or designee~~ will notify the instructor of the course in which the incident occurred to consult on the matter. The Director of Student Conduct ~~or designee~~ shall then convene a meeting with the student. The purpose of the meeting 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 Student Conduct ~~or designee~~ will notify the instructor of the course in which the incident occurred of the meeting's outcome<sup>v</sup>.
9. In all cases where a student self-referral is accepted, the student will be required to successfully complete an educational sanction. In addition, at the discretion of the course instructor the non-credit academic integrity seminar offered by the Student Honor Council. Also, the student will have the any grade for the academic exercise in question reduced to a zero, by one letter grade, or to an "F."<sup>2</sup> ~~or a zero, in the discretion of the instructor involved.~~
10. If the Director of Student Conduct ~~or designee~~ determines that ~~a suspicion of~~ academic dishonesty was suspected existed at the time of the student self-referral and admission, 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 self-referral and 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 promptly to inform the Office of Student Conduct ~~promptly~~.
12. If the Director of Student Conduct ~~or designee~~ determines that a report of academic dishonesty is supported by reasonable cause<sup>vi</sup>, the Office of Student Conduct shall offer the student an opportunity for a preliminary interview to review the allegations and any supporting evidence that was provided to the Office of Student Conduct<sup>vii</sup>. The instructor of the course in which the incident occurred may be included in the meeting. The Office of Student Conduct shall also provide the Respondent accused student with a copy of this *Code*, and a statement of procedural rights approved by the Honor Council<sup>viii</sup>. ~~The Director of Student Conduct or a designee, the student, and the instructor of the course in which the incident occurred may reach a collective agreement concerning how a case should be resolved. This informal resolution and the sanction imposed are not subject to appeal.~~

#### **ROLE OF ADVOCATE AND ADVISOR**

13. The Respondent may be assisted by an Advocate, who must be a registered, degree-seeking student at the University. The role of the Advocate is limited to:
- (a) Making brief opening and closing statements.
  - (b) Suggesting relevant questions, which may be directed to witnesses.
  - (c) Providing confidential advice to the student.
  - (d) Following a determination of responsibility, the Advocate may make recommendations regarding sanctions, if appropriate.
14. The Respondent may also choose to be assisted by an Advisor of their choice, who may be an attorney, at their own initiation and expense. The Advisor is present to provide advice and consultation to the Respondent. If necessary, the Respondent may request a recess in order to speak privately with an Advisor. The Advisor shall not be an active participant in the hearing. The Advisor may not speak for the Respondent, advise the Advocate, serve as a witness, provide evidence in the case, delay, or otherwise interfere with the University's disciplinary process.
15. As a general practice, disciplinary proceedings will not be delayed due to the unavailability of an Advocate or Advisor.

#### **PROCEDURES: RESOLUTION BY INFORMAL RESOLUTION (Agreement?)**

16. If the Respondent acknowledges responsibility for academic dishonesty, then they may choose to resolve the matter informally without participating in a formal disciplinary process.
17. With informal resolution, after gathering information from the course instructor, the Director of Student Conduct shall present the student with an agreement about how the case will be resolved. With informal resolution, the student foregoes the right to an appeal of the resolution and the sanction.

#### **PROCEDURES: RESOLUTION BY A DISCIPLINARY CONFERENCE**

18. Respondents~~13.~~ Referred students may elect to resolve the matter in a Disciplinary Conference if the student: (1) is alleged to have committed an act of academic dishonesty that would not normally result in suspension or expulsion, as defined by the *Code of Academic Integrity*.
19. Disciplinary Conferences shall be conducted by the Director and (2) has no prior record of Student Conduct. The Director of Student Conduct reserves the right to refer complex academic dishonesty or contested cases to an Honor Review for adjudication. Respondent will be notified in writing of the conference outcome and sanctioning

determination. Students forego the right to an appeal of any decision made in a Disciplinary Conference. other significant judicial history<sup>ix</sup>.

~~14.~~ 20. Students participating in a Disciplinary Conference in the Office of Student Conduct are accorded the following procedural protections:

- (a) Written notice of charges at least three (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.~~ All representatives are subject to the restrictions of Parts 13 through 15 of this ~~35 and 36 of the~~ Code of Student Conduct.
- ~~(e)~~ (e)—A plea of not responsible will be entered for ~~Respondents~~ respondents who fail to attend their scheduled Disciplinary Conference; the ~~conference proceedings~~ proceedings will proceed in their absence and the ~~Respondent~~ respondents will be notified via electronic mail of the Disciplinary Conference ~~conference~~ outcome and sanctioning determination.

~~15.~~ Disciplinary Conferences shall be conducted by the Director of Student Conduct or designee. The Director of Student Conduct or designee reserves the right to refer complex or contested cases to an Honor Review for adjudication. Respondents will be notified in writing of the conference outcome and sanctioning determination. No appeal will be granted for any decision made in a Disciplinary Conference.

~~16.~~ 20. The Director of Student Conduct will not conclude that a student has attempted or engaged in an act of academic dishonesty unless, after considering all the information before them, the Director believes that such a conclusion is supported by clear and convincing evidence. If a conclusion that the student did not engage in academic dishonesty is not made, using this standard, the Director of Student Conduct will dismiss the charge of academic dishonesty.

~~22.~~ 22. If a determination—The normal sanction for undergraduate students found responsible for violating the Code of Academic Integrity during a Disciplinary Conference is the grade of responsibility is made, the “XF.” The Director of Student Conduct may or a designee will receive sanctioning recommendations from the Complainant, instructor, or academic program. The Director of Student Conduct or a designee reserves the right to levy lesser or more severe sanctions depending on factors such as the nature and the Respondent importance of the academic exercise; the degree of premeditation or planning, the extent of dishonest or malicious intent, and whether the violation is a first-time or repeat offense.

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

23. The Director of Student Conduct select the date, time and place for the Honor Review, and notify all parties in writing a minimum of five (5) business days prior to the review.

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

- (a) Three (3) students selected by the Student Honor Council from among its members. In the event the ~~Respondent~~student accused of academic dishonesty is a graduate student, then at least two (2) of the student members shall be graduate students.
- (b) Two (2) faculty or staff members selected ~~in accordance with selection procedures established~~ by the Office of Student Conduct. In the event the ~~Respondent~~student accused of academic dishonesty is a graduate student, then at least one (1) of the persons selected shall be a regular member of the graduate faculty.
- (c) The ~~Honor Board shall have one (1) member who shall serve as the Presiding Officer. The~~ Presiding Officer may be a University student, faculty, or staff member ~~of the University and will be~~ selected by the Director of Student Conduct.

2518. If the Director of Student Conduct determines that the Student Honor Council or an Honor Board cannot be convened within a reasonable period of time after an ~~allegation~~accusation is ~~reported~~made, the Director of Student Conduct ~~or 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 or staff member. Whenever possible, student members of ad hoc Honor Boards shall be members of the Student Honor Council. A Presiding Officer~~non-voting presiding officer~~ shall be appointed by the Director of Student Conduct.

2619. 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 of delivery at the ~~most recent address or~~ electronic mail address (email) provided to the University by the student; ~~and~~
- (b) To present the evidence and analysis upon which the charge is based to the Honor Board during the Honor Review; and
- (c) To perform such other duties as may be requested by the Student Honor Council or the Honor Board.

2720. 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. ~~The charge~~ 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 provided notice and accorded a reasonable opportunity to prepare a response.

2821. 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, argument, and 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.

2922. 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 Honor Board~~board~~.

3023. The following procedural guidelines shall be applicable~~Director of Student Conduct or a designee will select the date, time and place for the Honor Review, and notify all parties in writing a minimum of five (5) business days prior to the review.~~

~~24.—The sequence of an Honor Review. The~~ 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 may modify these guidelines when necessary. 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,~~ summarizes the matter before the Honor Board, including any relevant information or arguments, followed by a summary presented by the Respondent.
- (b) The Complainant presents and questions, ~~and then the student, present and question~~ persons having knowledge of the incident, and ~~offers~~offer documents or other materials bearing on the case. The Respondent then presents and questions persons with knowledge, and offers documents and other materials in support of Respondent. ~~The Complainant, the Respondent~~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 Respondentstudent 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 a brief closing statements, followed by a brief closing statement by the Respondent.
- (e) The Honor Board meets privately to discuss the case, and ~~must reach~~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 Respondentstudent 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 regarding the sanction. Any sanction, which must be agreed upon by a majority vote of the Honor Board's voting members.
- (h) The Presiding Officer will provide the Complainant and the Respondentstudent with a written report of the Honor Board's determination.

31. 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 has discretion to will permit a student’s parents or spouse to observe and may permit a limited number of additional observers. The Presiding Officer also has discretion to 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 Respondent~~accused student~~ or the Complainant, who are to be called upon to provide information, be excluded from the Honor Review except during the time they are providing information for that purpose. The members of the Honor Board may conduct private deliberations at such times and places as they deem proper.

(e)

32. 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, the Presiding Officer~~a subpoena~~ may make a request for that person to appear~~be requested, in accordance with Part 36 (b) of the Code of Student Conduct~~<sup>\*</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.

(a) The Presiding Officer may request the presence of witnesses upon the motion of any Honor Board member, or either party. Requests must be approved by the Director of Student Conduct. University students and employees are expected to comply with requests issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities. If the Director of Student Conduct determines that a fair Honor Review cannot be held without the testimony of a particular witness, and, after good faith attempts are made to secure that testimony, and the witness either fails to or refuses to appear, the Honor Review either will be postponed until the witness agrees to appear, or the charges will be dismissed.

(f)

33. 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 ~~occurred~~<sup>did occur</sup>, it shall impose an appropriate sanction.

## SANCTIONS

35. The normal sanction for ~~an~~ undergraduate ~~students~~ ~~student who has been~~ found responsible for violating the *Code of Academic Integrity* ~~during an Honor Review~~ is the grade of “XF” ~~in the course~~. The normal sanction for a graduate ~~students~~ ~~is~~ student ~~shall be~~ dismissal (suspension or expulsion) from the University. The Director of Student Conduct will consider sanction recommendations from the Complainant and Respondent. 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

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 five (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 Student Conduct in writing of the intention of filing an appeal. The student may appeal both the findings and the penalty. The Complainant may appeal the penalty only.~~

~~A written brief supporting any appeal must be submitted in writing to the Director of Student Conduct within an additional ten (10) business days. The opposing party shall be provided a reasonable opportunity to submit a written response.~~

28. ~~Any member of the appellate body 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 appellate body will be by majority vote, based upon the record of the original proceeding and upon written briefs. De novo<sup>xi</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 appellate body.~~
- (a) ~~Sanctions may only be reduced if found to be grossly disproportionate to the offense. Likewise, upon an appeal by the Complainant, 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.~~36. The Director of Student Conduct reserves the right to impose a lesser or more severe sanction depending on mitigating or aggravating factors such as the nature and importance of the academic exercise, the degree of premeditation or planning, the extent of dishonest or malicious intent, and whether the violation is a first-time or repeat offense. The following sanctions for violations of this *Code* may be imposed:

(a) Expulsion: permanent separation of the student from the University. A permanent notation will appear on the student's transcript. The student will also be barred from University premises. (Expulsion—Regardless of whether an appeal is filed, suspension requires administrative review and approval by the Vice President for Student Affairs, and may be modified.)

Suspension: separation of the student from the University for a specified period of time. A permanent notation will appear on the student's transcript. The student shall not participate in any University-sponsored activity and may be barred from University premises during the period of suspension. Suspended time will not count against any time limits required by the Graduate School for completion of a degree. (Suspension~~altered, deferred, or withheld.~~ Expulsion requires administrative review and approval by the Vice President for Student Affairs, and may be modified.) ~~altered, deferred, or withheld.~~

### **THE GRADE OF "XF"**

~~33.~~ The grade of "XF":<sup>2</sup> 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.

34. ~~No student with an "XF" on theirthe student's transcript shall be permitted to represent the University in any extracurricular activity (e.g. intercollegiate athletics, sports clubs, traveling performance groups, etc.), or run for or hold office in any student organization which is allowed to use University facilities, or which receives University funds.~~

a. The normal duration of the placement of the "XF" is twelve months. If serious mitigating circumstances are presented, then the Director or Honor Board (depending upon resolution process) may consider an abbreviated placement of the "XF" for six months. If serious aggravating circumstances are presented,

then the Director or Honor Board may state that the “XF” is permanent.

- (b) The grade of “F”: the grade “F” shall be recorded for the course in which the Respondent’s academic misconduct occurred. The “F” shall factor into the determination of the student’s grade point average, course repeatability, and academic standing
- (c) Letter grade reduction: once a student is given no credit for any assignment in which academic misconduct occurred, then the student’s final course grade will be reduced as determined by the course instructor
- (d) Zero on the assignment(s): no credit will be given to the student on the assignment(s) determined to contain academic misconduct. Their final grade will reflect this calculation
- (e) Other Sanctions: other sanctions may be imposed in addition to those specified in sections (a) through (f) of this part. Other sanctions may include educational or reflective experiences that allow the student to prevent repeated acts of academic dishonesty, gain assistance for factors contributing to the infraction, or help the student better understand how the infraction affects the academic and professional communities of which the student is a part.

37. Attempts to commit acts prohibited by this Code may be sanctioned to the same extent as completed violations.

38. Regardless of whether an appeal is filed, suspension or expulsion requires approval by the Vice President for Student Affairs, and these sanction may be modified.

### “XF” REMOVAL PROCESS

39. The Respondent may file a written petition to the Appellate Board

~~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 sole discretion and judgment of a majority of a quorum of the Appellate Board~~Council~~ provided that:

- ~~(a)~~ — At the time the petition is received, at least twelve (12) months ~~(or time otherwise specified by the Honor Council)~~ shall have elapsed since the grade of “XF” was imposed, unless such time period is otherwise specified by the Honor Board or Director of Student Conduct at the time the 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 Appellate Board~~Honor Council~~ will review the record of the case and consult with the Director of Student Conduct. Generally, the grade of “XF” ~~will~~ought not ~~to~~ be removed if it was imposed~~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 Appellate Board~~Honor Council~~ shall not be subject to subsequent ~~Honor Council~~ review for one year~~four years~~, unless the Appellate Board~~Honor Council~~ specifies an earlier date on which the petition may be reconsidered. Decisions pertaining to the removal of the “XF” grade penalty may be appealed to Senate Student Conduct Committee~~the Senior Vice President and Provost~~. If Senate Student Conduct Committee~~the Senior Vice President and Provost~~ removes the grade of “XF” from the student’s transcript, the Senate Student Conduct Committee~~Senior Vice President and Provost~~ shall provide written reasons to the Student Honor Council.

## APPEALS

40. The determination of the Honor Board will be final, unless, within three (3) business days after the Presiding Officer’s report is sent, the Complainant or Respondent provides written notice to the Director of Student Conduct of his/her intent to file an appeal. The Respondent may appeal both the determination of responsibility and the sanction. The Complainant only may appeal the sanction.

41. A written argument supporting any appeal must be submitted in writing to the Director of Student Conduct within an additional seven (7) business days. The opposing party shall be provided a reasonable opportunity to submit a written response.

42. Grounds for an appeal shall be limited to:

(a) Substantial Procedural Error: Procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Respondent notice or a fair opportunity to be heard. Deviations from procedures that were not so substantial as to deny a Respondent notice or a fair opportunity to be heard will not be a basis for granting an appeal;

(b) Disproportionate Sanctioning: The sanction is substantially disproportionate to the offense, which means it is far in excess of what is reasonable given the facts or circumstances of the violation;

(c) Arbitrary and Capricious Determination: An arbitrary and capricious decision is a decision without a rational basis or unsupported by any evidence in the record; or

(d) Appearance of New Evidence: New and significant relevant information has become available which a reasonably diligent person could not have discovered before or during the original hearing.

When the basis of the appeal is new evidence, the appellate body will determine whether the information is new and was unavailable at the time of the Honor Review. If the appellate body determines that the information is not new and was available at the time, the appeal will be denied. If the information is determined to be new and unavailable at the time of the Honor Review, the appellate body will consider whether the new information could have changed the outcome of the original Honor Review. If it is determined that the outcome could have been impacted by the new evidence, the case will be sent back to the original Honor Board for further review.

- (e) Appeals are not intended to allow for a second review of the facts of the case and determination of whether there was a violation. A review of the matter will be prompt and narrowly tailored to the stated grounds for appeal. In most cases, appeals are confined to a review of the written record and the statements of the parties in support or against the appeal. In all cases, deference shall be given to the determinations of the lower board.
- (f) The appellate body will consider the appeal and may:
  - i. Affirm the Decision and the sanction imposed;
  - ii. Affirm the Decision and reduce, but not eliminate, the sanction;
  - iii. Remand the case to a new Honor Board, if there were procedural or interpretation errors;
  - iv. Remand the case to the original Honor Board in accordance with procedures outlined under “New Evidence”; or
  - v. Dismiss the case if the decision is determined to be arbitrary and capricious.

43. Decisions of the appellate body will be by majority vote, based upon the record of the original proceeding and upon written briefs.

45. Decisions of the Appellate Board are final. Decisions of the Senate Student Conduct Committee are final, and if the decisions are for Suspension or Expulsion, then it will be presented to the Vice President of Student Affairs for review. Decisions altering the determinations of Honor Boards shall be accompanied by a brief report explaining the appellate body’s decision.

### **THE STUDENT HONOR COUNCIL**

4637. There shall be a Student Honor Council composed of qualified graduate and undergraduate students in good academic ~~standing~~<sup>ix</sup>~~standing~~<sup>xii</sup>.

47. All Student Honor Council will participate in orientation and training sessions by the Office of Student Conduct.

48. ~~Student38.~~ The members of the Student Honor Council who are charged with any violation of this Code, the Code of Student Conduct, another University policy, or with a criminal

~~offense may be suspended from their judicial positions appointed for one (1) year terms, by the Director of Student Conduct during the pendency of the charges against them. Students deemed responsible for any such violation or offense may be disqualified from any further participation in the University Student Judiciary by the, Director of Student Conduct. Additional grounds and procedures Academic Integrity, and the Chair of the Honor Council. Students may be reappointed for removal may also be set forth in the bylaws of the University Student Judiciary additional one (1) year terms.~~

~~4939. All Student Honor Council members are subject to the training and conduct requirements of Parts 27 and 28 of the Code of Student Conduct.~~

40. 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 35 of this Code.~~

~~(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.~~

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

~~50(g) — To issue an annual report to the University Senate on academic integrity standards, policies, and procedures, including recommendations for appropriate changes.~~

41. 50. 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.

## DISCIPLINARY RECORDS

51. The files of students found responsible for violations of the Code of Academic Integrity will be retained as a disciplinary record for three (3) years starting from the date of the letter providing final notice of disciplinary action. Records may be retained for longer periods of time or permanently if so stated in the Respondent’s sanction notice. Case files resulting in sanctions of suspension or expulsion shall result in a permanent disciplinary record unless otherwise stated.

52. Students may petition the Office of Student Conduct to void their disciplinary record early, for good cause. Factors to be considered in review of such petitions shall include:

- (a) The present demeanor of the Respondent
- (b) The conduct of the Respondent subsequent to the violation
- (c) The nature of the violation and the severity of any damage, injury, or harm resulting from it.

52. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee, which will apply the standard of review outlined in 43(c). Such an appeal must be submitted in writing within five (5) business days from the date of the letter providing notice of the original decision. Disciplinary records retained for less than 90 days or designated as “permanent” shall not be voided without unusual and compelling justification.

## ~~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.~~

## TERMS

AD HOC HONOR BOARD – board consisting of a presiding officer, two (2) students, and one (1) faculty or staff member appointed by the Director of Student Conduct ~~or designee~~.

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 – a standard of proof that evidence which results in reasonable certainty of the truth of the ultimate fact in controversy. It is a standard of proof that ~~It~~ requires more certainty than a preponderance of the evidence but less certainty than what is required in criminal cases of proof beyond a reasonable doubt. Clear and convincing evidence will be shown where the truth of the facts asserted is highly probable.

COMPLAINING PARTY – those representing the group who brought the complaint. This may include the Campus Advocate (the Complainant), the instructor of the course, and a representative from the academic department.

~~COMPLAINANT – individual 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~~respondent~~ and the Director of Student Conduct ~~or designee~~ to resolve a case of academic dishonesty. The Director of Student Conduct ~~or designee~~ will be responsible for the finding of facts, determination of responsibility and sanctioning if the Respondent~~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 five (5) voting members (three (3) student members of the Honor Council and two (2) faculty or staff members), and one (1) non-voting presiding officer.~~

HONOR REVIEW – the process conducted by the Student Honor Council leading to resolution of an academic dishonesty case.

INTENTIONALLY done with a purpose to complete a desired outcome regardless of whether or not the desired outcome occurred

KNOWINGLY committing to behavior with awareness of action or when there is a reasonable expectation to be aware of the act

PRELIMINARY INTERVIEW – informal meeting prior to an Honor Review or Disciplinary Conference between the Director of Student Conduct ~~or designee~~ and a student accused of violating the *Code of Academic Integrity* to discuss the allegations and corresponding charges, the student’s rights and responsibilities, and the options for resolution.

RESPONDENT – student responding to allegation of academic dishonesty under this Code

~~PRESIDING OFFICER—individual on the Honor Board responsible for directing proceedings during the Honor Review. The Presiding Officer is selected by the Director of Student Conduct.~~

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

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<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 the incident.

<sup>iv</sup> The term “Director of Student Conduct” includes any OSC staff member designated by the Director of Student Conduct.

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

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

<sup>vii</sup> At the conclusion of the preliminary interview students have ~~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>viii</sup> The statement shall include a reference to the right to be represented by an advocate, as specified in Part 1325(a) of this *Code*.

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<sup>ix</sup> The screening committee shall try to create an Honor Council that reflects the diversity of the campus, and is of sufficient size to allow for the investigation and resolution of cases as promptly as possible. The determination of 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.

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

<sup>\*</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>xi</sup> ~~De novo: re-hearing of original case without deference to the lower board’s ruling.~~

<sup>xii</sup> ~~The screening committee shall try to create an Honor Council that reflects the diversity of the campus, and is of sufficient size to resolve cases as promptly as possible. The determination of 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.~~