



Amendment to the *Code of Academic Integrity*

PRESENTED BY	Andrea Dragan, Chair, Student Conduct Committee
REVIEW DATES	SEC – February 21, 2020 SENATE – March 3, 2020
VOTING METHOD	In a single vote
RELEVANT POLICY/DOCUMENT	III-1.00(A) – University of Maryland Code of Academic Integrity
NECESSARY APPROVALS	Senate, President

ISSUE

In November 2019, a proposal was submitted to the Senate Executive Committee (SEC) suggesting minor revisions to the *Code of Academic Integrity* (III-1.00[A]) to add degree revocation as a possible sanction. The proposal noted that while degree revocation is included in the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10[A]) as a potential sanction for former students found responsible for violating the policy, that sanction is not discussed in the *Code of Academic Integrity*. In November 2019, the SEC charged the Student Conduct Committee (SCC) with review of the proposal.

RECOMMENDATION(S)

The Student Conduct Committee recommends that the proposed revisions to the *Code of Academic Integrity* (III-1.00[A]), as shown immediately following this report, be approved.

COMMITTEE WORK

The Student Conduct Committee (SCC) began its review at its meeting on December 3, 2019. It reviewed the proposal and related language on degree revocation in the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10[A]). During its review, the SCC consulted with the Director of Student Conduct, the Associate Provost for Faculty Affairs, and the Dean of the Graduate School, who jointly submitted the proposal, and with the Office of General Counsel.

The SCC learned about the scholarly misconduct process, and reviewed the process used to address violations of the *Code of Academic Integrity* involving former students. The SCC was in agreement that the *Code* should include a direct statement on degree revocation as a possible sanction. The committee felt that the University community and current and former students should understand that such a sanction is a possible consequence for egregious cases of misconduct in academic work or research conducted at the University. The SCC also felt that the *Code* should indicate that this would be the normal sanction in cases where a former student is found responsible for scholarly misconduct, in order to convey the severity of the consequences involved in scholarly misconduct. In order to ensure that such a sanction is accompanied by an appropriate level of due

process, the committee felt it would be important for former students to have the right to appeal the determination; the SCC developed revisions to the appeals section of the *Code* to incorporate cases involving degree revocation into existing procedures.

The SCC developed language for the *Code* in consultation with the proposers and the Office of General Counsel. The SCC voted to approve the proposed revisions to the *Code* in an email vote concluding on February 12, 2020.

ALTERNATIVES

The Senate could choose not to approve the recommendation and revisions to the Code of Academic Integrity. However, the University would lose an opportunity to ensure clarity in the process for enacting disciplinary action against former students found responsible of violating the scholarly misconduct policy.

RISKS

There are no risks to the University in adopting this recommendation.

FINANCIAL IMPLICATIONS

There are no known financial implications in adopting this recommendation.

**AMENDMENT TO THE *CODE OF ACADEMIC INTEGRITY*****2019-2020 Committee Members**

Andrea Dragan (Chair)
Kiara Anthony (Undergraduate Student)
Neijma Celestine-Donnor (Staff)
Raul Cruz-Cano (Faculty)
Andrea Goodwin (Ex-Officio Director of Student Conduct)
Ursula Gorham-Oscilowski (Faculty)
Angela Lambert (Undergraduate Student)
Charles Manekin (Faculty)

Michael Robidoux (Undergraduate Student)
Megan Stump (Graduate Student)
Hilary Thompson (Faculty)

Date of Submission**February 2020****BACKGROUND**

In November 2019, a proposal was submitted to the Senate Executive Committee (SEC) suggesting minor revisions to the *Code of Academic Integrity* (III-1.00[A]). The proposal noted that while degree revocation is included in the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10[A]) as a potential sanction for former students found responsible for violating the policy, that sanction is not discussed in the *Code of Academic Integrity*. In order to impose a sanction of degree revocation against a former student, the case would need to be reviewed through the academic misconduct process and a sanction would be determined based on the sanctions available in the *Code*. In November 2019, the SEC charged the Student Conduct Committee (SCC) with review of the proposal (Appendix 1).

CURRENT PRACTICE

While all work submitted for assessment is held to the standards of the *Code of Academic Integrity*, suspected misconduct may also be a violation of the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10[A]). When allegations that relate to both policies arise, the Research Integrity Officer (RIO) and the Director of Student Conduct together review the allegation and determine which policy should apply.

The scholarly misconduct process is structured to provide an extensive, thorough review of an allegation of misconduct against a faculty member, staff member, and/or student. The process seeks to determine whether misconduct such as fabrication, falsification, plagiarism, or other types of misconduct that seriously deviate from the practices commonly accepted in the field have occurred. The process incorporates a Preliminary Assessment phase, where the RIO will determine whether the alleged conduct could constitute scholarly misconduct and whether there is evidence that supports a review of the allegation. In cases that move forward, there is an Inquiry phase where a committee gathers evidence and assesses whether an allegation warrants an investigation, and an Investigation phase where a separate committee investigates to determine whether the misconduct occurred and whether the Respondent was responsible for the misconduct. The process incorporates due process rights for the Respondent at every stage, and seeks to produce a finding based on the preponderance of the evidence standard.

If the scholarly misconduct process ends in a finding of responsibility, after all appeal rights are exhausted by the parties, the responsible administrator will determine what disciplinary action is appropriate. In the case of a former student, degree revocation may be the appropriate sanction, but the responsible administrator does not have the authority to revoke a degree. In order to pursue the sanction, the case would be referred to the Office of Student Conduct for review under the process established in the *Code of Academic Integrity*. The OSC would follow its normal process to determine whether there is a violation of the *Code* and, if appropriate, determine a sanction.

The *Code of Academic Integrity* currently includes a range of possible sanctions for any violation, from educational sanctions through expulsion. The *Code* does not explicitly include degree revocation as a possible sanction. However, Part 56 of the *Code* allows for other sanctions that are appropriate to the specific case to be imposed. The Office of Student Conduct has relied on this flexibility within the *Code* when degree revocation may be an appropriate sanction. Degree revocation is very rarely considered as a sanction, and is only used in the most egregious cases.

COMMITTEE WORK

The Student Conduct Committee (SCC) began its review at its meeting on December 3, 2019. It reviewed the proposal and related language on degree revocation in the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10[A]). During its review, the SCC consulted with the Director of Student Conduct, the Associate Provost for Faculty Affairs, and the Dean of the Graduate School, who jointly submitted the proposal, and with the Office of General Counsel.

The SCC learned about the scholarly misconduct process, and reviewed the process used to address violations of the *Code of Academic Integrity* involving former students. The proposers shared examples of cases where students could be implicated in a scholarly misconduct allegation, and discussed how cases are reviewed through both the scholarly misconduct and academic misconduct processes.

When faculty are found responsible for violating the scholarly misconduct policy, they face sanctions up to and including termination, and may face sanctions beyond the University when federal funding is involved. The SCC noted that any such cases involving current students would likely result in a sanction of expulsion, given that the offense would likely be egregious in nature if it were to be pursued under the scholarly misconduct policy. Since expulsion is no longer available for students who have already graduated, the SCC determined that degree revocation is likely the most appropriate analog.

After reviewing the process, the SCC was in agreement that the *Code* should include a direct statement on degree revocation as a possible sanction. The committee felt that the University community and current and former students should understand that such a sanction is a possible consequence for egregious cases of misconduct in academic work or research conducted at the University. The SCC also felt that the *Code* should indicate that this would be the normal sanction in cases where a former student is found responsible for scholarly misconduct, in order to convey the severity of the consequences involved in scholarly misconduct. In order to ensure that such a sanction is accompanied by an appropriate level of due process, the committee felt it would be important for former students to have the right to appeal the determination; the SCC developed revisions to the appeals section of the *Code* to incorporate cases involving degree revocation into existing procedures.

The SCC developed language for the *Code* in consultation with the proposers and the Office of General Counsel. The SCC voted to approve the proposed revisions to the *Code* in an email vote concluding on February 12, 2020.

RECOMMENDATIONS

The Student Conduct Committee recommends that the proposed revisions to the *Code of Academic Integrity* (III-1.00[A]), as shown immediately following this report, be approved.

APPENDICES

Appendix 1 — Charge from the Senate Executive Committee

Appendix 2 — Frequently Asked Questions (FAQs) on Degree Revocation



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; Amended effective January 1, 2019)

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.

All work submitted for assessment is held to the standards in this *Code*. In cases where an allegation of academic dishonesty could also be a violation of the University's policy on scholarly misconduct, the Director of Student Conduct and the University's Research Integrity Officer (**RIO**) will determine whether this *Code* or the relevant University policy will apply. **When a scholarly misconduct process results in a finding of responsibility for a current or former student, the RIO will refer the case to the Office of Student Conduct for review under this *Code* in order to determine responsibility and an appropriate sanction.**

The *Code of Academic Integrity* is administered by the Office of Student Conduct and its Director. References in this *Code* to the Director of Student Conduct include the Director and designees.

PROHIBITED CONDUCT

1. **ACADEMIC DISHONESTY:** any of the following acts, when committed by a student, constitute academic dishonesty:
 - (a) **CHEATING:** fraud, deceit, or dishonesty in any academic course or exercise in an attempt to gain an unfair advantage, and/or using or attempting to use unauthorized materials, information, or study aids in any academic course or exercise.
 - (b) **FABRICATION:** unauthorized falsification or invention of any information or citation in any academic course or exercise.

- (c) FACILITATING ACADEMIC DISHONESTY: knowingly helping or attempting to help another to violate any provision of this *Code*.
- (d) PLAGIARISM: representing the words or ideas of another as one's own in any academic course or exercise.
- (e) SELF-PLAGIARISM: the reuse of substantial identical or nearly identical portions of one's own work in multiple courses without prior permission from the current instructor or from each of the instructors if the work is being submitted for multiple courses in the same semester.

DEFINITIONS

2. When used in the context of this *Code*, the terms below mean the following:

- (a) "University" means the University of Maryland, College Park.
- (b) "Student" means either a person enrolled in or auditing courses at the University on a full-time or part-time basis at the time the alleged violation occurred, or an individual who may not be enrolled for a particular term at the time the alleged violation occurred but has a continuing relationship with the University.
- (c) "Respondent" refers to a student alleged to have committed a violation of this *Code*.
- (d) "Complainant" includes individual(s) who have referred a student or incident to the Office of Student Conduct based on an alleged violation of the *Code*. A Complainant may be any member of the campus community, including the instructor of the course or a representative from the academic department.
- (e) "Campus Advocate" refers to a registered, degree-seeking student designated by the Office of Student Conduct who is responsible for working with the Complainant in preparation for the Honor Review process. Their responsibilities include preparing a formal charge for alleged violations of the *Code* on behalf of the University community and drafting appeal responses when necessary.
- (f) "Community Advocate" is a registered, degree-seeking student who is trained to assist or represent the Complainant and present disciplinary cases at Honor Reviews. Their responsibilities include providing brief opening and closing statements, presenting evidence, and other duties as requested by the Honor Board. The Community Advocate performs their responsibilities under the oversight of the Campus Advocate designated by the Office of Student Conduct.
- (g) "Mitigating factors" may be considered in determining sanctions. Factors may include, but are not limited to, the conditions under which the incident occurred, the present demeanor of the Respondent, whether the Respondent has acknowledged responsibility for the alleged misconduct, and any steps the Respondent has taken to address their behavior.
- (h) "Aggravating factors" may be considered in determining sanctions. Factors may include, but are not limited to, the present demeanor and past disciplinary record of the Respondent, the extent of dishonest or malicious intent, the degree of premeditation or planning, as well as the nature and importance of the academic exercise.

- (i) “Knowingly” means consciously engaging in specific conduct, regardless of whether the individual understood the conduct was a violation of the *Code*.

STANDARD OF EVIDENCE

3. The focus of disciplinary proceedings is to resolve allegations of academic dishonesty. Students have the right to be notified of the allegations and specific charges against them, to have access to the information underlying the charges, and to have an opportunity to respond. The clear and convincing standard of evidence will be used to determine responsibility for *Code* violations. Clear and convincing evidence gives a reasonable certainty of the truth, and means that based on the totality of the evidence, it is highly and substantially more probable than not that the violation occurred. Sanctions are imposed according to the nature and severity of the violation.

RESPONSIBILITY TO REPORT ACADEMIC DISHONESTY

4. 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 indifference 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

5. New and incoming graduate and undergraduate students should be informed about the role of the Honor Pledge and the Student Honor Council, as well as the obligation of all members of the University of Maryland, College Park community to promote and practice the highest standards of academic integrity.

HONOR PLEDGE

6. The Honor 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. Instructors are urged to emphasize the importance of academic honesty and of the pledge as its symbol. Instructors are encouraged to reference both the pledge and this *Code* on syllabi, including links to additional materials online.

7. On all work submitted for assessment that is not specifically exempted by the instructor, students are encouraged to write and sign the following pledge:

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

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*. Signing or non-signing of the pledge will not be considered in grading or in student conduct procedures.

8. 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. Instructors should define clearly in writing what type of material or information is authorized. Students are expected to seek clarity if there is confusion as to whether specific materials are authorized.

SELF-REFERRAL

9. 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. 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. Students may not exercise the self-referral option more than once during their enrollment at the University.
10. If an investigation by the Director of Student Conduct 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 will notify the instructor of the course in which the incident occurred to consult on the matter. The Director of Student Conduct will 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 will notify the instructor of the course in which the incident occurred of the meeting's outcome.
11. 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 student may have the grade for the academic exercise in question reduced to a zero, by one letter grade, or to an "F."
12. If the Director of Student Conduct determines that academic dishonesty was suspected at the time of the student's self-referral and admission, 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.

REPORTING ACADEMIC DISHONESTY

13. Any member of the University community who has witnessed an apparent act of academic dishonesty, or who has information that reasonably leads to the conclusion that such an act has occurred or has been attempted, has the responsibility to promptly inform the Office of Student Conduct.
14. If the Director of Student Conduct determines that a report of academic dishonesty is supported by reasonable cause, the Office of Student Conduct will notify the student. University email is the primary means by which the Office of Student Conduct communicates with students. Students are responsible for reading all official communications delivered to the University email address and are advised to check their email regularly for University communications, including those from the Office of Student Conduct.
15. The Office of Student Conduct will 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. The instructor of the course in which the incident occurred may be included in the meeting. The Office of Student Conduct will also provide the Respondent with a copy of this *Code* and a statement of procedural rights, which will include information about the right to be assisted by an Advocate, in alignment with Part 21 of this *Code*.

THE STUDENT HONOR COUNCIL

16. The Student Honor Council is a branch of the University Student Judiciary composed of qualified graduate and undergraduate students in good academic standing.
17. 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 designate from its members students to serve as members of Honor Boards, as specified in this *Code*.
 - (c) To advise and consult with faculty and administrative officers on matters pertaining to academic integrity at the University.
18. All Student Honor Council members will participate in orientation and training-sessions held by the Office of Student Conduct.
19. 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 positions by the Director of Student Conduct while the charges against them are pending. Students found 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 for removal may also be set forth in the bylaws of the University Student Judiciary.

20. The administration will provide an appropriate facility for the primary use of the Honor Council suitable for conducting Honor Reviews. Clerical and secretarial assistance will also be provided.

ROLE OF ADVOCATE, ADVISOR, AND SUPPORT PERSON

21. The Respondent may be assisted by an Advocate, who must be a registered, degree-seeking student at the University. The role of an 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 Respondent.
 - (d) Following a determination of responsibility, the Advocate may make recommendations regarding sanctions, if appropriate.
22. 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.
23. Respondents may choose to be supported by a Support Person of their choice to provide emotional and logistical support. A Support Person shall not be an active participant in the process.
24. As a general practice, disciplinary proceedings will not be delayed due to the unavailability of an Advocate, Advisor, or Support Person.

ROLE OF WITNESSES IN ACADEMIC MISCONDUCT PROCEEDINGS

25. It is the responsibility of the party requesting the presence of a witness to ensure that the witness appears. Because experience has demonstrated that the appearance of a witness is of greater value than a written statement, the latter is discouraged and should not be used unless the witness cannot or reasonably should not be expected to appear. Any written statement must be dated and signed, and witnessed by a staff member in the Office of Student Conduct or a person designated by the Director of Student Conduct. The resolution process will not generally be delayed due to the unavailability of a witness.
26. University students and employees are expected to comply with requests to serve as a witness, unless compliance would result in significant and unavoidable personal hardship

or substantial interference with normal University activities. Notifications of a witness' inability to appear must be submitted in writing to the Director of Student Conduct.

27. During an Honor Review, the Presiding Officer may direct witnesses to appear upon the motion of any Honor Board member, or at the request of either party. If the Director of Student Conduct determines that a fair Honor Review cannot be held without the testimony of a particular witness, and if after good faith attempts are made to notify the witness, the witness either fails to or refuses to appear, the Honor Review will be postponed until the witness agrees to appear or the charges will be dismissed.

PROCEDURES: RESOLUTION BY INFORMAL AGREEMENT

28. If the Respondent acknowledges responsibility for academic dishonesty, they may choose to resolve the matter informally without participating in a formal disciplinary process.
29. In consultation with the instructor of the course in which the incident occurred, the Director of Student Conduct and the Respondent may reach an agreement concerning how a case should be resolved. With informal agreement, the Respondent waives the right to an appeal of the agreement and the sanction.

PROCEDURES: RESOLUTION BY A DISCIPLINARY CONFERENCE

30. Respondents may choose to resolve the matter in a Disciplinary Conference if the alleged act of academic dishonesty would not normally result in suspension or expulsion, as defined by the *Code of Academic Integrity*. The Director of Student Conduct reserves the right to refer complex or contested cases to an Honor Review for adjudication.
31. Disciplinary Conferences will be conducted by the Director of Student Conduct. The Respondent will be notified in writing of the conference outcome and sanctioning determination. Respondents who choose to resolve the matter in a Disciplinary Conference waive the right to an appeal of any decision made in a Disciplinary Conference.
32. Respondents 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 an Advisor, who may be an attorney, as well as an Advocate or Support Person. All Advisors, Advocates, and Support Persons are subject to the restrictions of Parts 21 through 24 of this *Code*.
33. A plea of not responsible will be entered for Respondents who fail to attend their scheduled Disciplinary Conference; the conference will proceed in their absence and the

Respondent will be notified of the Disciplinary Conference outcome and sanctioning determination.

34. The Director of Student Conduct will determine that a student is responsible for academic dishonesty or an attempt thereof only after considering all of the information before them, and only if the Director believes that such a conclusion is supported by clear and convincing evidence. If the Director of Student Conduct finds that the Respondent is not responsible, the Director will dismiss the charge of academic dishonesty.
35. If the Director finds that the Respondent is responsible for academic dishonesty, the Director of Student Conduct may receive sanctioning recommendations from the Complainant, instructor, academic program, and the Respondent before determining an appropriate sanction.

PROCEDURES: RESOLUTION BY A DISCIPLINARY CONFERENCE BOARD

36. Respondents may request that the matter be resolved using a Disciplinary Conference Board if the alleged act of academic dishonesty would not normally result in suspension or expulsion, as defined by this *Code*. Disciplinary Conference Boards may be used to ensure the Respondent receives a review by their peers while also ensuring that the case can be resolved in an expedited or timely fashion. The discretion on whether to use a Disciplinary Conference Board to resolve the matter rests with the Director of Student Conduct. The Director of Student Conduct reserves the right to refer complex or contested cases to an Honor Review for adjudication.
37. Respondents who agree to resolve the matter through a Disciplinary Conference Board waive the right to an appeal of any decision made by the Board.
38. A Disciplinary Conference Board consists of two students from the University Student Judiciary and a staff member from the Office of Student Conduct.
39. Respondents who agree to a resolution by a Disciplinary Conference Board are accorded the same procedural protections as those who choose resolution by a Disciplinary Conference, as outlined in Part 32 above.
40. If the Disciplinary Conference Board finds that an attempt or act of academic dishonesty occurred, it will determine an appropriate sanction.

PROCEDURES: RESOLUTION BY AN HONOR REVIEW

41. Cases that are not appropriate for resolution through an Informal Agreement, a Disciplinary Conference, or a Disciplinary Conference Board will be resolved through an Honor Review. The Director of Student Conduct will select the date, time, and place for the Honor Review, and will notify all parties in writing a minimum of five (5) business days in advance.

42. Honor Reviews are conducted by an Honor Board convened by the Student Honor Council. Normally, an Honor Board consists of six members: five voting members and one non-voting Presiding Officer. Determinations of the Honor Board will be by a majority vote. In cases of a tie, the Presiding Officer will vote to break the tie. Honor Boards are selected as follows:
 - (a) Three (3) students will be selected by the Student Honor Council from among its members. If the Respondent is a graduate student, then at least two (2) of the student members will be graduate students.
 - (b) Two (2) faculty or staff members will be selected by the Office of Student Conduct. If the Respondent is a graduate student, then at least one (1) member will be a regular member of the graduate faculty.
 - (c) The Presiding Officer may be a University student, faculty, or staff member and will be selected by the Director of Student Conduct.
43. If the full Honor Board is unable to convene on the date of the scheduled Honor Review, a replacement Board member may be identified. The modified Board can convene if the Respondent signs a waiver agreeing to the modified makeup of the board.
44. Ad hoc Honor Boards may be convened 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 the allegation is reported. The Director of Student Conduct will convene an ad hoc Honor Board by selecting and appointing at minimum two students and one faculty or staff member. Whenever possible, student members of ad hoc Honor Boards will be members of the Student Honor Council. A Presiding Officer will be appointed by the Director of Student Conduct and will only vote in cases of a tie.
45. Honor Boards may be advised by a University staff member as designated by the Director of Student Conduct. A Board Advisor is a non-voting member of the Board and has all the privileges of Board members, including the ability to comment on questions of procedure and on the relevance of evidence, and will otherwise assist in the administration of the hearing.
46. The Campus Advocate will prepare a formal charge of academic dishonesty, and send it to the Respondent and the Honor Board with appropriate written notice. The Community Advocate will present the case at an Honor Review. The principal responsibilities of the Community Advocate are:
 - (a) To present the evidence and analysis upon which the charge is based to the Honor Board during the Honor Review; and
 - (b) To perform such other duties as may be requested by the Student Honor Council or the Honor Board.
47. The charge of academic dishonesty serves to give the Respondent a reasonable understanding of the act and circumstances to be considered by the Honor Board, in order to allow the Respondent to contribute in a meaningful way to the inquiry. It also serves to

provide initial focus to that inquiry. The charge may be modified as the discussion in the Honor Review proceeds, as long as the Respondent is provided notice and accorded a reasonable opportunity to prepare a response. Recesses or postponements may be granted by the Presiding Officer as needed to allow the Respondent a chance to review a modified charge and prepare a response.

48. The purpose of an Honor Review is to explore and investigate the incident giving rise to the allegation of academic dishonesty, and to reach an informed conclusion as to whether or not academic dishonesty occurred. It is the responsibility of all persons at an Honor Review to assist in a thorough and honest exposition of all related facts.

An Honor Review is not 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.

49. 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 decisions and rulings pertaining to scheduling and to the inclusion of information in the record. If in the judgment of the Presiding Officer there is reasonable cause to question the impartiality of a board member, the Presiding Officer will inform the Honor Council, which will reconstitute the Honor Board.
50. The Presiding Officer may modify procedural guidelines when necessary. Normally, the following procedures apply during an Honor Review:
- (a) Both parties will be given an opportunity to share any relevant information or arguments. The Community Advocate will summarize the matter before the Honor Board first, followed by a summary presented by the Respondent.
 - (b) The Community Advocate will present and question witnesses, and offer documents or other materials relevant to the case. The Respondent will then present and question witnesses, and offer documents or other materials relevant to the case. The Community Advocate, the Respondent, and all members of the Honor Board may question any witness appearing before the Board.
 - (c) The members of the Honor Board may ask the Complainant, the Community Advocate, or the Respondent any relevant questions. The members may also request any additional material or the appearance of other witnesses, as appropriate.
 - (d) The Community Advocate may make a brief closing statement, followed by a brief closing statement by the Respondent.
 - (e) The Honor Board will meet privately to discuss the case, and must reach a finding by a majority vote.
 - (f) The Honor Board will not conclude that the Respondent 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 Community Advocate and the Respondent or their Advocate may recommend an appropriate sanction. Pertinent documents or other material may be submitted for consideration. The Honor Board will then meet privately to reach a decision regarding the sanction by a majority vote.
 - (h) The Presiding Officer will provide the Community Advocate and the Respondent with a written report of the Honor Board's determination.
51. An Honor Review is a confidential investigation. It requires a deliberative and candid atmosphere, free from distraction. As such, Honor Reviews are not open to the public or others interested in the case. The Presiding Officer has discretion to remove any person who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer. The Presiding Officer may exclude witnesses from the Honor Review except during the time they are providing information to the Board. The Honor Board may conduct its private deliberations at such times and places as it deems appropriate.
52. The University's academic integrity process differs from any legal proceedings. Formal rules of evidence are not applicable to Honor Review proceedings. The Presiding Officer will admit all matters into evidence which reasonable persons would accept as relevant, significant, and important to the issues being decided in the case. Unnecessarily repetitious, irrelevant, or prejudicial evidence may be excluded at the discretion of the Presiding Officer.
53. If the Honor Board finds that an attempt or act of academic dishonesty did occur, it will impose an appropriate sanction.

SANCTIONS

54. The normal sanction for undergraduate students found responsible for violating the *Code of Academic Integrity* is the grade of "XF." The normal sanction for a graduate student is the grade of "XF" and dismissal (suspension or expulsion) from the University. **The sanctions available for former students will need to be determined on a case by case basis, but in cases where a former student has been found responsible under the University's scholarly misconduct policy, the normal sanction is degree revocation.** The Director of Student Conduct and/or the Honor Board or Disciplinary Conference Board will consider sanction recommendations from the Complainant and Respondent in determining an appropriate sanction.
55. Attempts to commit acts prohibited by this *Code* may be sanctioned to the same extent as completed violations.
56. The Director of Student Conduct reserves the right to impose a lesser or more severe sanction depending on mitigating or aggravating factors as defined in Parts 2(g) and 2(h) above. The following sanctions for violations of this *Code* may be imposed:

- (a) **Degree revocation: rescinding a degree previously awarded by the University. A permanent notation will appear on the student's transcript.**
- (ba) **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 requires administrative review and approval by the Vice President for Student Affairs and may be altered, deferred, or withheld.)
- (cb) **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 requires administrative review and approval by the Vice President for Student Affairs and may be altered, deferred, or withheld.)
- (de) **The grade of "XF":** the grade "XF" recorded on the student's transcript includes the notation "failure due to academic dishonesty." The grade of "XF" is treated in the same way as an "F" for the purposes of determining grade point average, course repeatability, and academic standing.
- (i) No student with an "XF" on their transcript will be permitted to represent the University in any extracurricular activity (for example, intercollegiate athletics, sports clubs, traveling performance groups, etc.), or run for or hold office in any student or University organization which is allowed to use University facilities or which receives University funds.
 - (ii) The normal duration of the placement of the "XF" is twelve months. If serious mitigating circumstances are presented, an abbreviated "XF" for six months may be considered. If serious aggravating circumstances are presented, the "XF" may be given as a permanent notation on the student's transcript for the course in question.
- (ed) **The grade of "F":** the grade "F" recorded on the student's transcript for the course in which the academic misconduct occurred. The grade of "F" factors into the determination of the student's grade point average, eligibility for course repeatability, and academic standing.
- (fe) **Letter grade reduction:** the student will be given no credit for any assignment(s) in which academic misconduct occurred, and the student's final course grade will be reduced as determined by the course instructor.
- (gf) **Zero on the assignment(s):** the student will be given no credit for the assignment(s) in which academic misconduct occurred. The instructor will factor the zero into the student's final grade in the course.
- (hg) **Other sanctions:** other sanctions may be imposed in addition to those specified in sections (a) through (f) above. Other sanctions may include educational or reflective experiences that encourage the student to prevent repeated acts of academic dishonesty, or help the student better understand how their academic

dishonesty affects the academic and professional communities of which the student is a part.

APPEALS

57. The Respondent may appeal both the determination of responsibility and the sanction. The Complainant may only appeal the sanction. A party must provide notice to the Director of Student Conduct of their intent to file an appeal in writing within three (3) business days after the Presiding Officer's report is sent.
58. A written argument supporting the appeal must be submitted in writing to the Director of Student Conduct within seven (7) business days of the notice of the intent to file an appeal. The opposing party will be provided seven (7) business days to submit a written response.
59. If the parties do not submit notice of their intent to file an appeal, the decision and sanction are final after three (3) business days from the date of the Presiding Officer's report. Appeals submitted after three (3) business days will be denied.
60. Appeals of decisions resulting in suspension, ~~or~~ expulsion, **or degree revocation** will be decided by the University Senate Student Conduct Committee Appellate Body, which is comprised of three members from the Student Conduct Committee including at least one student. Appeals of decisions resulting in sanctions other than suspension or expulsion will be decided by the Appellate Board, which is a branch of the University Student Judiciary and is comprised of students.
61. Grounds for an appeal will 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 Decision: An arbitrary and capricious decision is a decision without a rational basis or unsupported by any evidence in the record.
 - (d) 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.

62. 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 of or against the appeal. In all cases, deference shall be given to the determinations of the lower board.
63. The appellate body will consider the appeal and may:
 - (a) Affirm the Decision and the sanction imposed;
 - (b) Affirm the Decision and reduce, but not eliminate, the sanction;
 - (c) Remand the case to a new Honor Board, if there were procedural or interpretation errors;
 - (d) Remand the case to the original Honor Board in accordance with the procedures outlined under “New Evidence;” or
 - (e) Dismiss the case if the decision is determined to be arbitrary and capricious.
64. Decisions of the appellate bodies are not subject to further appeal. Decisions altering the determinations of Honor Boards will be accompanied by a brief report explaining the appellate body’s decision. Sanctions of suspension or expulsion require review and approval by the Vice President for Student Affairs. The Vice President for Student Affairs may alter, defer, or withhold a sanction of dismissal.

“XF” REMOVAL PROCESS

65. The Respondent may file a written petition to the Appellate Board to have the grade of “XF” removed and permanently replaced with the grade of “F.” The Appellate Board has the sole discretion in the decision to remove the grade of “XF” and replace it with an “F” provided that:
 - (a) At the time the petition is received, at least twelve (12) months should have elapsed since the grade of “XF” was imposed, unless a different time period was specified at the time the “XF” was imposed;
 - (b) At the time the petition is received, the student has successfully completed a non-credit seminar on academic integrity, as administered by the Office of Student Conduct; or, for those 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.

66. Prior to deciding a petition, the Appellate Board will review the record of the case and consult with the Director of Student Conduct. Generally, the grade of “XF” will not be removed if it was imposed for an act of academic dishonesty requiring significant premeditation.
67. If the “XF” grade is removed, records of the incident may be voided. If the Appellate Board denies the petition to remove the “XF” grade, the petition cannot be reconsidered for one year, unless the Appellate Board specifies an earlier date on which the petition may be reconsidered.
68. Decisions of the Appellate Board pertaining to the removal of the “XF” may be appealed to the Senate Student Conduct Committee Appellate Body. If the Senate Student Conduct Committee Appellate Body removes the grade of “XF” from the student’s transcript, the Senate Student Conduct Committee Appellate Body will provide a written rationale to the Student Honor Council.

DISCIPLINARY RECORDS

69. Students found responsible for violations of the *Code of Academic Integrity* will have a disciplinary record. Disciplinary records are maintained by the Office of Student Conduct for a period of three (3) years from the date of the letter providing notice of final disciplinary action. Disciplinary records may be retained for longer periods of time or permanently, if specified in the sanction. Disciplinary records of students with a sanction of suspension or expulsion will be retained permanently unless otherwise specified.
70. 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 include:
 - (a) The present demeanor of the Respondent;
 - (b) The conduct of the Respondent subsequent to the violation; and
 - (c) The nature of the violation and the severity of any damage, injury, or harm resulting from it.
71. Disciplinary records retained for less than 90 days or designated as “permanent” should not be voided without unusual and compelling justification.
72. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee, which will consider the appeal using the grounds for appeal outlined in Part 61 above. Such an appeal must be submitted in writing within five (5) business days from the letter providing notice of the original decision.



Amendment to the Code of Academic Integrity (Senate Document #19-20-32) Student Conduct Committee | Chair: Andrea Dragan

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Student Conduct Committee review the proposal entitled, *Amendment to the Code of Academic Integrity*.

Specifically, it asks that you:

1. Review the University of Maryland Code of Academic Integrity ([III-1.00\[A\]](#)).
2. Review language related to degree revocation within the University of Maryland Policy and Procedures Concerning Scholarly Misconduct ([III-1.10\[A\]](#)).
3. Consult with the proposers, the Director of the Office of Student Conduct, the Associate Provost for Faculty Affairs, and the Dean of the Graduate School.
4. Consider whether the *Code of Academic Integrity* should be amended to define degree revocation and identify it as a potential sanction.
5. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
6. If appropriate based on the committee's consideration of the above items, recommend whether the existing policy should be revised.

We ask that you submit a report to the Senate Office no later than **February 7, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Amendment to the Code of Academic Integrity

Table with 4 rows: NAME/TITLE (Andrea Goodwin, John Bertot and Steve Fetter), EMAIL (Agoodwin@umd.edu), PHONE (3013148204), UNIT (Office of Student Conduct), CONSTITUENCY (Staff)

DESCRIPTION OF ISSUE

Students may commit violations of the Code of Academic Integrity that go undetected until after the student has graduated from the University and receives their degree. It is the current and longstanding practice of the Office of Student Conduct to hold former students accountable for violations of the Code of Academic Integrity that occurred at the time they were a student.

However, the Code of Academic Integrity does not currently define "Degree Revocation" as a sanction and does not state that this is the standard penalty for a former student found responsible for academic dishonesty who has since earned their degree.

Degree Revocation is referenced in the University's Policy on Scholarly Misconduct, part X (B) 2:

Disciplinary Action. The University views Scholarly Misconduct as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts. Disciplinary action may include suspension and/or termination of employment of a faculty or staff member found responsible for Scholarly Misconduct.

The Code of Academic Integrity references the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10(A) in the following way: In cases where an allegation of academic dishonesty could also be a violation of the University's Policy in scholarly misconduct, the Director of Student Conduct and the University's Research Integrity Office will determine whether this Code or the relevant University policy will apply.

However, the University of Maryland Policy and Procedures Concerning Scholarly Misconduct does not specifically define Degree Revocation. This applies to scholarly work, which includes research and other creative activity, research training, applications and proposals, and related activity containing a research component, performed at the University by any person, including students.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

Amend the Code of Academic Integrity to clearly define degree revocation as a sanction and outline circumstances in which a degree may be revoked. For example:

"Degree Revocation" means rescinding a degree previously awarded by the University. In cases where a degree revocation sanction has been issued, it will be permanently noted on the student's academic transcript.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

Charge the appropriate Senate Committee with revising the *Code of Academic Integrity* to incorporate the suggested changes. After approval by the Senate and the President, the changes could then be implemented by the appropriate offices.

ADDITIONAL INFORMATION

Appendix 2

Amendment to the *Code of Academic Integrity* Senate Document #19-20-32 Frequently Asked Questions (FAQs) on Degree Revocation

Does the University currently have the ability to revoke a degree?

- Degree revocation can currently be used as a sanction in the academic misconduct process.
- The *Code of Academic Integrity* has a provision that allows for “Other sanctions,” in order to allow for sanctions that are not explicitly listed in the *Code* if they are appropriate for the specific case.
- However, since degree revocation is not explicitly listed in the *Code* as a potential sanction, current and former students are not aware that it is a possible consequence of egregious misconduct, or that it would be the normal sanction in cases involving the scholarly misconduct policy.

How many cases have resulted in degree revocation? How many of those were related to scholarly misconduct, versus those associated with *Code of Academic Integrity* violations?

- The Office of Student Conduct has revoked at most 4 degrees over the past 19 years.
- At least 2 of those were related to scholarly misconduct.

Do peer institutions allow degree revocation as a sanction for former students? Do peer institutions incorporate any sort of statute of limitations for degree revocations?

- Peers generally do allow for degree revocation as a potential sanction.
- Some institutions have the authority to revoke a degree but have not used that authority.
- Degree revocation is used very rarely and only in egregious cases. Peer institutions cite scholarly misconduct cases as potential valid reasons or the only reasons for degree revocation as a sanction.
- At peer institutions, former students have all of the due process rights current students would have in the academic misconduct process.

What is the process a case would go through in order to end in revocation of a degree?

- When an allegation is received, the Research Integrity Officer (RIO) and the Director of Student Conduct together review it to determine which policy should apply.
- For potential scholarly misconduct, the RIO would initiate a review under the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10[A]).
- If a former student is found responsible for violating the scholarly misconduct policy, the responsible administrator would determine what disciplinary action is appropriate.
- If degree revocation is recommended, the case would be referred to the Office of Student Conduct for review under the *Code of Academic Integrity*.
- The process in the *Code* would be followed. If an Honor Board finds the former student responsible, it would determine an appropriate sanction.
- Former students retain all rights to due process and appeals through both the scholarly misconduct and academic misconduct processes.

What stages are involved in the scholarly misconduct process? What due process rights do Respondents have through that process?

- The scholarly misconduct policy begins with a Preliminary Assessment phase, where the RIO determines whether the alleged conduct would constitute scholarly misconduct if it were true, and whether there is evidence to support reviewing the allegation.

- In the Inquiry Phase, a committee gathers evidence and assesses whether an allegation warrants an investigation.
- In the Investigation Phase, a separate committee investigates and comes to a finding as to whether the misconduct occurred and whether the Respondent is responsible.
- The scholarly misconduct process incorporates due process for the Respondent at every stage, through opportunities to respond to the allegation at each stage and opportunities to comment on draft reports and challenge determinations by each committee.
- The Respondent has the right to appeal the finding of the Investigation Committee.

Why is there no statute of limitations for cases that might result in degree revocation?

- The scholarly misconduct policy has no statute of limitations, due to the severity of the misconduct and the potential harm to the University, its reputation, and the scholarly community.
 - The scholarly misconduct policy states that “Misconduct in carrying out academic activities undermines the integrity of the educational system and the scholarly enterprise, and erodes the public trust in the university community.”
- Likewise, the *Code of Academic Integrity* has no statute of limitations, and specifically indicates that it applies to individuals who were students at the time of the violation.
- If a former student goes into academia, and their career path and the work that builds their professional reputation is based on misconduct like fabricated data, the University should review it and consider whether degree revocation is the correct response. We recognize that the consequence of revoking a degree would be serious damage to the individual’s career, but depending on the facts of the case, it might still be the appropriate sanction regardless of when it is found.
- There could be cases that show up in the news where the University would be pressured to act regardless of how far back the misconduct occurred, so it’s important to have this tool available to us.

Is degree revocation too severe a sanction for some *Code of Academic Integrity* violations?

- The degree revocation sanction, while available, would need to be appropriate depending on the facts of the case.
- In cases where an undergraduate student cheated on one exam and it wasn’t discovered until after graduation, degree revocation may not be a reasonable sanction.
- Other sanctions could be considered that may be more appropriate for the case.
- Former students would have the ability to appeal the sanction based on the grounds that it is grossly disproportionate to the offense.

What would an Honor Board do in a case where degree revocation would be unreasonable given the violation?

- Other sanctions would be considered instead of degree revocation.
- Possible sanctions could include putting a hold on the former student’s account (so they cannot get transcripts), either for a defined period of time or until the person completes an educational sanction such as a reflection paper or academic integrity seminar/tutorial.

If a former UMD student was also a former student of another institution and they committed misconduct while at that institution, but there is no evidence of misconduct while at UMD, would their UMD degree be revoked?

- No. A degree could only be revoked if the former student had been found responsible of misconduct while a student at the University of Maryland.

Standards of appropriate research conduct may change over time. How would this review take that into account for cases where an allegation focuses on misconduct well in the past?

- The scholarly misconduct policy focuses on whether the conduct seriously deviates from practices commonly accepted in the field. In cases that span years or decades, the RIO and the committees involved in the review would consider how practices have changed over time.
- Committees in the scholarly misconduct process include members with expertise in the relevant field, so that practices and standards in the discipline may be considered.
- In the academic misconduct process, faculty and staff are included on Honor Boards, so they can give perspectives on whether accepted practices could have changed in the time since the alleged conduct.