

Graduate Academic Misconduct Definitions and Procedures

Introduction

Graduate students at Florida International University are expected to adhere to the highest standards of integrity in every aspect of their lives. Honesty in academic matters is part of this obligation. Academic integrity is the adherence to those special values regarding life and work in an academic community. Any act or omission by a graduate student which violates this concept of academic integrity and undermines the academic mission of the University shall be defined as academic misconduct and shall be subject to the procedures and penalties that follow, below.

DEFINITION OF ACADEMIC MISCONDUCT

Academic misconduct is defined as the following intentional acts or omissions committed by any FIU graduate student:

Cheating: The unauthorized use of books, notes, aids, electronic sources; or unauthorized use of on-line exams, library materials or assistance from another person with respect to examinations, course assignments, field service reports, class recitations; or the unauthorized possession of examination papers (or on-line examinations) or course materials, whether originally authorized or not. Any student helping another cheat may be found guilty of academic misconduct.

Plagiarism: The deliberate use and appropriation of another's work without any indication of the source and the representation of such work as the student's own. Any student who fails to give credit for ideas, expressions or materials taken from another source, including internet sources, is guilty of plagiarism. Any student helping another to plagiarize may be found guilty of academic misconduct.

Misrepresentation: Intentionally lying to a member of the faculty, staff, administration, or an outside agency to gain academic advantage for oneself or another, or to misrepresent or in other ways interfere with the investigation of a charge of academic misconduct.

Misuse of Computer Services: The unauthorized use of any computer, computer resource or computer project number, or the alteration or destruction of computerized information or files or unauthorized appropriation of another's program(s).

Bribery: The offering of money or any item or service to a member of the faculty, staff, administration or any other person in order to commit academic misconduct.

Conspiracy and Collusion: The planning or acting with one or more fellow students, any member of the faculty, staff or administration, or any other person to commit any form of academic misconduct together.

Falsification of Records: The tampering with or altering in any way of any academic record used or maintained by the University.

Academic Dishonesty: In general, by any act or omission not specifically mentioned above and which is outside the customary scope of preparing and completing academic assignments and/or contrary to the above stated policies concerning academic integrity.

Any violation of this section shall first require a determination as to whether the act or omission constitutes academic misconduct.

The definitions and procedures do not address:

- 1) Issues related to sexual harassment, or discrimination based on age, sex, sexual orientation, religion, race, marital status, national origin or disability. The Equal Opportunity Programs (EOP) Office is responsible for handling such issues in accordance with procedures developed to comply with the Florida Equity Act;
- 2) Issues related to research misconduct. If the graduate student alleges unauthorized utilization of thesis, dissertation or research materials by a professor, resolution of the issue must be sought using the University Research Misconduct policy;
- 3) Issues related to professional misconduct. If the student is dismissed from a course or program due to violation of a professional code of conduct, those decisions are addressed at the school or college level.

ACADEMIC MISCONDUCT PROCEDURES

The following procedures for resolution of matters within the University judicial system shall apply to Acts of Academic Misconduct. All matters relating to Academic Misconduct among graduate students are referred to the Dean of the University Graduate School.

Filing Charges

Charges of Academic Misconduct may be brought against a student (hereafter Charged Student) by a faculty member, a chair, a dean, or the designee of the Dean of the University Graduate School (hereafter Complainant). Charges may be filed by the aforementioned persons on behalf of a staff person, another student, or a person not affiliated with the University who reasonably believes that a student has committed academic misconduct. If a student, staff, or a person not affiliated with the University observes a student committing an act of Academic Misconduct, he/she must first inform the appropriate faculty member, chair, dean, or the Dean of the University Graduate School or designee (hereafter Complainant). The Complainant who suspects Academic Misconduct must meet with the student in order to inform him/her of the allegation(s), to provide any evidence, and to allow the student to respond before either entering into an Informal Resolution, as described below, or filing the Complaint Form Alleging Academic Misconduct with the Dean of the University Graduate School.

The student's academic status will remain unchanged pending the outcome of either an Informal Resolution, or the University's final decision in the outcome of the Formal Procedure, except where the Dean or designee determines that the safety, health, or general welfare of the student or the University is involved. When a final grade for a course may be involved, a grade of "I" (Incomplete) should be assigned, pending the University's final decision in the matter. A Charged Student's ability to register for future semesters will be temporarily placed on hold until the Dean or designee is assured that the student is satisfactorily responding to the charges. If the Charged Student is satisfactorily responding to the charges, he/she will be allowed to register and his or her current academic status will remain unchanged, pending the University's final decision in the student disciplinary proceeding.

Informal Resolution:

An informal meeting between the Complainant and the Charged Student to resolve the matter outside of the formal hearing procedures will normally occur within fourteen (14) calendar days following date of the act or omission giving rise to the complaint or the date on which the Complainant became aware of the act or omission, whichever is later. Prior to meeting informally with the Charged Student, the Complainant will contact the Office of the Dean of the University Graduate School to determine whether the Charged Student has a prior record of being found responsible for academic misconduct. If it is determined that a Charged Student does have such a prior record, the Complainant cannot enter into an informal agreement and must file a Complaint Form Alleging Academic Misconduct directly with the Dean or designee. This will normally occur within fourteen (14) calendar days, as mentioned above.

The purpose of the informal meeting is for the Complainant to investigate and determine whether there is sufficient evidence to either:

1. File formal charges of Academic Misconduct;
2. Reach an Informal Resolution; or
3. Take no further action.

The Complainant's immediate supervisor should be present at an informal meeting. If an informal agreement is reached, both the Charged Student, the Complainant, and the immediate supervisor will sign a Consent Agreement form and the Complainant will file it with the Dean of the University Graduate School no later than seven (7) calendar days following the informal meeting. This form will set forth the terms and conditions of the agreement, including any sanctions allowed to be imposed. The student has three (3) business days to cancel the agreement in writing, after which the Consent Agreement becomes binding and no further action will be called for by these procedures.

If an Informal Agreement is not reached, or is deemed inappropriate by the Complainant, the Complainant may either take no further action or initiate a Formal Resolution by filing a Complaint Form Alleging Academic Misconduct with the University Graduate School no later than seven (7) calendar days after the meeting.

Formal Resolution

When formal procedures are initiated, the Dean of the University Graduate School or designee will review the complaint for timeliness, jurisdiction, and whether there is sufficient evidence to justify a formal hearing. If the Dean or designee determines the complaint to be within the jurisdiction of the formal process, that it is timely, and that there is sufficient evidence, the Office of Dean of the University Graduate School will send the Charged Student in writing, or arrange for the student to pick up materials at the University Graduate School, a written notice of the alleged violation(s) together with a copy of the Complaint Form and a copy of the Student Rights and Responsibilities, as outlined in the current Student Handbook. This material will be sent to the Charged Student's last known address as listed with the Office of the Registrar. Students are responsible for providing and maintaining current contact and address information with the Registrar.

The Charged Student must respond in writing to the University Graduate School no later than seven (7) calendar days upon receipt of notice, indicating whether he or she chooses to have his/her case resolved by Administrative Disposition or by a hearing of the Graduate Academic Conduct Review Board (GACRB or Board). If the Charged Student does not respond within seven (7) calendar days upon receipt of notice, he or she will be considered to have waived his/her rights to a Board hearing, and an Administrative Disposition meeting will be arranged.

The Administrative Disposition meeting or the GACRB Hearing will normally be held within 30 calendar days following receipt of the Charged Student's written response.

Administrative Disposition

A Charged Student may opt for an Administrative Disposition of his/her case. This option must be selected by the Charged Student in writing after being informed of the alleged violation(s) and notified of his/her rights. An appropriate University official, designated by the Dean of the University Graduate School, shall then meet with the Charged Student and the Complainant and reach a decision based upon the available information, in order to conduct the Administrative Disposition.

The disposition meeting will be tape-recorded and the administrator may question both parties. The Complainant or the Charged Student may bring witnesses who will be examined or cross-examined by the administrator, the Complainant, or the Charged Student. The Charged Student may have an advisor present. However, that advisor can only advise the student and may not address the administrator directly or cross-examine witnesses.

The Charged Student will be informed of, in writing or via an arrangement to pick up at the University Graduate School, the administrator's decision and sanction(s), if applicable, normally within 14 calendar days following the Administrative Disposition meeting. The Charged Student may appeal the decision according to the appeal process outlined below. However, a student is not entitled to a hearing before the

GACRB, nor may the Charged Student use the Student Grievance Process as a way to appeal the filing of a complaint or the outcome of an academic misconduct process.

Graduate Academic Conduct Review Board (GACRB) Hearing

A Charged Student may opt for a hearing before the Graduate Academic Conduct Review Board (Board). This option must be selected by the Charged Student in writing after being informed of the alleged violation(s) and notified of his or her rights.

Prior to the hearing. The University Graduate School will notify the student of the date of the Hearing. The Charged Student will be provided with a list of members of the Board who will hear the case.

Challenges. The Charged Student or the Complainant has the right to challenge the impartiality of any Board member and to request of the Chair that member's exclusion from participation, stating in writing to the Chair the reasons for the request. A challenge may be exercised no more than twice. If, at the Hearing, a Board member is present who was not previously identified, the Charged Student or the Complainant has the right to challenge his/her presence at the beginning of the Hearing. It will be the Chair's decision as to the validity of the challenge and what action should be taken.

Prior to the Hearing, the Charged Student and Complainant must submit all relevant documents and a list of witnesses no later than seven (7) calendar days before the Hearing day. Any documents received or witnesses introduced after this date may only be included at the discretion of the Chair of the GACRB.

Structure of the Graduate Academic Conduct Review Board (Board). The Board consists of four voting members, and a nonvoting chair. The Board is comprised of two graduate faculty and two graduate students. A graduate faculty member will chair the hearing. Members of any particular committee will vary, but will come from a pool of qualified faculty and students. Faculty members are recommended annually by the Faculty Senate. Graduate student members will be provided by the President of the Graduate Student Association (GSA). All members of the GACRB pool will be trained by the Office of the Dean of the University Graduate School.

Chair's Role. It shall be the Chair's responsibility to conduct the Hearing, make determinations on procedural matters, and preserve the orderly and effective functioning of the Hearing. It will be the Chair's decision as to whether or not attendance of either party is mandatory. At the Chair's discretion, either party can present their case in writing. The Chair will also ensure that members of the Board remain on their fact-finding task, and that both parties and/or witnesses, in their testimony, do not become unduly repetitious or wander from relevancy. The Chair will only vote to break a tie.

Formal Hearing. Under the provisions of the Florida Sunshine Law, the Hearing will be a closed meeting. The evidentiary part of the Hearing will be tape-recorded. The Charged Student and the Complainant have the right to an advisor physically present. Advisors may consult with whomever they represent, but cannot address the Chair or

Board members. Advisors cannot examine or cross-examine or otherwise participate in the Hearing. Advisors may not impede the orderly and effective functioning of the Hearing.

Hearing Procedure

1. The Chair will call the Hearing to order, outline the procedures, read the charges, and entertain any challenges to Board members not previously identified.
2. The Complainant will make a statement, presenting his or her charges and providing evidence to support the charge. This statement should normally be no longer than five minutes. The Complainant may call witnesses, whose testimony should normally be no longer than five minutes each. Witnesses may only be present at the evidentiary hearing while they are testifying.
3. The Chair and members of the Board may question the Complainant and witnesses. The Charged Student may cross-examine the Complainant and witnesses.
4. The Charged Student will make a statement presenting his or her response to the charges. This statement should normally be no longer than five minutes. The Charged Student may provide evidence and call witnesses, whose testimony should normally be no longer than five minutes each.
5. The Chair and members of the Board may question the Charged Student and witnesses. The Complainant may cross-examine the Charged Student and the witnesses.
6. The Chair will ask the Charged Student and Complainant to summarize their cases. These summaries should normally be no longer than five (5) minutes each.
7. The Chair will close the evidentiary part of the Hearing and dismiss all parties. The Board will meet in a closed deliberative session. The deliberative part of the Hearing will not be tape-recorded.
8. The Board will make findings of fact and a determination of "responsible" or "not responsible" for violating the Code of Academic Integrity. This decision will be based on a preponderance of evidence provided at the hearing, with the burden of proof resting with the Complainant. *Preponderance of Evidence* means that evidence, considered as a whole, indicated the fact sought to be proved is more probable than not. No other evidence or information, other than that presented at the hearing, shall be considered by the Board in reaching its findings and decision. The Board will reach its decision based on a majority vote. The Chair will vote only to break a tie.
9. The Chair will communicate to the Dean of the University Graduate School or designee the findings and decisions of the Board no later than seven (7) calendar days from the date of the hearing.

Review and Communication of Decision

The Dean of the University Graduate School, or designee, will review the Board's proceedings, the findings, and decisions and will communicate them to the Charged Student, along with his/her final decision and the appropriate sanction(s) to be imposed, normally within 14 calendar days following the hearing date. With respect to a finding of

responsible or not responsible, on the charges of violating the Code of Academic Integrity, the Dean of the University Graduate School or designee reviewing the recommendation of the Board may only:

1. Accept the recommendation; or
2. Remand the case for rehearing.

The student may appeal the decision according to the appeal process outlined below; however, a student is not entitled to an Administrative Disposition hearing, nor may the student use the Student Grievance Process as a way to appeal the outcome of an Academic Misconduct hearing.

Right to Appeal

A student has the right to appeal the decision and action of the Dean of the University Graduate School or designee, based on the outcome of the Board hearing or the Administrative disposition meeting for the following reasons:

- There has been a violation of the student's due process rights as outlined in the Academic Misconduct Hearing Procedures above.
- The severity of the sanction is not justified by the nature of the misconduct.
- New, relevant information not available during the earlier proceedings is made available. The nature of this new information shall be described in detail.

A written communication, specifying the grounds for an appeal, must be filed with the Office of the Provost no later than fourteen (14) calendar days following receipt of the decision.

The Provost or designee shall review the appeal and take one of the following actions:

- Dismiss the appeal and uphold the actions taken by the Dean of the University Graduate School or designee.
- Order a new hearing by a different GACRB or administrator.
- Amend the severity of the sanction administered.

The Provost or designee shall communicate his or her decision normally within fourteen (14) calendar days following the date the appeal was filed. Upon communication, no further action is provided for by the above procedures.

Records

It shall be the responsibility of the Office of the Dean of the University Graduate School to maintain copies of all communications, minutes, and dispositions regarding these procedures. The University shall comply with all state and federal laws regarding confidentiality of records.

A student who has a record of an Informal Resolution may petition the Dean of the University Graduate School or designee to have the record expunged one semester prior to graduation. During the semester prior to graduation, the student must request the expungement in writing to the Dean of the University Graduate School or designee.

All records of Formal Resolutions are permanent.

Review of Academic Misconduct Procedures

The Academic Misconduct Procedures will be reviewed at least every seven (7) years. This review will involve a committee appointed by the Dean of the University Graduate School, in consultation with the Chair of the Faculty Senate and the Presidents of the Student Government Council. The committee should consist of graduate faculty and graduate students who are familiar with the Academic Misconduct Procedures. At least one-half of the committee members shall be graduate students appointed by the President of the Graduate Student Association (GSA).

DISCIPLINARY SANCTIONS

Expulsion: Permanent separation of the student from the University preventing readmission to the institution. This sanction shall be recorded on the student's transcript.

Suspension: Temporary separation of the student from the University for a specified period of time. This sanction shall be recorded on the student's transcript. (In the semester prior to graduation, the student may petition to have the record removed from the transcript).

Disciplinary Probation: Formal, written warning that the continued enrollment of the student depends on the maintenance of satisfactory citizenship during the period of probation. This may also include a deferred sanction, which identifies the minimum sanction that would occur, if the student were found responsible for any future misconduct. A record of disciplinary probation and deferred sanction will be kept in the University Graduate School.

Failing or Reduction of Grade: Failing or grade reduction for the examination, project, or course assignment involved or for the course involved. This may include prohibiting the use of the Forgiveness Policy for the course.

Restitution: Reimbursement for damages incurred.

Restriction: Temporary or permanent loss of privilege of the use of a University facility or service.

Service: A requirement to render a designated number of hours of specified service to the University or community.

Counseling: A requirement to seek professional counseling in order to remain at the University.

Education: A requirement to enroll in and successfully pass a specified course or program, which is determined as appropriate by the Office of the Dean of the University Graduate School.

Other: Other disciplinary penalties considered fair and appropriate.

Sanctions resulting from an informal resolution may not include Expulsion, Suspension, or Disciplinary Probation.

The minimum sanction imposed on a student found responsible during a formal hearing will be failure of the course and a prohibition on the application of the Forgiveness Policy for that course. Sanctions might also include any of the sanctions listed above.

It shall be the responsibility of the Dean of the University Graduate School or designee to keep a record and implement sanctions resulting from both the informal and formal misconduct procedures.

Responsible division/department: University Graduate School

Responsible university officer: Dean, University Graduate School

Effective date: May 1, 2010

Last revision: March 29, 2010