

Chapter: 4. Student Personnel Activities & Services

4074: PROCEDURE FOR DEALING WITH ACADEMIC DISHONESTY

PROCEDURE NUMBER: **4074**
PROCEDURE TITLE: **PROCEDURE FOR DEALING WITH ACADEMC DISHONESTY**
BASED ON POLICY: **IV-5: STUDENT'S RIGHTS AND RESPONSIBILITIES**
EFFECTIVE DATE: **January 21, 1983**
DATE OF LAST ISSUE:

I. PURPOSE:

This procedure establishes a process for dealing with charges of academic dishonesty which respects the professional integrity of the faculty member in evaluating student performance and protects the rights of due process for the student.

Academic dishonesty is defined as an action inconsistent with the ethical standards of Miami-Dade Community College. Academic dishonesty includes the following actions, as well as other similar aimed at making false representation with respect to a student's academic performance.

- A. Cheating on an examination;
- B. Collaborating with others in work to be presented, if contrary to the stated rules of the course;
- C. Plagiarizing, including the submission of others' ideas or papers (whether purchased, borrowed, or otherwise obtained) as one's own;
- D. Submitting, if contrary to the rules of a course, work previously presented in another course;
- E. Knowingly and intentionally assisting another student in any of the above actions, including assistance in an agreement whereby any work, classroom performance, examination, or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed.

Some actions of academic dishonesty, such as stealing examinations or course material and falsifying records, may be processed through the Student Disciplinary Procedure.

II. PROCEDURE:

A. Preliminary Conferences

1. The faculty member confronts the student in a timely and professional manner to inform the student of the alleged act(s) of academic dishonesty of which the student is accused. If there is an admission of guilt from the student, the faculty member indicates the sanction(s) he/she feels to be most appropriate (see Level I, II, and III sanctions listed below). The decision to impose a Level I sanction is the responsibility of the faculty member. The decision to impose Level II sanction is the responsibility of the Department Chairperson. The decision to impose a Level III sanction is the responsibility of a campus Academic Hearing Committee. If only Level I sanctions are suggested by the faculty member, and these are accepted by the student, the incident is considered closed and not subject to any further action. The faculty member provides the Department Chairperson with a written report of the incident for the departmental files. If the faculty member believes Level II or III sanctions should be imposed, the matter is referred to the Department Chairperson.
2. If the student does not admit guilt or questions the severity of a Level I sanction, or if the faculty member recommended Level II or III sanctions, a conference is held between the student, the faculty member and the chairperson of the department in which the alleged act(s) of academic dishonesty took place. The conference is held as quickly following the initial charge as possible. The Department Chairperson advises the student of the rights he/she possesses under these procedures.

If, at this conference, there is agreement reached as to the validity of the charge and/or the nature of the sanctions (Level I or II) to be imposed, the incident is considered closed and not subject to any further action. If there is not agreement in the conference, the student is advised that a formal hearing may be requested before a campus

Academic Hearing Committee (AHC). If the Department Chairperson believes that a Level III sanction should be imposed, the matter must be referred to the campus Academic Hearing Committee.

The chairperson writes a memorandum of record concerning the disposition of the incident for the departmental files, and notifies the Student Dean of the Level I or II sanctions to be imposed, and the Level III sanctions recommended, if any. In the event of a Level I sanction resulting in a charge of grade from W to F the Department Chairperson will prepare a letter for the Academic Dean to forward to the student informing the student of the final action taken and the student's opportunities for relief from this action where there is disagreement. At this point, the Campus Academic Dean may choose to unofficially review the disposition of the incident and to suggest further actions, if any, to the chairperson.

The student has two working days from the date of the conference to contact the Student Dean to request in writing a formal hearing before the campus Academic Hearing Committee concerning disagreement with Level I or II sanctions.

3. Level I Sanctions - Possible sanctions to be imposed by the faculty member:
 - a. Change of grade on item in question
 - b. Grade of zero in item in question
 - c. A lower grade for the course
 - d. A grade of F for the course
 - e. Recommend a change of grade from W to F for a course
 - f. Removal from the course
4. Level II Sanctions - Possible sanctions to be imposed by the Department Chairperson in addition to the sanctions imposed by the faculty member:
 - a. Any of the possible sanctions at Level I
 - b. Disciplinary probation (more fully described in College Procedure 4070, Student Disciplinary Procedures)

- c. Other prescriptive sanctions of comparable severity.
5. Level III Sanctions - Possible sanctions to be imposed by an Academic Hearing Committee:
- a. Any of the possible sanctions at Level I
 - b. Any of the Level II sanctions available to the Department Chairperson
 - c. Any of the remaining sanctions described in College Procedure 4070, Student Disciplinary Procedure, including suspension and dismissal.

B. Administrative Hearing

The Department Chairperson may recommend that Level III sanctions be imposed, or the student may appeal the Level I or II sanctions imposed by the faculty member and/or the Department Chairperson. The Academic Hearing Committee (AHC) is comprised of at least four members and a chairperson, or such other membership as determined by the Campus President and the Faculty Senate President, with a minimum of two student members selected by the Student Government Association or equivalent. The chairperson of the AHC is a faculty member or an administrator named by the Campus President and the Faculty Senate President. The Campus President and the Faculty Senate President may choose to designate the Campus Disciplinary Committee to carry out the functions of the AHC.

The chairperson presides over the hearing, maintains proper decorum and order, rules on admissibility of evidence, and has the power to exclude any person who impedes or threatens to impede a fair and orderly hearing. Campus procedures provide for designation of alternate members, length of appointment, and replacement. The Student Dean serves the AHC as a resource person for coordination of the committee's activities and maintenance of official records.

1. Upon receiving a recommendation from the Department Chairperson or written request from the student for a formal hearing, the Student Dean schedules a meeting with the student to provide the student with written notice of the exact charges, the sanctions imposed, the nature of the hearing process, and of all rights applicable to students in academic discipline cases. If the student does not appear at this meeting, a plea of "not guilty" is entered, and a hearing before the AHC is scheduled. The Notice of Charges is mailed

by certified mail to the student at the last local address on record for the student.

2. The student has three working days from the date of the meeting with the Student Dean to enter a plea of "guilty" or "not guilty". The pleas may be entered by filling out the appropriate section on the Notice of Charges and returning the notice to the Student Dean's office. If the student does not return the notice, a plea of "not guilty" is entered, and a hearing before the AHC is scheduled.
3. The hearing takes place within ten working days of the student's plea; however, the chairperson has discretion in scheduling the hearing at a later time should there be extenuating circumstances. The AHC hearing is closed to all persons not directly involved in the appeal; however, the student and faculty member may each have a non-participating observer present.
4. At the conclusion of the fact finding portion of the hearing, the AHC meets in closed session to render a decision on the guilt or innocence of the student by a majority vote. Each member of the committee has one vote. The chairperson votes only in the case of a tie.
5. If the AHC finds the student "guilty", or if the student has admitted guilt but is appealing the nature of the sanctions imposed, the AHC considers the evidence, mitigating circumstances, and any other pertinent information. The determination to uphold the sanctions already imposed, to reduce the sanctions, or to impose additional sanctions is made by a majority vote of the members of the AHC.
6. The Student Dean informs the student by telephone, if possible, and in writing of the committee's determination. The written notice is sent by certified mail within three working days of the hearing, with a copy of the notice to the Associate Dean of the academic area(s) involved.
7. Within three working days of receipt of notification from the AHC, the student may appeal in writing to the Associate Dean (or equivalent) of the academic area in which the incident occurred. The appeal may be made only on the basis of a violation of the student's rights under this procedure, and not on the actual event or the nature of the sanctions. The appeal must contain

a description of the specific errors upon which the appeal is based. The Associate Dean, in conjunction with the Academic Dean, considers the appeal and either affirms the actions of the AHC or rejects the actions of the AHC if a violation of the student's rights is found to have occurred. In the case of a violation of the student's rights, the Associate Dean shall reduce the sanctions approved by the AHC or shall order that a new hearing be held. The decision of the Associate Dean is final on behalf of the College. The Associate Dean notifies the student, the AHC, and the Student Dean of the decision on the appeal. Notice to the student is by telephone, if possible, and in writing by certified mail within five working days from the receipt of the appeal.

C. Guidelines for the Academic Hearing Committee

The Academic Hearing Committee has the following responsibilities:

1. At the beginning of the hearing, to briefly explain to the student and the faculty member the manner in which the hearing will be conducted and to apprise all participants of the consequences of giving false testimony.
2. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of guilt or innocence.
3. To ensure that the student has the right to examine all evidence, to testify, to present evidence and witnesses, and to hear and question all witnesses appearing and testifying against him or her. The student and the faculty member bringing the charge may each have a nonparticipating observer present.
4. To ensure that no statement against the student is considered by the committee unless the student has been advised during the hearing of its content, and of the name of the person who gave the statement, and unless the student has been given the opportunity to rebut inferences which might be drawn from this statement.
5. To ensure that all relevant evidence is introduced before the committee and that the decision of innocence or guilt is based solely upon the evidence.
6. To conduct the hearing in an orderly manner.

7. The hearing is to be conducted as follows:
 - (a) Introduction of the individuals present
 - (b) Explanation of the procedure of the hearing
 - (c) Explanation by the Student Dean of the appeal and identification of all documents pertinent to the appeal
 - (d) Statement by the student
 - (e) Statement by the faculty member
 - (f) Questions by committee members to the student and/or the faculty member
 - (g) Closed deliberations by the committee and a secret ballot vote. The chairperson abstains from voting except to break a tie.
8. The chairperson of the AHC is responsible for excluding evidence that is deemed to be irrelevant, immaterial, repetitious, incompetent, or untrustworthy in nature, and for taking other appropriate action to facilitate the orderly conduct of a fair hearing and a full and true disclosure of the facts.
9. All proceedings of the AHC should be tape recorded, and any written statements or other exhibits should be preserved as part of the official record kept in the office of the Student Dean. These records should be kept in compliance with and for a duration compatible to the College policy on record keeping.

D. Effective Date of Penalties

Unless otherwise specified by the faculty member, the Department Chairperson, or the Academic Hearing Committee, all penalties shall be effective as of the date of the commission of the offense, even though the student may have attended classes and/or taken examinations during the interim.

E. Attempts to Avoid Penalty

Students who have Level I, II or III sanctions recommended or imposed may not escape penalty by withdrawing from the course or the College.

F. Hold on Re-enrollment

If a student has been notified of hearing before the Academic Hearing Committee, and he/she fails to appear for the hearing, the Student Dean will place a hold on the student's future registration. This hold will prevent the student from re-enrolling at any of the Miami-Dade campuses. The College will notify the student in writing of this action.

G. Procedures Not Specifically Provided Herein

Additional procedures may be implemented by the faculty member, Department Chairperson, Associate Dean, or Academic Hearing Committee, provided that such additions are not precluded herein and would serve to arrive at a full and true disclosure of the facts.

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