

SENNC STUDENT ACADEMIC CODE OF CONDUCT

Section I – General Description

PART I.1: PURPOSE AND OVERVIEW

Overview: SENMC strives to cultivate an academic environment in which student scholarship thrives and is subject to rigorous academic standards. This rule sets the essential expectation for academic honesty for students. This rule provides definitions and roles/responsibilities, and addresses general process issues such as confidentiality, protection from retaliation, avoidance of conflict of interest, timeliness, types of sanctions, and level of Evidence required to prove an academic integrity violation.

Companion Rule (Section II) Provides Procedures: This rule must be read in conjunction with Section II – Procedures, which provides the specific procedures by which allegations of student academic misconduct will be investigated and resolved. Those procedural steps include: initial response upon information indicating a violation of academic integrity, fact-finding investigation, evaluation of the facts and determination of level of sanction, presentation to student for acceptance of responsibility or request for hearing, hearing and decision and opportunity for a final review if a Level 2 Sanction is proposed. Sections I, II and appendices are collectively referred to as the Student Academic Code of Conduct. (See *Appendix – B*, for flowchart diagramming the code’s procedural steps).

PART I.2: NOTICE TO STUDENTS REGARDING ACADEMIC REQUIREMENTS The Student Academic Code of Conduct is published in the Faculty Handbook and Student Handbook of SENMC. At the beginning of each academic semester or session for each course or academic program, faculty members provide a syllabus or program handbook with expectations for academic performance required by their course or program. Each student is required to comply with the Student Academic Code of Conduct, applicable ethical and other standards required by the specific discipline, as well as the specific requirements stated on each course syllabus or program handbook.

PART I.3: EXPECTATION OF HONESTY IN ACADEMIC MATTERS

SENNC students are expected to maintain high academic, ethical, and professional standards of conduct, which requires honesty in all academic matters. Academic dishonesty may take a variety of forms, including but not limited to those listed below. (See *Appendix – C*).

Cheating or Assisting to Cheat: Cheating, knowingly assisting another in committing an act of cheating, having knowledge of cheating by others and not reporting it, or other form of academic dishonesty. Cheating as used in the Student Academic Code of Conduct includes but is not limited to deceiving,

tricking, defrauding, and/or otherwise taking unfair or unethical advantage of a situation to benefit someone's grade, academic standing or status.

Misrepresentation: Misrepresentation, including non-disclosure when disclosure is required, in the completion of applications or other college records. An example of this would be concealment by a student of the fact they had attended another college or college, with associated failure to cause the registrar of that institution to submit the required transcript, whether or not credit was earned.

Plagiarism: The use of another person's work without acknowledgment, making it appear to be one's own.

Any ideas, words, pictures, or other intellectual content taken from another source must be acknowledged in a citation that gives credit to the source.

The prohibition of plagiarism applies irrespective of the origin of the material, including the Internet, another person's work, unpublished materials, or oral sources.

Intentional and unintentional instances of plagiarism are considered instances of academic misconduct.

Unauthorized Access to or Alteration of Academic Records: Unauthorized changing of grades on an examination, in an instructor's grade book, or on a grade report; or unauthorized access to academic computer records.

Unauthorized Possession of Academic Material: Unauthorized possession of examinations, any library resources, laboratory materials, or other course-related materials.

PART I.4: DEFINITIONS

Academic Integrity Investigator (AI Investigator): A faculty/program director/advisor who initiate the process for resolving alleged student academic misconduct. The AI Investigator for an alleged Course/Program Level Academic Misconduct (*see* Definition F below) will be the involved faculty member/designee, who may be assisted by the department chair or other academic administrators. The AI Investigator for an alleged College Level Academic Misconduct (*see* Definition E below) will be appointed by the Office of Student Services.

Academic Misconduct Report Form: A checklist provided by the Office of the provost and senior vice president for academic affairs for use by the AI Investigator to document the allegations, the findings and the outcome in matters of alleged academic misconduct (*See Appendix A*).

Beyond a Reasonable Doubt: Beyond a Reasonable Doubt is the evidentiary standard applied in criminal cases presuming the accused to be innocent unless the fact finder is satisfied beyond a reasonable doubt of the defendant's guilt. Beyond a Reasonable Doubt is a stricter burden of proof than Clear and Convincing Evidence, the standard to be applied in assessing whether or not the Student Academic Code of Conduct has been violated.

Clear and Convincing Evidence: Clear and Convincing Evidence is the standard of Evidence required by of the Student Academic Code of Conduct to prove an academic integrity violation. Clear and Convincing Evidence is that which makes it highly probable or reasonably certain that the alleged misconduct occurred. To prove a fact by Clear and Convincing Evidence requires Evidence more than a "Preponderance of the Evidence" and less than "Beyond a Reasonable Doubt". The Evidence must instantly tilt the scales in the affirmative when weighed against the Evidence in opposition.

College Level Academic Misconduct: College Level Academic Misconduct is academic misconduct other than Course/Program Level Academic Misconduct. It pertains more generally to the student's general academic standing and may include allegations such as falsification of college records, misrepresentation regarding previous transcripts or degrees or forgery. For College Level Academic Misconduct, the registrar or designee will be responsible as the AI Investigator.

Course/Program Level Academic Misconduct: Course/Program Level Academic Misconduct is that which would affect a student's academic standing in a course or academic program, and may include allegations such as plagiarism on a course assignment, cheating on an exam, or alteration of a faculty member/academic administrator's grade book. For Course Level Academic Misconduct, the faculty member or appropriate academic administrator associated with the course or academic program will be responsible as the AI Investigator.

Day: When a time limit refers to "Day", it refers to college faculty work days rather than calendar Days (Monday through Friday), and excludes college closures.

Evidence: Evidence is the proof presented by the involved parties in support of their respective positions which the fact finder(s) assess for reliability and credibility. The Evidence takes a variety of forms and may consist of:

- Documentation,
- Testimony from the involved party or from witnesses, based on personal knowledge or professional expertise,
- Video or audio recording, or
- Other relevant information.

Level I Sanction: Level I sanctions for intended for first time violations and for less serious (e.g. unintentional) breaches of academic integrity. Level I sanctions are limited to one or more of the following:

Verbal warning issued in coordination with the Academic Conduct Officer, to ensure the student signs the Academic Misconduct Report Form, acknowledging receipt of the warning, and for central documentation;

- Requirement to re-do an academic assignment;
- Imposition of a failing grade on an assignment; or
- Reduction of final grade in course by one letter grade.

Level II Sanction: Level II sanctions are imposed for repeat violations and more serious breaches of academic integrity by undergraduate students. Level II sanctions are limited to one or more of the following:

Written reprimand issued in coordination with the Academic Conduct Officer, to ensure the student signs the Academic Misconduct Report Form, acknowledging receipt of the warning, and for central documentation;

- Imposition of a failing grade in the course;
- Disciplinary probation for a specified time period;
- Disciplinary suspension for a specified time period;
- Disciplinary dismissal for a specified time period; or

- A notation of academic misconduct on the student's official transcript.

Preponderance of the Evidence: Preponderance of the Evidence is an evidentiary standard in some civil cases and is a lower burden of proof than Clear and Convincing Evidence, the standard to be applied in assessing whether or not the Student Academic Code of Conduct has been violated. New Mexico law defines Preponderance of the Evidence as the greater weight of the Evidence, or that something is more likely true than not true.

Resolution Meeting: An informational meeting scheduled by the Academic Conduct Officer once the facts and an appropriate sanction have been determined, to allow the parties to discuss the findings, any additional or disputed facts, and to explore whether or not the student wishes to accept responsibility and the sanction proposed, or whether the matter needs to be set for a hearing for disputed facts to be resolved by the Hearing Panel.

Student Academic Code of Conduct: Section I and Section II together constitute the SENMC Student Academic Code of Conduct.

PART I.5: ROLES AND RESPONSIBILITIES

Academic Conduct Officer (ACO): An individual designated by SENMC. The duties will include:

Providing procedural guidance relating to matters involving alleged academic misconduct to students, faculty and academic administrators, the registrar or designee and any hearing official charged with responsibility pursuant to the Student Academic Code of Conduct.

facilitating the hearing process;

Other duties related to the administration of the Student Academic Code of Conduct.

If the ACO becomes the Academic Integrity Investigator in a student academic misconduct allegation, the ACO is to be recused and whose duties will be transferred to the Vice President for Academic Affairs while the case is open.

Academic Integrity Investigator (AI Investigator): Upon noticing a possible student academic misconduct, the AI Investigator timely (*See* Section II Part II.2.C) submits the Academic Misconduct Report Form to the ACO to initiate the procedure for resolving the allegation as defined in Section II of the Student Academic Code of Conduct. It is the responsibility of the AI Investigator to coordinate with the ACO and to fairly and promptly find the facts in accordance with the Student Academic Code of Conduct.

Hearing Panel: Three members (one academic administrator, one faculty member and one student) appointed by the Vice President for Academic Affairs conduct an administrative hearing when alleged academic misconduct is contested. For cases involving Level 1 Sanctions, the Hearing Panel issues the final decision.

Student: Each student has a responsibility to report any observed or reasonably suspected academic misconduct to the relevant faculty member or academic administrator or to the Academic Conduct Officer, as well as a duty to cooperate in any investigative or administrative proceeding as may be requested or required by those charged with administering the Student Academic Code of Conduct.

Student Advisor: A person chosen by the accused student to provide consultation, guidance and/or support to the student through the various procedural steps outlined in the Student Academic Code of Conduct. If the student needs assistance in identifying someone to serve as advisor, the ASSENMC will

designate someone to serve in such capacity on the student's behalf. The student advisor must not actively advocate or participate in the proceedings.

Vice President for Academic Affairs (VPAA): The VPAA selects the members of the Hearing Panel and provides the final administrative review of Level 2 academic misconduct matters, based on the record received from the Hearing Panel. In case there is a conflict of interest that involves in the Academic Conduct Officer, the VPAA assumes the duties of the ACO.

PART I.6: GOOD FAITH AND PROTECTION FROM RETALIATION

All individuals involved in the processes outlined in the Student Academic Conduct Code must act with honesty of intention when reporting, investigating and taking administrative action relating to alleged violations. Individuals who believe they are being retaliated against because they have in good faith reported a suspected violation, investigated a claim of academic dishonesty, cooperated in an investigation, testified or provided other Evidence during a hearing, conducted a hearing, imposed or proposed a sanction, issued a determination or decision, or otherwise taken action authorized by the Student Academic Code of Conduct, must report the retaliation promptly. If the claim is against a student, it should be reported to the Student Services. If the claim is against a faculty member or other employee, it should be reported to Human Resources. Allegations of retaliation will be investigated independently and objectively; corrective and/or disciplinary action will be administered as warranted by the findings.

PART I.7: TIMELINESS

AI Investigators and other officials with responsibility under the Student Academic Code of Conduct will perform their duties in a timely manner, which may include seeking an extension of time. The first request for an extension by either party will generally be granted by the Academic Conduct Officer. Second or subsequent requests for time extension from a party may be granted by the Academic Conduct Officer with consent from the other party, or when reasonable cause is shown. If the AI Investigator, any hearing official or the Academic Conduct Officer reasonably requires an extension of time, a notice will be sent to the parties, informing of the extended date by which the action will be taken, with weekly status reports until the action is concluded. All time extensions and status reports will be documented by the Academic Conduct Officer for the record.

PART I.8: CONFIDENTIALITY

An allegation of academic dishonesty is a serious matter, and may cause harm to a student's prospective academic or professional career. The internal investigation, hearing processes, and sanctions imposed, if any, will be administered using discretion and kept confidential on a "need to know" basis. Any college representative or student who becomes privy to the matter must maintain confidentiality. If other students are involved (e.g. as a witness), they will be instructed to maintain confidentiality. *See Also* Section II, Part II.2.A. (Anonymous Reports).

PART I.9: FAIRNESS AND AVOIDANCE OF CONFLICT OF INTEREST

Fairness Generally: SENMC officials will perform their duties required by the Student Academic Code of Conduct in a thorough and impartial manner. No individual involved in an alleged violation of the Student Academic Code of Conduct shall seek to directly or indirectly influence the outcome or obtain relief from an SENMC official.

Resolution of Perceived and Actual Conflicts of Interest: As early as possible in the process, actual and perceived conflicts of interest should be disclosed or otherwise brought to the attention of the Academic Conduct Officer or VPAA, if the conflict involves the Academic Conduct officer. If a person alleged to

have a conflict of interest will not voluntarily recuse themselves from an official role or duty, a decision will be made by the Academic Conduct Officer or VPAA, as appropriate, to ensure a fair hearing process. The issue to be decided will be whether a reasonable person would believe that the facts presented would render the person accused of having the conflict to be unable to serve impartially. If an individual recuses themselves or is excused, alternate Hearing Panel members will be appointed by the VPAA, or if it involves the Academic Conduct Officer or VPAA, the Campus President will designate an alternate, respectively.

Section II – Procedures to Respond to Allegations of Student Academic Misconduct

PART II.1: PURPOSE AND OVERVIEW

Vice President for Academic Affairs: The VPAA as the chief academic officer for Southeast New Mexico College delegates the responsibility for holding students accountable in instances involving student academic misconduct to the official identified in the Student Academic Code of Conduct.

Companion Rule (Section I) – General Description: This rule must be read in conjunction with Section I – General Description, which sets the essential expectation for academic honesty throughout the college system, provides definitions, roles and responsibilities, and addresses general process issues such as confidentiality, protection from retaliation, avoidance of conflict of interest, timeliness, types of sanctions, and level of Evidence required to prove an academic integrity violation. Sections I, II and appendices are collectively referred to as the Student Academic Code of Conduct.

Overview of Section II Procedures: This procedure applies when faculty, academic administrators or the College Student Records Office officials observe, suspect or receive a third party report about possible academic misconduct. It provides a fair, expeditious and streamlined process by which allegations of academic misconduct will be resolved. *See Appendix - B*, a flowchart which diagrams the procedural steps, including initial response, fact-finding investigation, evaluation of the facts and determination of level of sanction, presentation to student for acceptance of responsibility or request for hearing, and the hearing and final review processes through final decision.

PART II.2: INITIAL RESPONSE TO ALLEGATION

Anonymous Reports: Anonymous complaints must be investigated. The anonymity of the reporter may affect the ability to investigate, but does not preclude an investigation. Reporters may be assured that confidentiality will be maintained to the extent possible; however, due to the need to interview witnesses and report to supervisors, absolute confidentiality is not possible. All college personnel and students involved in investigative, disciplinary, hearing or final review processes are required to maintain confidentiality. *See Also Section I, Part I.8 (Confidentiality)*.

Determination of AI Investigator: To determine who should investigate an alleged occurrence of academic misconduct will depend upon whether it occurs in the context of a course or academic program, or whether it occurs more generally within the college. *See Section I, Part I.4, Definitions F and E*. Typically, the faculty member in coordination with academic administration will investigate, because the majority of the cases involve Course/Program Level Academic Misconduct.

Use of Academic Misconduct Report Form: The Academic Misconduct Report Form is to be used by the AI Investigator to facilitate the investigation and subsequent administrative action. (*See Appendix – A*). No later than five Days (*see Section I, Part I.4 Definition G*) of learning of a possible academic misconduct, the AI Investigator should document the pertinent facts and allegations on the form and confidentially transmit a copy of the partially completed form to the Academic Conduct Officer. If the AI

Investigator does not initiate the process of resolving allegations of academic misconduct by using the Academic Misconduct Report Form within five Days learning the possible academic misconduct, the allegation may be dismissed.

Notification to Student: Unless one of the exceptions in the subsections below applies, the Academic Conduct Officer will notify the involved student(s) about the allegations either in person or via secure official SENMC email. Notice (in the form of the partially completed Academic Misconduct Form) will be given no later than five Days from the Academic Conduct Officer's receipt of the allegations from the AI Investigator. The notice must refer the student to this policy.

Notice need not be provided to the student if the Academic Conduct Officer concludes that even if the allegations asserted on the academic misconduct form were true, that the facts would not constitute a violation of academic integrity. In such circumstances, the Academic Conduct Officer will close the matter and notify the AI Investigator, and forward the documentation to the VPAA.

If the Academic Conduct Officer concludes that due to the nature of the allegations, notification to the involved student(s) would impede the investigation (e.g. Evidence might be destroyed, Evidence of collusion might be compromised). In such circumstances, the Academic Conduct Officer will coordinate with the AI Investigator and provide notice with sufficient time for the student to be able to respond to the allegations during the investigation.

Notification to VPAA: When an investigation is commenced or at an appropriate time thereafter (*see* D.2 immediately above), the Academic Conduct Officer will inform the VPAA that that a case involving a student is pending.

PART II.3: FACT FINDING INVESTIGATION

Each Case is Different: Depending upon the nature of the allegations and complexity of each case, the time required for each investigation will vary. Complex cases may involve the gathering of documentation, interviewing third parties, assessing witness credibility, consulting with experts in the pertinent field, or pursuing other methods and techniques aimed at discovering relevant Evidence. Other cases may not be complex, nor involve an abundance of Evidence.

Expeditious Investigation and Resolution: It is intended that these matters will be resolved as expeditiously as possible, typically within 15 Days after the AI Investigator informs the Academic Conduct Officer of the violation of academic integrity. Time extensions may be sought, particularly for complex cases, pursuant to Section I, Part I.7.

Interview of Student During Investigation: At the appropriate time(s), depending upon the nature of the case, the charges and the evidence will be discussed with the student, to give the student an opportunity to provide additional facts, including identification of witnesses not yet interviewed who may have relevant information.

PART II.4: EVALUATION OF FACTS AND DETERMINATION OF APPROPRIATE SANCTION

Evidentiary Standard: Clear and Convincing Evidence must be found to conclude that a violation of academic integrity has occurred. (*See Section I*, Part I.4, Definitions D and H.)

Determination of Appropriate Level of Sanction: The level of sanction for an offense substantiated by an investigation will depend on the severity of the offense. An offense is considered more serious when it is

a second or subsequent offense. Level I sanctions are imposed for lesser offenses. Level II sanctions are imposed for serious offenses, including repeat offenses.

The AI Investigator and Academic Conduct Officer must confer about the investigative findings and discuss whether they support a finding of an academic integrity violation, and if so, what type of sanction would be appropriate. If they do not reach consensus, the Academic Conduct Officer jointly with the AI Investigator will contact the VPAA for guidance.

If it is concluded that the facts do not support a finding of an academic integrity violation by Clear and Convincing Evidence, the matter will be closed and the Academic Conduct Officer will record the final disposition of the matter as “allegations not substantiated/case closed” on the Academic Misconduct Report Form. The Academic Conduct Officer will send a copy of the form to the student, with an invitation to meet to discuss, at the student’s discretion. Neither the fact of an investigation nor the lack of finding will be reflected on the student’s official academic record.

If it is concluded that the facts support a finding of an academic integrity violation by Clear and Convincing Evidence, the AI Investigator will complete the Academic Misconduct Report Form indicating the facts found and the Level I Sanction to be imposed, or the Level II Sanction being proposed, attach copies or reference the supporting evidence (e.g. documentation or description of anticipated witness testimony), and send to the student, with a duplicate copy to the Academic Conduct Officer. The student must be informed that Level I Sanctions will be imposed (unless otherwise agreed at the Resolution Meeting), in contrast with Level II Sanctions which are proposed pending final resolution. The student is required to respond on a form provided by the Academic Conduct Officer indicating one of the following:

The student accepts the findings and the sanction [*case will be closed and sanction imposed*];

The student accepts the findings, but contests the sanction [*case will be set for Resolution Meeting*];

The student contests the findings, but accepts the sanction despite not agreeing with the factual findings [*case will be closed and sanction imposed*]; or

The student contests both the findings and the sanction [*Level I sanction will be imposed unless timing for imposition is otherwise modified during the Resolution Meeting; Level II sanction remains proposed and case will be set for Resolution Meeting*].

If the student does not submit the written response within 10 Days, the Academic Conduct Officer will send the parties a notice of Resolution Meeting.

If either party does not appear for the Resolution Meeting and absent emergent or other circumstances beyond the person’s control, the Academic Conduct Officer will close the matter in favor of the individual who appeared for the Resolution Meeting.

PART II.5: RESOLUTION MEETING

The purpose for the Resolution Meeting is to bring the parties together to discuss the facts which support the finding of an academic integrity violation and the sanction, findings and sanction, explore possible resolution, and inform about the next steps in the process.

Mutual and Final Resolution:

If after discussion, the student elects to accept responsibility for the findings and the sanction, or disputes the facts yet accepts the sanction, a resolution will be documented on the Academic Misconduct Report Form or a supplement thereto, and must be signed by the parties.

If as a result of the discussion, the student provides evidence not available previously during the investigation or other mitigating facts that warrant modification to the findings or to the sanction, this will be documented by addendum to the Academic Misconduct Report Form. If the student accepts the sanction after modification to either the findings or to the sanction, the parties shall sign the addendum indicating their approval for the matter to be closed without further hearing.

Partial Mutual Resolution: If the addendum modifying the Academic Misconduct Report Form as indicated above only partially resolves the dispute, the addendum signed by the parties must clarify the remaining issues to be heard.

Level I Sanction or Findings Contested: If the findings or a Level I Sanction is contested, the Academic Conduct Officer will set the matter for hearing. Additionally, the Academic Conduct Officer may consider and grant any specific request that might be made relating to the timing or logistics of the imposition of the Level I Sanction, after hearing the position of each party relative to such request.

Level II Sanction or Findings Contested: If the findings or a Level II Sanction is contested, the Academic Conduct Officer will set the matter for hearing.

Coordination regarding Hearing Date: If the matter is contested, before the Resolution Meeting is adjourned, the Academic Conduct Officer will obtain the parties' availability for the hearing to be set with a Hearing Panel.

PART II.6: HEARING TO CONTEST FINDINGS OR SANCTION

Notice of Hearing: The Academic Conduct Officer will send notice of the hearing to the student and to the AI Investigator within ten Days of the Resolution Meeting, to take place no later than twenty Days from the date of that meeting, unless agreed to otherwise by the parties. The notice of hearing must be delivered via secure official SENMC email, or as otherwise agreed to by the parties. The notice must identify the date, time and location for the hearing. It must also identify the members of the Hearing Panel by name and job title, to facilitate early resolution of conflicts of interest.

Pre-Hearing Exchange of Evidence: No later than 5 Days prior to the hearing, the parties must electronically submit to the Academic Conduct Officer and to the other party a list of witnesses and copies of the documentation they intend to present at the hearing. The Academic Conduct Officer will distribute to the Hearing Panel. If either party needs assistance in obtaining the cooperation of a witness who is either a student or an employee, the Academic Conduct Officer will work with the VPAA to ensure that the witness is notified and arrangements made for the witness to attend the hearing. Telephonic or other electronic participation should be permitted for the convenience of the witness.

Hearing must be Recorded: The Hearing Panel and the Academic Conduct Officer must coordinate to ensure that the Evidence presented by all parties is preserved for the record, by audio or other method of recording. Documents should be identified for the record by the party who submitted the evidence. The college is not responsible to produce transcripts of the hearings, but the Academic Conduct Officer will provide a copy to the parties upon request.

Burden of Proof: The burden of proving the academic conduct violation by Clear and Convincing Evidence is on SENMC. The AI Investigator or other academic investigator, on behalf of SENMC, must present the Evidence to the Hearing Panel first. Time will be reserved to allow SENMC to rebut Evidence

presented by the student. The Hearing Panel must allot sufficient time to each party to present their case, and may set reasonable limitations as needed to maintain order and to complete the hearing in a reasonable amount of time, based on the complexity of each case.

Presentation of Evidence by the Parties: The parties may each present evidence to the Hearing Panel in the form of documentation, witness testimony, their own testimony, as well as in the form of questions to the other party relating to their evidence or testimony or questions to the witnesses called by the other party. The Hearing Panel may but is not required to ask questions of the parties and the witnesses. Student Advisors (*See* Section I, Part I.5.E.) must not actively advocate during the hearing.

Maintaining Order During Hearing: The Hearing Panel members, or Hearing Panel chair if one is identified, or the Academic Conduct Officer are authorized to take action to maintain order and decorum during the hearing, and may recess as may be necessary or requested by the parties.

Deliberations Outside Presence of Parties: At the conclusion of the hearing, the parties will be excused, and the Hearing Panel will deliberate and reach a majority decision. Absent a time extension (*See* Section I, Part I.7), the Hearing Panel will issue its decision in writing within ten Days following the date of the hearing.

If the Hearing Panel finds an academic integrity violation, the decision must describe the Clear and Convincing Evidence in the record which supports the panel's findings and the sanction. A sanction imposed or proposed and contested by the student shall not be increased in severity by the Hearing Panel.

If the Hearing Panel finds insufficient evidence to support the charges, the Hearing Panel must describe the lack of Clear and Convincing Evidence. If the Hearing Panel finds insufficient evidence to support the charge and a Level I Sanction had already been imposed, the Hearing Panel must direct that the sanction be reversed. (Level II Sanctions should not have been imposed yet.)

Decision Final for Level I Sanction: For Level I Sanctions (*See* Section I, Part I.4. Definition I.), the Hearing Panel's decision is final.

Decision with Level II Sanction Must Advise of Right to Final Review: In cases where the Hearing Panel imposes a Level II sanction (*See* Section I, Part I.4. Definition J.), the decision must provide a reference to the parties' right to seek a final review of the findings or sanction consistent with Part II.7 below.

PART II.7: RIGHT TO FINAL REVIEW OF LEVEL II SANCTION BY VICE PRESIDENT for ACADEMIC AFFAIRS

Initiation of Final Review: A student or the AI Investigator may request a final review by the Office of the provost and senior vice president for academic affairs in matters involving Level II Sanctions by submitting a request for final review, attaching a copy of the Hearing Panel's decision, to the VPAA within 5 Days after receipt of the decision. A copy of the request for final review must also be sent to the Academic Conduct Officer and to the other party.

ACO Assembles Hearing Record for VPAA: Upon receipt of the request for final review, the Academic Conduct Officer will assemble the hearing record (the Academic Misconduct Form, documentation presented by the parties and the recording of the hearing) and deliver to the VPAA. If the Academic Conduct Officer cannot provide the record within ten Days after receipt of the request for final review, the parties and the provost or designee must be notified about the need for additional time, and must notify all parties in writing when the hearing record has been delivered.

Vice President for Academic Affairs Review and Final Decision: The VPAA will review the hearing record and issue a written final decision on behalf of the college within 20 Days after the date of receipt of the hearing record, absent notification to the parties that an extension of time is necessary, in which case the parties will be kept apprised of the status on a weekly basis until the final decision is issued. The VPAA or designee may uphold, reverse or modify the Hearing Panel's decision, based on Clear and Convincing Evidence in the record or based on substantial procedural error having the potential to materially affect the outcome of the hearing. The final decision will be issued to the parties, with a copy to the Academic Conduct Officer, confidentially via hand-delivery or secure official SENMC email and U.S. Mail.

PART II.8: IMPLEMENTATION OF SANCTIONS; INTERNAL AND EXTERNAL REPORTING DUTIES

Timing for Imposition of Level II Sanctions: Level II Sanctions will not be imposed until after the hearing and any final review has been completed. In the event the sanction involves a suspension or dismissal, implementation of the sanction may be deferred to the end of a semester, at the discretion of the VPAA.

Administrative Action Pending Completion of Sanction: The student must comply with any sanction imposed by acceptance of responsibility at the Resolution Meeting or by imposition after hearing and/or final review. College officials may take administrative action necessary to ensure that the terms of the sanction are completed before the student will be permitted to continue formal studies or extracurricular activities at SENMC (register for next semester, receive certificates or diplomas etc.)

Impact of Allegation/Investigation on Pending Studies: Unless the disciplinary sanction specifically provides for an interim suspension for campus safety reasons, the pendency of an investigation or proceedings under the Student Academic Conduct Code will not prevent a student from attending classes they are currently enrolled in or completing extracurricular commitments.

Findings Recorded in Student Services: A finding of an academic integrity violation becomes part of the student's educational record maintained by the Office of Student Services.

ACO Reports Final Outcome to VPAA: The Academic Conduct Officer will report the final outcome of each academic conduct matter to the VPAA.

PART II.9: REQUESTS BASED ON NEWLY DISCOVERED EVIDENCE

Requests Based on Alleged New Evidence: In addition to the provision at Part II.5.B above, whereby new evidence may be brought to the AI Investigator's attention during the Resolution Meeting and result in amendment to the Academic Misconduct Report Form, if a party claims to have discovered new evidence relevant to the case after the completion of the investigation or other step in the proceedings which the party claims would have altered the outcome reached as of that point, it will be submitted to the Academic Conduct Officer, along with a specific request for action (e.g. request to re-open investigation, to re-open hearing or to set aside final decision).

Review by ACO: The Academic Conduct Officer will consider whether or not that evidence reasonably should have been discovered previously, and whether the proffered evidence would have materially altered the outcome. The Academic Conduct Officer will allow the other party to provide a position statement on the request. After consideration of the position of each party, the Academic Conduct Officer is authorized to decide the appropriate procedural response and may consult with the VPAA prior to issuing a response to the parties.

ACO Determines Relief: If the Academic Conduct Officer determines that the evidence proffered was not reasonably discoverable during the investigation, and is not likely to materially alter the outcome, the Academic Conduct Officer may direct that the matter be stayed pending re-opening the investigation, re-convening the hearing. or conducting a new hearing, depending upon the circumstances, to consider the additional evidence.

Appendices

Appendix – A: Academic Misconduct Report Form



Academic Misconduct Report Form

Academic Integrity (AI) Investigator (*Printed Name*) _____ Dept. _____

AI Investigator E-mail Address _____
Phone _____

Course No. / Title (*if applicable*) _____ Date _____

Student's Name (*Print*): _____ Student ID # _____

Description of Alleged Misconduct (*attach addendum as needed*)

Summary of Findings (*attach addendum as needed*)

AI Investigator/ACO Decision about Level of Sanction to be Imposed or Proposed:

Level I Sanction _____ Level II Sanction _____

The AI Investigator and involved student are to initial below on the lines accurately reflecting the disposition of the Resolution Meeting, and then sign at the bottom of the form. The Academic Conduct Officer (ACO) serves the role as a neutral informational resource regarding process for both parties, and will facilitate the accurate completion of this form.

INITIALS:

- _____ The student has been notified of the findings, supporting evidence and **Level I Sanction** to be imposed.
- _____ The student accepts responsibility for the findings and the **Level I Sanction** and does not request a hearing to contest the matter.
- _____ The student contests the findings or the **Level I Sanction being imposed** and requests a hearing. The Level I Sanction will ___ will not ___ be imposed pending the hearing and decision by Hearing Panel.
- _____ The student has been notified about the findings, supporting evidence and proposed **Level II Sanction**.
- _____ The student accepts responsibility for the findings and the **Level II Sanction** and does not request a hearing to contest the matter.
- _____ The student contests the findings or the proposed **Level II Sanction** and requests a hearing. *[Note: Absent a basis for an interim suspension, A Level II Sanction is not to be imposed pending the hearing and decision by Hearing Panel and any subsequent request for final review.]*
- _____ The parties have discussed the evidence in support of the findings and mutually agree to modify the findings or the sanction as follows (*attach addendum as needed*):

ACO completes: *The student has requested a hearing.* *The student has not requested a hearing.*

(Comments:)

By their signatures below, the parties and the Academic Conduct Officer hereby confirm that the above is an accurate description of what transpired during the Resolution Meeting.

AI Investigator Name Printed	AI Investigator Signature	Date
Student Name Printed	Student Signature	Date
ACO Name Printed	ACO Signature	Date



ACO DOCUMENTS FOR EACH CASE:

Date ACO received notice of allegation From the AI Investigator:

Date notice of alleged breach of AI and investigation given to student: _____ and explanation, if notice delayed based on exception (attach addendum as needed):

Date notice sent to student that complaint failed to allege AI violation or evidence did not support finding of AI violation (with offer to meet, at the student's discretion):

Date of Resolution Meeting: _____

Date of Hearing with Hearing Panel: _____

Date Request for Final Review Received: _____

Date Hearing Record Assembled for Final Review and Delivered to Office of VPAA: _____

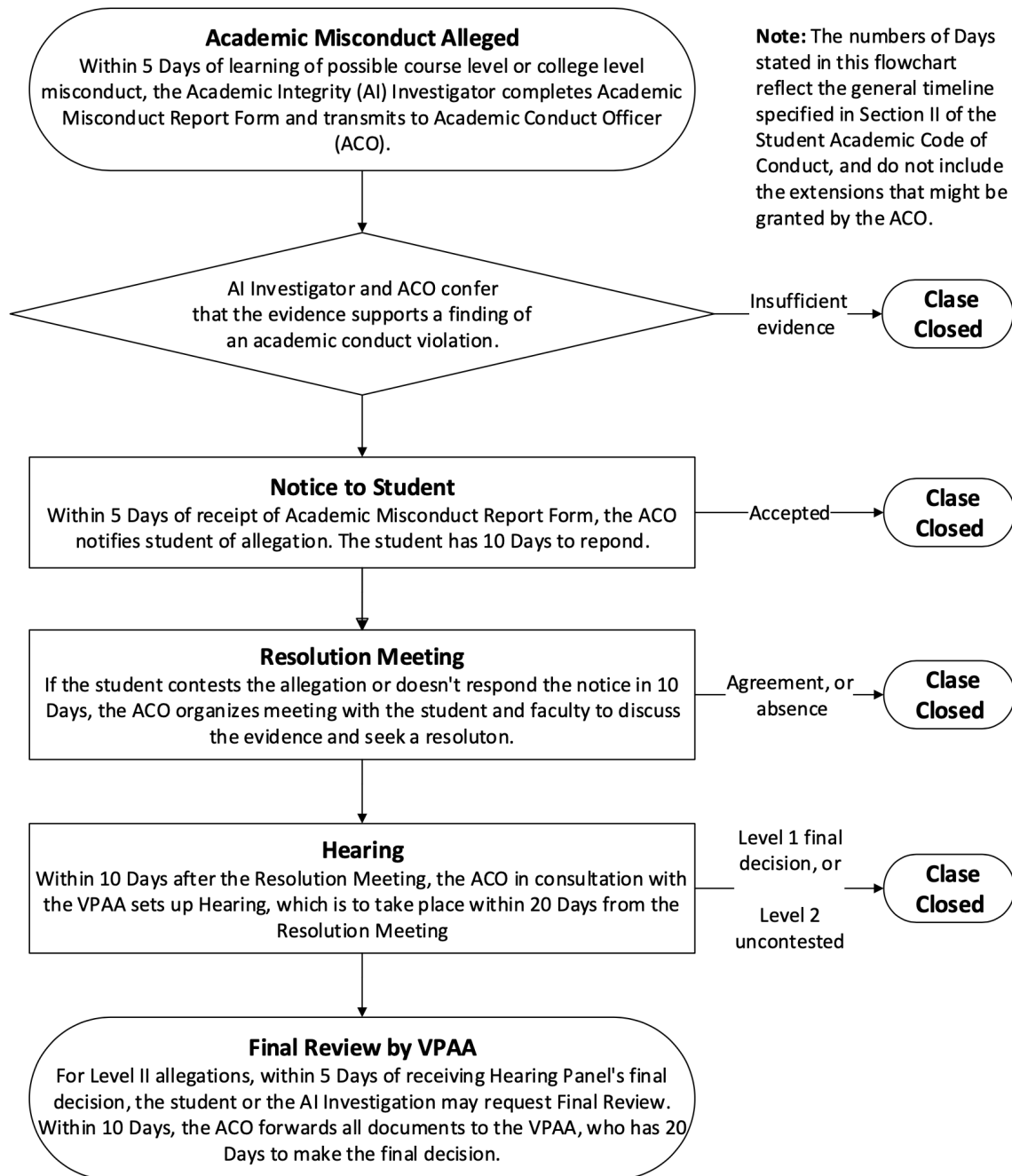
Date of VPAA's Final Decision: _____

Final Outcome (attach addendum as needed):



Appendix – B: Flowchart for Procedures Resolving Alleged Student Academic Misconduct

Appendix - B Flowchart of Procedures Resolving Alleged Student Academic Misconduct



Appendix – C: Examples of Academic Misconduct

This list serves as a guide to students, faculty, and administrators for use in determining whether a particular action or attempted action would be considered a breach of academic integrity. This list is for illustrative purposes and is not exhaustive.

Cheating

- Copying or attempting to copy from others during an exam or on an assignment.
- Communicating answers with another person during an exam.
- Preprogramming a calculator to contain answers or other unauthorized information for exams.
- Using an electronic device (cell phone, camera) to capture, transmit or receive information during an examination when such usage is prohibited by course or instructor policy.
- Using unauthorized materials (prepared answers, written notes, or concealed information) during an exam.
- Allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.
- Submission of the same assignment for more than one course without prior approval of all the instructors involved.
- Collaborating on an exam or assignment with any other person without prior approval from the instructor.
- Taking an exam for another person or having someone take an exam for you.
- Creating multiple accounts for an online homework system (one to get the answers, the second one to enter the answer and receive credit)

Plagiarism

Plagiarism is defined as use of intellectual material produced by another person without acknowledging its source, for example:

- Wholesale copying of passages from works of others into your homework, essay, term paper, or dissertation without acknowledgment.
- Use of the views, opinions, or insights of another without acknowledgment.
- Paraphrasing of another person's characteristic or original phraseology, metaphor, or other literary device without acknowledgment.

Course Materials

- Removing, defacing, or deliberately keeping from other student's library materials that are on reserve for specific courses.
- Contaminating laboratory samples or altering indicators during a practical exam, such as moving a pin in a dissection specimen for an anatomy course.
- Selling, distributing, website posting, or publishing course lecture notes, handouts, readers, recordings, or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.

False Information and Representation, Fabrication or Alteration of Information

- Furnishing false information in the context of an academic assignment.
- Failing to identify oneself honestly in the context of an academic obligation.

- Fabricating or altering information or data and presenting it as legitimate.
- Providing false or misleading information to an instructor or any other college official.

Theft or Damage of Intellectual Property

- Sabotaging or stealing another person's assignment, book, paper, notes, experiment, project, electronic hardware or software.
- Improper access to, or electronically interfering with, the property of another person or the college via computer or other means.
- Obtaining a copy of an exam or assignment prior to its approved release by the instructor.

Alteration of College Documents

- Forgery of an instructor's signature on a letter of recommendation or any other document.
- Submitting an altered transcript of grades to or from another institution or employer.
- Putting your name on another person's exam or assignment.
 - Altering a previously graded exam or assignment for purposes of a grade appeal or of gaining points in a re-grading process.