

Policy Recommendation
Academic Integrity

Legislative history: Rescinds S07-2

Background: S07-2 laid out the University's Policy on Academic Integrity. Since that time, it has been determined that

- academic sanctions for infractions of academic integrity have been imposed in inconsistent ways across campus;
- student misconduct often goes unreported, resulting in a lack of university knowledge, input, and oversight and an inability of the university to recognize patterns of conduct;
- no formal grade appeal process currently exists for accused students who are found not responsible in the student conduct process or whose cases are dismissed.

Partly for these reasons, the University has not been in complete compliance with CSU executive orders on academic integrity (E.O. 1037, 1068, and 1098). This policy addresses the problems.

Resolved: That the attached be implemented as policy, rescinding S07-2.

Rationale: There is a need for faculty members to report all instances of academic misconduct and provide a complete record of accused students' academic performance; equal treatment demands it. The University can gain awareness of patterns of infraction only if it has a record of student infractions.

Student rights must also be upheld. Currently, student conduct violations and faculty academic sanctions are reviewed by the Office of Student Conduct and Ethical Development (SCED). When SCED reaches a finding in favor of the student – either the finding of not responsible or a lack of evidence of the violation – the faculty member may appeal the decision to the Board of Academic Freedom and Professional Responsibility (BAFPR).

However, a student has no comparable avenue of appeal when the faculty member refuses to lift a sanction after a SCED finding in the student's favor. At present, faculty members who have imposed academic sanctions on students accused of misconduct are not required to remove those sanctions if the student is found not responsible by SCED. The BAFPR has both the expertise and infrastructure to review this kind of dispute regardless of which party brings the issue to BAFPR's attention.

Approved: March 9, 2015
Vote: 10-0-0
Present: Bruck (non-voting), Feist, Frazier (chair), Huang, Kress, McPherson, Miller, Rees, Sofish, Sullivan-Green, Walters
Absent: Amante, Branz (non-voting), Brooks, Campsey, Hernandez, Kelley,
Financial Impact: None
Workload Impact: Increase for members of the Board of Academic Freedom and Professional Responsibility

SAN JOSE STATE UNIVERSITY POLICY ON ACADEMIC INTEGRITY

The university emphasizes responsible citizenship and an awareness of ethical choices inherent in human development. Academic honesty and fairness foster ethical standards for all those who rely on the integrity of the university, its courses, and its degrees. University degrees are compromised and the public is defrauded if faculty members or students knowingly or unwittingly allow dishonest acts to be rewarded academically.

This policy sets the standards for such integrity and shall be used to inform students, faculty, and staff of the university's Academic Integrity Policy.

STUDENT ROLE

The San José State University Academic Integrity Policy requires that each student

1. know the rules that preserve academic integrity and abide by them at all times, including learning and abiding by rules associated with specific classes, exams, and course assignments;
2. know the consequences of violating the Academic Integrity Policy;
3. know the appeal rights and procedures to be followed in the event of an appeal;
4. foster academic integrity among peers.

FACULTY ROLE

The San José State University Academic Integrity Policy requires that each faculty member

1. provide a clear and concise course syllabus that apprises students of the Academic Integrity Policy and the ethical standards and supporting procedures required in a course;
2. make every reasonable effort to foster honest academic conduct. Specifically, examinations should be appropriately proctored or monitored by university personnel to prevent students from copying, using non-cited resources, or exchanging information. Examinations and answers to examination questions should be kept private. Efforts should be made to give unique and varied assignments;

3. take action against a student in accordance with this policy when supporting evidence indicates that the student has violated the Academic Integrity Policy;
4. comply with the rules and standards of the Academic Integrity Policy.

ROLE OF THE OFFICE OF STUDENT CONDUCT AND ETHICAL DEVELOPMENT

The San José State University Academic Integrity Policy requires that the student conduct administrator, the Director of the Office of Student Conduct and Ethical Development (SCED),

1. comply with and enforce the Student Conduct Code¹, which includes the Academic Integrity Policy;
2. adjudicate student conduct cases and assign administrative sanctions to students who have violated the Student Conduct Code;
3. serve as a resource for faculty, staff, and students on matters of academic integrity and this policy;
4. ensure dissemination of the policy to the campus community when changes are made to the policy or procedures.

1.0 DEFINITIONS OF ACADEMIC DISHONESTY

1.1 CHEATING

San José State University defines cheating as the act of obtaining or attempting to obtain credit for academic work through the use of any dishonest, deceptive, or fraudulent means. Cheating includes

- 1.1.1 copying, in part or as a whole, from another's test or other evaluation instrument, including homework assignments, worksheets, lab reports, essays, summaries, and quizzes;
- 1.1.2 submitting work previously graded in another course without prior approval by the course instructor or by departmental policy;

¹ Currently available at <http://www.sjsu.edu/studentconduct/docs/Student%20Conduct%20Code%202013.pdf>.

- 1.1.3 submitting work simultaneously presented in two courses without prior approval of both course instructors or by the departmental policies of both departments;
- 1.1.4 using or consulting sources, tools, or materials prohibited by the instructor prior to or during an examination;
- 1.1.5 altering or interfering with the grading process;
- 1.1.6 sitting for an examination by a surrogate or as a surrogate;
- 1.1.7 any other act committed by a student in the course of his or her academic work that defrauds or misrepresents, including aiding others in any of the actions defined above.

1.2 **PLAGIARISM**

San José State University defines plagiarism as the act of representing the work of another as one's own without giving appropriate credit, regardless of how that work was obtained, and submitting it to fulfill academic requirements.

Plagiarism includes

- 1.2.1 knowingly or unknowingly incorporating the ideas, words, sentences, paragraphs, parts of sentences or paragraphs, or the specific substance of another's work without giving appropriate credit, and representing the product as one's own work;
- 1.2.2 representing another's artistic or scholarly works, such as computer programs, instrument printouts, inventions, musical compositions, photographs, paintings, drawings, sculptures, novels, short stories, poems, screen plays, or television scripts, as one's own.

2.0 **NOTIFICATION OF STANDARDS OF DETECTING PLAGIARISM**

San José State University or its faculty may subscribe to or use plagiarism-detection services. Any plagiarism-detection service used by faculty or with which San José State University contracts shall ensure compliance with FERPA, university data security policies, and accessibility requirements.

Except for the stated purpose of storing submitted work in databases solely for the purpose of detecting plagiarism, any plagiarism-detection service with which San José State University contracts shall, to the fullest extent possible, agree to assure that

ownership rights of all submitted work shall remain with the work's author and not with the plagiarism-detection service.

3.0 **SANCTIONS**

There shall be two major classifications of sanctions that may be imposed for violations of this policy: academic and administrative. Academic sanctions are actions related to coursework or grades and are determined by the faculty member. Administrative sanctions are actions that address a student's status on campus and are determined by SCED. Academic sanctions and administrative sanctions may be imposed simultaneously.

3.1 **ACADEMIC SANCTIONS**

Faculty members are responsible for determining academic sanctions. Faculty members may find it helpful to consult with their department chair or school director, senior faculty members, or the director of SCED in consideration of appropriate academic sanctions. Such sanctions shall be proportional to the offense. The academic sanction is usually a form of "grade modification." Before sanctions can be employed, the faculty member must have verified the instance(s) of academic dishonesty by personal observation or documentation. The faculty member is expected to maintain in confidence notes and communications between the student and the faculty member as they may be relevant in subsequent disciplinary proceedings or any subsequent legal actions.

Recommended academic sanctions include

- 3.1.1 oral reprimand;
- 3.1.2 repetition of the assignment with sufficient change in instructions such that none of the original assignment can be utilized;
- 3.1.3 lower grade on the evaluation instrument;
- 3.1.4 failure on the evaluation instrument;
- 3.1.5 reduction in course grade;
- 3.1.6 failure in the course;
- 3.1.7 recommendation of additional administrative sanctions (SCED to review for possible violations of the Student Conduct Code).

Faculty Discretion

Incidents involving the careless or inept handling of quoted material that fall short of the definitions of cheating or plagiarism, as defined in Items 1.1 and 1.2 of this policy, may be dealt with at the discretion of the faculty member concerned.

The faculty member also has the discretion and obligation to determine whether specific acts by a student fall under the description in 1.1.7.

3.2 ADMINISTRATIVE SANCTIONS

As stipulated in Executive Order 1098 (Student Conduct Procedures), violations of the Student Conduct Code (Title 5 of the California Code of Regulations Section 41301), including cheating or plagiarism in connection with an academic program, may warrant expulsion, suspension, probation, or a lesser sanction. Administrative action involving academic dishonesty shall be the responsibility of SCED. SCED shall respond to referrals from the faculty of violations of the Academic Integrity Policy. It shall further respond to repeat violations as brought to its attention by the centralized reports filed with SCED.

SCED shall notify faculty members when action has been taken. It shall maintain a record of students who have been reported for violating the Academic Integrity Policy.

4.0 EVALUATION AND REPORTING

When a faculty member suspects a violation of the Academic Integrity Policy and is in possession of evidence to substantiate that violation (not excluding a statement of personal observation of the infraction by the faculty member or other **SJSU personnel** or students in the class), it is the faculty member's responsibility to take the following steps:

- 4.1 Confront the situation discretely; that is, faculty members shall not discuss specific charges of cheating, plagiarism, or any other violations involving specific individuals in the classroom or elsewhere before other members of the class.
- 4.2 Communicate with the student concerning the alleged violation and arrange for a conference to present documentation. In this conference, the student should be advised of the allegation and be made aware of the supporting evidence and probable consequences. The student should be provided the opportunity to provide his/her perspective and respond to the

allegation. Faculty members should make their best effort to meet with the student in person, but if that is not feasible, they can communicate in writing. The faculty member is expected to maintain in confidence notes and communications between the student and the faculty member except as they may be relevant in subsequent disciplinary proceedings or any subsequent legal actions.

- 4.3 Inform the student of the sanctions imposed in accordance with Section 4.0 if the faculty member still believes that a violation of the Academic Integrity Policy has occurred.
- 4.4 Report the alleged violation and the action taken to SCED on the Academic Integrity Reporting Form². The form identifies the faculty member, student involved, and type of violation (cheating or plagiarism) and includes a description of the incident and the academic sanctions imposed. SCED shall review the academic sanctions imposed by the faculty member and determine whether they are justified in light of the provisions of the Student Conduct Code and commensurate with university norms of severity. SCED shall further determine whether it will impose administrative sanctions. The faculty member must submit a copy of the supporting documentation to the Academic Integrity Reporting Form. After this initial report, no additional academic sanctions may be levied. Academic sanctions may not be imposed without a report to SCED. Should the faculty member neglect to file an appropriate report to SCED, any academic sanction imposed is invalid until the report is filed. All instances of ethical misconduct should be known to the university and reported to SCED. They should be reviewable and alterable by university oversight personnel, specifically the Director of SCED.
- 4.5 The instructor may impose the academic sanction and make the report called for in Section 4.4 without a conference when a student fails to attend a scheduled conference or discuss the alleged dishonesty and the faculty member makes a good-faith, albeit unsuccessful, effort to contact the student in writing. In either case, the student's right to appeal is preserved.

5.0 PROTECTION OF STUDENT RIGHTS

² Currently available at https://publicdocs.maxient.com/reportingform.php?SanJoseStateUniv&layout_id=2. Reporting of infractions is mandated by CSU Executive Order 1098.

- 5.1 Students are guaranteed due process, including the right to be informed of the charges and nature of the evidence supporting the charges and to have a meeting with the faculty member, SCED, or other decision makers. At any such meeting, statements and evidence on behalf of the student may be submitted. This policy is not intended to deny the right to appeal of any decision through appropriate university channels.
- 5.2 SCED shall review the academic sanction imposed by a faculty member on a student and determine whether evidence exists in support of the instructor's allegation. It shall also make an assessment of the proportionality of the sanction to the severity of the infraction and may recommend a reduction or increase in sanction severity. This assessment shall be made in consideration of consistency across the campus.
- 5.3 If upon review by SCED, the student is found not responsible of the charges or if insufficient evidence has been presented by the instructor to establish responsibility, then the student shall be exonerated and the case dismissed. In this event, the record of the alleged violation shall be expunged and academic sanctions against the student prohibited, barring an appeal by the faculty member to the Board of Academic Freedom and Professional Responsibility (BAFPR). If SCED finds that sanctions should be modified, the instructor must make those modifications, again barring an appeal by the faculty member to the BAFPR. Should the instructor refuse to lift or modify the sanctions recommended by SCED, the case shall be referred to the BAFPR. This section represents an exception to University Policy S99-9, Section IV.2.
- 5.4 If the BAFPR upholds the findings of SCED to exonerate the student or to modify the sanction, the instructor must lift the sanction imposed or modify it accordingly. If the instructor refuses to do so, as per CSU Executive Order 1037, "it is the responsibility of other qualified faculty to do so ... [i.e.] one or more persons with academic training comparable to the instructor of record who are presently on the faculty at that campus." Preferably, the department chair or school director, in conjunction with associate dean of the relevant college, shall be compelled to do so. If the remedial action has not been taken within a reasonable time as determined by the BAFPR, a request to the President, Provost or appropriate vice president shall be made to expedite the resolution.
- 5.5 All reasonable accommodations shall then be provided to the exonerated student if there is a fear of retaliation by the instructor. Accommodations might include the ability to retake the course without charge from a different instructor or to substitute a different course (the latter if approved

by the student's advisor). If retaking the same course, credit for assignments completed in the previous attempt shall be afforded if comparable. Academic standing shall be returned to its status before the imposition of a reversed sanction.

- 5.4 **Student Appeal Process.** An appeal must be filed in writing to the BAFPR before the last day of instruction of the semester following that in which the academic sanction was imposed. The sanctions imposed and the SCED findings shall be taken up by the BAFPR within 30 days of the official filing of the appeal. Evidence submitted by both student and faculty member shall be considered and the determination of responsibility shall be assessed.

6.0 THREATS

Threats against any member of the faculty as a consequence of implementing this policy on academic integrity shall be cause for disciplinary action under the Student Conduct Code (Title 5 of the California Code of Regulations Section 41301), and may also result in civil and criminal action.

7.0 DISSEMINATION OF INFORMATION

- 7.1 The Academic Integrity Policy shall be published in the university catalog and on the university website. Copies of this policy shall also be held in every department office and SCED.
- 7.2 Dissemination of this information shall be the responsibility of SCED. Information is available at <http://www.sjsu.edu/studentconduct/>.
- 7.3 SCED shall submit a statistical report on the number and types of violations and their eventual disposition to the Academic Senate annually.
- 7.4 College and departments/schools are encouraged to discuss periodically this policy at faculty meetings, including discussion of strategies for ensuring academic integrity among students and consistency among faculty.
- 7.5 Department chairs, school directors, and program directors should ensure that new faculty members receive a copy of this policy and an oral explanation at the time they are given their first class assignment.