

1 **SAN JOSE STATE UNIVERSITY**
2 **Academic Senate**
3 **Instruction & Student Affairs Committee**
4 **November 2, 2015**
5 **Final Reading**

AS 1582

6
7 **Policy Recommendation**
8 **Academic Integrity**
9

10 Legislative history: Rescinds S07-2

11
12 Background: S07-2 laid out the University's Policy on Academic Integrity. Since that
13 time, it has been determined that

- 14
- 15 • academic sanctions for infractions of academic integrity have been
- 16 imposed in inconsistent ways across campus;
- 17 • student misconduct often goes unreported, resulting in a lack of
- 18 university knowledge, input, and oversight and an inability of the
- 19 university to recognize patterns of conduct;
- 20 • no formal grade appeal process currently exists for accused
- 21 students who are found not responsible in the student conduct
- 22 process or whose cases are dismissed.
- 23

24 Partly for these reasons, the University has not been in complete
25 compliance with CSU executive orders on academic integrity (E.O. 1037,
26 1068, and 1098). This policy addresses the problems.

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

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

35
36 Student rights must also be upheld. Currently, student conduct violations
37 and faculty academic sanctions are reviewed by the Office of Student
38 Conduct and Ethical Development (SCED). When SCED reaches a finding
39 in favor of the student – either the finding of not responsible or a lack of
40 evidence of the violation – the faculty member may appeal the decision to
41 the Board of Academic Freedom and Professional Responsibility
42 (BAFPR).
43

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

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52 Approved: 9/21/15

53 Vote: 15-0-0

54 Present: Walters, Sofish, Kelley, Kaufman, Sullivan-Green, Medina, Sen,
55 Khan, Wilson, Branz (non-voting), Bruck (non-voting), Medrano,
56 Gay, Abdukheir, Amante, Brooks, Rees

57 Absent: Campsey

58 Financial Impact: None

59 Workload Impact: Increase for members of the Board of Academic Freedom and
60 Professional Responsibility

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62 **SAN JOSE STATE UNIVERSITY**
63 **POLICY ON ACADEMIC INTEGRITY**
64

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

71
72 This policy sets the standards for such integrity and shall be used to inform students,
73 faculty, and staff of the university's Academic Integrity Policy.

74 **STUDENT ROLE**
75

76
77 The San José State University Academic Integrity Policy requires that each student
78

- 79 1. know the rules that preserve academic integrity and abide by them at all times,
80 including learning and abiding by rules associated with specific classes, exams, and
81 course assignments;
- 82
- 83 2. know the consequences of violating the Academic Integrity Policy;
- 84
- 85 3. know the appeal rights and procedures to be followed in the event of an appeal;
- 86
- 87 4. foster academic integrity among peers.
- 88

89 **FACULTY ROLE**
90

91 The San José State University Academic Integrity Policy requires that each faculty
92 member
93

- 94 1. provide a clear and concise course syllabus that appries students of the Academic
95 Integrity Policy and the ethical standards and supporting procedures required in a
96 course;
- 97
- 98 2. make every reasonable effort to foster honest academic conduct. Specifically,
99 examinations should be appropriately proctored or monitored by university personnel
100 to prevent students from copying, using non-cited resources, or exchanging
101 information. Examinations and answers to examination questions should be kept
102 private. Efforts should be made to give unique and varied assignments;

- 103
104 3. take action against a student in accordance with this policy when supporting
105 evidence indicates that the student has violated the Academic Integrity Policy;
106
107 4. comply with the rules and standards of the Academic Integrity Policy.
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109 **ROLE OF THE OFFICE OF STUDENT CONDUCT**
110 **AND ETHICAL DEVELOPMENT**

111
112 The San José State University Academic Integrity Policy requires that the student
113 conduct administrator, the Director of the Office of Student Conduct and Ethical
114 Development (SCED),

- 115
116 1. comply with and enforce the Student Conduct Code¹, which includes the Academic
117 Integrity Policy;
118
119 2. adjudicate student conduct cases and assign administrative sanctions to students
120 who have violated the Student Conduct Code;
121
122 3. serve as a resource for faculty, staff, and students on matters of academic integrity
123 and this policy;
124
125 4. ensure dissemination of the policy to the campus community when changes are
126 made to the policy or procedures.
127

128 **1.0 DEFINITIONS OF ACADEMIC DISHONESTY**

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130 **1.1 CHEATING**

131
132 San José State University defines cheating as the act of obtaining or attempting
133 to obtain credit for academic work through the use of any dishonest, deceptive,
134 or fraudulent means. Cheating includes

- 135
136 1.1.1 copying, in part or as a whole, from another's test or other
137 evaluation instrument, including homework assignments,
138 worksheets, lab reports, essays, summaries, and quizzes;
139
140 1.1.2 submitting work previously graded in another course without prior
141 approval by the course instructor or by departmental policy;
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¹ Currently available at
<http://www.sjsu.edu/studentconduct/docs/Student%20Conduct%20Code%202013.pdf>.

- 143 1.1.3 submitting work simultaneously presented in two courses without
144 prior approval of both course instructors or by the departmental
145 policies of both departments;
146
147 1.1.4 using or consulting sources, tools, or materials prohibited by the
148 instructor prior to or during an examination;
149
150 1.1.5 altering or interfering with the grading process;
151
152 1.1.6 sitting for an examination by a surrogate or as a surrogate;
153
154 1.1.7 any other act committed by a student in the course of his or her
155 academic work that defrauds or misrepresents, including aiding
156 others in any of the actions defined above.

157 1.2 **PLAGIARISM**

158 San José State University defines plagiarism as the act of representing the work
159 of another as one's own without giving appropriate credit, regardless of how that
160 work was obtained, and submitting it to fulfill academic requirements.
161
162

163 Plagiarism includes

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166 1.2.1 knowingly or unknowingly incorporating the ideas, words,
167 sentences, paragraphs, parts of sentences or paragraphs, or the
168 specific substance of another's work without giving appropriate
169 credit, and representing the product as one's own work;
170
171 1.2.2 representing another's artistic or scholarly works, such as computer
172 programs, instrument printouts, inventions, musical compositions,
173 photographs, paintings, drawings, sculptures, novels, short stories,
174 poems, screen plays, or television scripts, as one's own.
175

176 2.0 **NOTIFICATION OF STANDARDS OF DETECTING PLAGIARISM**

177
178 San José State University or its faculty may subscribe to or use plagiarism-detection
179 services. Any plagiarism-detection service used by faculty or with which San José State
180 University contracts shall ensure compliance with FERPA, university data security
181 policies, and accessibility requirements.
182

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

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

188
189 **3.0 SANCTIONS**

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

197
198 **3.1 ACADEMIC SANCTIONS**

199
200 Faculty members are responsible for determining academic sanctions. Faculty
201 members may find it helpful to consult with their department chair or school
202 director, senior faculty members, or the director of SCED in consideration of
203 appropriate academic sanctions. Such sanctions shall be proportional to the
204 offense. The academic sanction is usually a form of "grade modification." Before
205 sanctions can be employed, the faculty member must have verified the
206 instance(s) of academic dishonesty by personal observation or documentation.
207 The faculty member is expected to maintain in confidence notes and
208 communications between the student and the faculty member as they may be
209 relevant in subsequent disciplinary proceedings or any subsequent legal actions.

210
211 Recommended academic sanctions include

- 212
213 3.1.1 oral reprimand;
- 214
215 3.1.2 repetition of the assignment with sufficient change in instructions
216 such that none of the original assignment can be utilized;
- 217
218 3.1.3 lower grade on the evaluation instrument;
- 219
220 3.1.4 failure on the evaluation instrument;
- 221
222 3.1.5 reduction in course grade;
- 223
224 3.1.6 failure in the course;
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226 3.1.7 recommendation of additional administrative sanctions (SCED to
227 review for possible violations of the Student Conduct Code).
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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

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

278
279 4.3 Inform the student of the sanctions imposed in accordance with Section
280 4.0 if the faculty member still believes that a violation of the Academic
281 Integrity Policy has occurred.

282
283 4.4 Report the alleged violation and the action taken to SCED on the
284 Academic Integrity Reporting Form². The form identifies the faculty
285 member, student involved, and type of violation (cheating or plagiarism)
286 and includes a description of the incident and the academic sanctions
287 imposed. SCED shall review the academic sanctions imposed by the
288 faculty member and determine whether they are justified in light of the
289 provisions of the Student Conduct Code and commensurate with
290 university norms of severity. SCED shall further determine whether it will
291 impose administrative sanctions. The faculty member must submit a copy
292 of the supporting documentation to the Academic Integrity Reporting
293 Form. After this initial report, no additional academic sanctions may be
294 levied. Academic sanctions may not be imposed without a report to SCED.
295 Should the faculty member neglect to file an appropriate report to SCED,
296 any academic sanction imposed is invalid until the report is filed. All
297 instances of ethical misconduct should be known to the university and
298 reported to SCED. They should be reviewable and alterable by university
299 oversight personnel, specifically the Director of SCED.

300
301 4.5 The instructor may impose the academic sanction and make the report
302 called for in Section 4.4 without a conference when a student fails to
303 attend a scheduled conference or discuss the alleged dishonesty and the
304 faculty member makes a good-faith, albeit unsuccessful, effort to contact
305 the student in writing. In either case, the student's right to appeal is
306 preserved.

307 308 5.0 PROTECTION OF STUDENT RIGHTS

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

- 310 5.1 Students are guaranteed due process, including the right to be informed of
311 the charges and nature of the evidence supporting the charges and to
312 have a meeting with the faculty member, SCED, or other decision makers.
313 At any such meeting, statements and evidence on behalf of the student
314 may be submitted. This policy is not intended to deny the right to appeal of
315 any decision through appropriate university channels.
316
- 317 5.2 SCED shall review the academic sanction imposed by a faculty member
318 on a student and determine whether evidence exists in support of the
319 instructor's allegation. It shall also make an assessment of the
320 proportionality of the sanction to the severity of the infraction and may
321 recommend a reduction or increase in sanction severity. This assessment
322 shall be made in consideration of consistency across the campus.
323
- 324 5.3 If upon review by SCED, the student is found not responsible of the
325 charges or if insufficient evidence has been presented by the instructor to
326 establish responsibility, then the student shall be exonerated and the case
327 dismissed. In this event, the record of the alleged violation shall be
328 expunged and academic sanctions against the student prohibited, barring
329 an appeal by the faculty member to the Board of Academic Freedom and
330 Professional Responsibility (BAFPR). If SCED finds that sanctions should
331 be modified, the instructor must make those modifications, again barring
332 an appeal by the faculty member to the BAFPR. Should the instructor
333 refuse to lift or modify the sanctions recommended by SCED, the case
334 shall be referred to the BAFPR. This section represents an exception to
335 University Policy S99-9, Section IV.2.
336
- 337 5.4 If the BAFPR upholds the findings of SCED to exonerate the student or to
338 modify the sanction, the instructor must lift the sanction imposed or modify
339 it accordingly. If the instructor refuses to do so, as per CSU Executive
340 Order 1037, "it is the responsibility of other qualified faculty to do so ...
341 [i.e.] one or more persons with academic training comparable to the
342 instructor of record who are presently on the faculty at that campus."
343 Preferably, the department chair or school director, in conjunction with
344 associate dean of the relevant college, shall be compelled to do so. If the
345 remedial action has not been taken within a reasonable time as
346 determined by the BAFPR, a request to the President, Provost or
347 appropriate vice president shall be made to expedite the resolution.
348
- 349 5.5 All reasonable accommodations shall then be provided to the exonerated
350 student if there is a fear of retaliation by the instructor. Accommodations
351 might include the ability to retake the course without charge from a
352 different instructor or to substitute a different course (the latter if approved

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

357
358 **5.4 Student Appeal Process.** An appeal must be filed in writing to the
359 BAFPR before the last day of instruction of the semester following that in
360 which the academic sanction was imposed. The sanctions imposed and
361 the SCED findings shall be taken up by the BAFPR within 30 days of the
362 official filing of the appeal. Evidence submitted by both student and faculty
363 member shall be considered and the determination of responsibility shall
364 be assessed.

365
366 **6.0 THREATS**

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

372
373 **7.0 DISSEMINATION OF INFORMATION**

374
375 7.1 The Academic Integrity Policy shall be published in the university catalog
376 and on the university website. Copies of this policy shall also be held in
377 every department office and SCED.

378
379 7.2 Dissemination of this information shall be the responsibility of SCED.
380 Information is available at <http://www.sjsu.edu/studentconduct/>.

381
382 7.3 SCED shall submit a statistical report on the number and types of
383 violations and their eventual disposition to the Academic Senate annually.

384
385 7.4 College and departments/schools are encouraged to discuss periodically
386 this policy at faculty meetings, including discussion of strategies for
387 ensuring academic integrity among students and consistency among
388 faculty.

389
390 7.5 Department chairs, school directors, and program directors should ensure
391 that new faculty members receive a copy of this policy and an oral
392 explanation at the time they are given their first class assignment.

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