

## STUDENT ACADEMIC ETHICS POLICY

([www.bsu.edu/associateprovost/academicethics](http://www.bsu.edu/associateprovost/academicethics))

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For questions, contact Office of the Associate Provost, AD 326, (765) 285-3716

### I. Introduction

Honesty, trust, and personal responsibility are fundamental attributes of the university community. Academic dishonesty and other forms of academic misconduct threaten the foundation of an institution dedicated to the pursuit of knowledge and will not be tolerated. To maintain its credibility and reputation, and to equitably assign evaluations of scholastic and creative performance, Ball State University is committed to maintaining a climate that upholds and values the highest standards of academic integrity.

### II. Academic Misconduct

Academic misconduct involves violations of procedures which protect the integrity of the coursework completed by a student. Academic misconduct includes, but is not limited to, acts of academic dishonesty, or “intentional acts of fraud” in the academic setting.

“In academic dishonesty cases, a distinction must be made between simple negligence and intentional acts of fraud. The former does not merit subjecting students to the disciplinary process. An example of academic negligence would be the omission of a single footnote due to a typing error.

While the student responsible for such error should not be subject to disciplinary penalties, the instructor is free to award a grade which reflected the student's carelessness.

The issue of ‘intent’ is a question of fact. A student who cites long passages from a book without any acknowledgment cannot expect the decision maker to believe the omission was merely negligent. Requiring a showing of intent should not be confused with excusing students who claim they were unaware of the rules.” (p. 23)<sup>1</sup>

Academic misconduct includes, but is not limited to the following:

- A. Violations of procedures which protect the integrity of educational assessments (e.g., quiz, examination, etc.) or activities (e.g., laboratory exercises, group performances), such as:
  1. Possessing, referring to, or employing open textbooks or notes or other devices not authorized by the faculty member;
  2. Copying from another person's work;
  3. Communication with, providing assistance to, or receiving assistance from another person in a manner not authorized by the faculty member;
  4. Possessing, buying, selling, obtaining, giving, or using a copy of any unauthorized materials intended to be used as or in the preparation of a quiz or examination or

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<sup>1</sup> Gehring, D., & Pavela, G. (1994). *Issues and perspectives on academic integrity* (2nd ed.). Washington, DC: National Association of Student Personnel Administrators.

- similar evaluation;
5. Taking a quiz or examination or similar evaluation in the place of another person;
  6. Utilizing another person to take a quiz, examination, or similar evaluation in place of oneself;
  7. Changing material on a graded examination and then requesting a re-grading of the examination;
  8. The use of any form of technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images to accomplish or abet any of the violations listed in parts 1 through 7.
  9. Distribution of course materials (including notes) through Ball State University communications or external communications (e.g., a commercial website).
- B. Plagiarism—defined as “intentionally or knowingly representing the words or ideas of others as one’s own in any academic exercise”<sup>2</sup> (also see discussion below) or violations of procedures prescribed to protect the integrity of an assignment, such as:
1. Submitting an assignment purporting to be the student’s original work which has been wholly or partly created by another person;
  2. Presenting as one’s own work the ideas, representations or words of another person without customary and proper acknowledgment of sources.
  3. Submitting as newly executed work, without faculty member’s prior knowledge and consent, one’s own work which has been previously presented for another class at Ball State University or elsewhere;
  4. Knowingly permitting one’s work to be submitted by another person as if it were the submitter’s original work.

*Discussion:* Regarding plagiarism, the Council of Writing Program Administrators notes the following:

“Most current discussions of plagiarism fail to distinguish between:

- a. Submitting someone else’s text as one’s own or attempting to blur the line between one’s own ideas or words and those borrowed from another source, and
- b. Carelessly or inadequately citing ideas and words borrowed from another source.

Such discussions conflate *plagiarism* with the *misuse of sources*.

Ethical writers make every effort to acknowledge sources fully and appropriately in accordance with the contexts and genres of their writing. A student who attempts (even if clumsily) to identify and credit their source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not

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<sup>2</sup> Pavela, G. (1997). *Applying the power of association on campus: a model code of academic integrity*, p.11. Accessed August 29, 2018 from the Center for Academic Integrity website at [https://academicintegrity.org/wp-content/uploads/2018/02/model\\_code.pdf](https://academicintegrity.org/wp-content/uploads/2018/02/model_code.pdf)

plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately.”<sup>3</sup>

5. Falsely claiming to have completed work during an internship or class group assignment.
6. Cooperating with another person in academic misconduct, either directly or indirectly as an intermediary agent or broker.
7. Knowingly destroying or altering another student’s work whether in written form, computer files, art work, or other format.
8. Aiding, abetting, or attempting to commit an act or action that would constitute academic misconduct.
9. Fabrication, or “intentional and unauthorized falsification or invention of any information or citation in an academic exercise.”<sup>4</sup>

### **III. Accusation of Discrimination**

If the student believes the accusation of academic misconduct is in whole or in part due to unlawful discrimination relating to race, religion, color, sex, sexual orientation, physical or mental disability, national origin, ancestry, or age, the student must inform the Office of University Compliance in writing of this belief immediately after an accusation has been made. The charge of unlawful discrimination shall be dealt with under the procedures set forth by the Office of University Compliance.

When a student involved in an academic misconduct case alleges as a partial or complete defense, discriminatory treatment on the part of the faculty member, then the student must at the first opportunity cite the specific treatment engaged in by the faculty member. When raising such defense, the student must also provide a summary of the constitutionally or statutorily prohibited reasons upon which they believe the decision or accusation was based and a detailed summary of the evidence which supports the appellant’s allegation. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination.

When a student involved in an academic ethics case alleges discriminatory treatment on the part of the faculty member, the University’s Vice President and General Counsel or their designee will be consulted on how to best resolve both allegations in a timely and fair manner that meets the University’s statutory compliance and ethical obligations.

### **IV. Implementation Procedures**

The Provost has designated the Associate Provost to be responsible for overall administration of this policy. Specific responsibilities have been further delegated to other staff members with the Office of the Associate Provost. Unless specifically noted, “Associate Provost” will mean any of these persons.

Throughout this document, *written notice* is defined as Priority United States Mail and/or

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<sup>3</sup> Council of Writing Program Administrators, (2003). *Defining and Avoiding Plagiarism: The WPA Statement on Best Practices*. Accessed August 29, 2018 at <http://wpacouncil.org/positions/WPAplagiarism.pdf>

<sup>4</sup> Pavela, G. (1997). *Applying the power of association on campus: a model code of academic integrity*, p. 10. Accessed August 29, 2018 from the Center for Academic Integrity website at [https://academicintegrity.org/wp-content/uploads/2018/02/model\\_code.pdf](https://academicintegrity.org/wp-content/uploads/2018/02/model_code.pdf)

university email with a read/receipt request attached to the document.

No statute of limitation shall exist for issues of academic misconduct, including post-graduation situations. In the case of post-graduation issues, the same procedures and timetables as described for current students are applicable. However, before the procedures may begin, the individual in question must be located and contacted. Once located, the Associate Provost will send a certified letter to the individual, containing all required information. When the Associate Provost receives confirmation that the letter has been delivered, the timetable of events begins.

A. *Informal Resolution.* If a faculty member accuses a student of academic misconduct, the faculty member must inform the student, either in person or by written notice, of the alleged violation within five (5) school days after the faculty member becomes aware of the initial circumstances giving rise to the accusation. The faculty member and student will discuss the alleged violation in a private conference<sup>5</sup> within five (5) school days after the faculty member notifies the student of the accusation. The student's failure to respond to this accusation will be considered an admission of responsibility for the violation. In accordance with the *BSU Code of Student Rights and Responsibilities* section 4.4, "School day means Monday, Tuesday, Wednesday, Thursday, or Friday. It does not include Saturday or Sunday, nor does it include any day on which there are no scheduled university classes."

1. *Finding of Not Responsible.* If, as the result of the conference, the faculty member thinks that the student is not responsible, the matter will be closed.
2. *Finding of Violation.* If, as a result of the initial conference, the student admits their academic misconduct, the student will be required to indicate this admission in writing to the faculty member within five (5) school days following the conference.
3. *Imposition of Consequences.* If, after receiving the written admission of a violation, an appropriate resolution (including consequences) is found to which faculty member and student agree, written documentation will be sent to the Associate Provost. This written documentation must be signed by both the faculty member and the student.
4. *Disagreement as to Violation.* If, as a result of the initial conference, the faculty member thinks a violation has occurred and the student disagrees, the faculty member must notify the student in writing within five (5) school days following the initial conference that the faculty member is proceeding with the formal resolution process.
5. *Disagreement as to Consequences.* If the student admits responsibility or fails to respond, and the faculty member subsequently imposes consequences that the student considers too severe, the student may appeal within five (5) school days of

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<sup>5</sup> The "private conference" is not required to be a face-to-face meeting; it can be conducted by telephone, email, or Skype for example. Additionally, there may be times when more than one student is accused of being involved which can require a meeting between an instructor and two students, for instance. Finally, there may be times when the support of an advisor for the student or instructor or both is appropriate. The "private conference" may not be a public affair attended by anyone who wishes to do so; this meeting is an opportunity for the student to respond, for the instructor to gather information, and for all parties to clarify what has happened and determine the next step.

being notified of the consequence. This appeal should be filed with the Associate Provost to be considered by the Student Academic Ethics Committee.

- B. *Formal Resolution.* A faculty member's written notification to the student that they are proceeding with the formal resolution process shall include a brief description (no more than five (5) pages) of the circumstances giving rise to the accusation and inform the student of their right to appeal. A copy of the written notice shall be given to the faculty member's chairperson. The student must respond in writing to the formal accusation within five (5) school days after receiving the faculty member's written notice.
1. The student's written response must indicate why they deny the accusation and wish to appeal.
  2. If the student fails to respond in writing within the five (5) school day period, the student shall be deemed to have admitted to the accusation.
  3. If the student denies the accusation, in writing, the faculty member shall refer the matter, in writing, to the Student Academic Ethics Committee within five (5) school days from the date of the student's response. At that same time, the faculty member shall provide copies of the academic misconduct referral to the student, department chairperson, and Associate Provost. The faculty member is responsible for establishing academic misconduct.
  4. If the matter is not resolved informally, and if the faculty member does not refer the matter to the Student Academic Ethics Committee, the student shall be deemed to be not responsible of the accusation of academic misconduct and no consequences may be imposed.
- C. *Timing of Grade.* During the formal resolution process, the student's enrollment and participation in class shall not be affected. If the student's grade in the course has not been resolved by this process and the semester ends, the student shall receive an "incomplete (I)" in the course until such time as a grade can be determined pursuant to this policy. If the student has already been assigned a grade in the course at the time the student is accused of academic misconduct, the assigned grade shall not be changed unless and until the student is determined to be responsible for the violation of academic misconduct pursuant to this policy.
- D. *Course Withdrawal.* Students who are faced with an accusation of academic misconduct are not allowed to withdraw from the course until the issue has been resolved. If the student withdraws from the course before the Associate Provost learns of the accusation, they will be administratively re-enrolled in the course until the adjudication is complete, including imposition of consequences if appropriate.
- E. *Multiple Offense Review.* Upon receipt of a faculty member's written notification of a student academic misconduct accusation, the Associate Provost shall review all records and determine if the student has prior offenses on record, and if so, what further action is warranted.
1. *Informal Process Resolution.* After review of past incidents, the Associate Provost may close the matter with no further action, or may choose to impose additional consequences for the most recent violation.

2. *Referral to Student Academic Ethics Committee.* The Associate Provost may also choose, upon review, to forward the matter to the Student Academic Ethics Committee for consideration of additional penalties.
  3. *Forwarding Cases Resolved at Informal Level.* In cases where the most recent offense has been resolved by agreement of the faculty member and student, the hearing will include only the student and the Hearing Panel. The faculty member involved in student's violations need not appear unless circumstances warrant faculty involvement. The Hearing Panel may recommend no additional consequences or may recommend consequences up to and including suspension or expulsion from the University or revocation of a previously awarded degree.
  4. *Forwarding Cases Resolved at Formal Level.* If the determination of prior violations occurs during the Formal Resolution process, the process and hearing will proceed as outlined for a single offense. The Hearing Panel will include questioning about any other offenses and will consider the issue of multiple offenses as part of a recommendation to the Provost and Vice President for Academic Affairs for the determination of consequences.
- F. *Standing of Alternate Complainants:* This policy is designed to address the typical scenario that a faculty member is alleging academic misconduct by a student under their instruction (class, internship, thesis, student teaching, etc.). However, there are times when a student reports academic misconduct or when a student not under a faculty member's instruction assists a student who is under that faculty member's instruction. In these cases, a faculty member who is in the best position to exercise the authority to impose an academic consequence (i.e., a grade) will be sought to review the allegation. If a faculty member who is able to serve in this capacity cannot be found, the Associate Provost may designate the Dean of Students or designee to serve as the complainant. However, in these instances, the Associate Provost or Dean of Students may not impose an academic consequence but may impose consequences authorized under section VIII of this *Code*.

## **V. Student Academic Ethics Committee – Composition**

- A. *Membership.* The Student Academic Ethics Committee shall be composed of one (1) faculty member from each college, one (1) undergraduate student from each college, one (1) graduate student from each college, the Associate Provost or designee, and the Dean of Students or designee.
  1. Each college dean shall appoint one (1) regular faculty member from their college with the academic rank of assistant professor or higher to serve on the committee and one (1) undergraduate and one (1) graduate student from their college;
  2. The students must have earned sophomore standing or above, shall not be on academic or disciplinary probation, or have a record of having committed academic misconduct. Each student must consent in writing to the university verifying to the college dean that they meet the requirements of the preceding sentence;
- B. *Term.* Faculty and student members of the Student Academic Ethics Committee shall be appointed during spring semester of each year to serve a one (1) year term beginning the following fall semester. A faculty or student member may serve an unlimited

number of terms.

## **VI. Student Academic Ethics Committee: Procedures**

- A. *Selection of Hearing Panel; Chairperson.* The Associate Provost shall select a Hearing Panel from among the members of the Student Academic Ethics Committee. The Hearing Panel shall be composed of five (5) voting members: three (3) faculty, two (2) students selected from either the undergraduate or graduate pool of students to match the status of the accused student; and two (2) non-voting members: the Associate Provost or designee, and the Dean of Students or designee. The Associate Provost shall serve as chairperson of the Hearing Panel.
- B. *Advisors.* The student and faculty member may each be accompanied and assisted at the hearing by one advisor. However, an advisor may not address the Hearing Panel or witnesses directly. The student and faculty member shall each indicate to the Associate Provost who will serve as their advisor at least twenty-four (24) hours before the hearing.
- C. *Notice of Hearing.* The Associate Provost shall establish the time, date, and place that the academic misconduct referral or appeal will be heard by the Hearing Panel and shall give at least ten (10) school days prior written notice thereof to the student and to the faculty member. The notice shall include the names of the persons who will serve on the Hearing Panel and shall briefly state the nature of the accusation and the circumstances giving rise to the accusation. The date of the hearing should not be more than twenty (20) school days after the faculty member's written notice or the student's appeal was received by the Office of the Associate Provost. In the case of an absent faculty member, the department chairperson, with consent of the absent faculty member, shall appoint a faculty member from the department to represent the faculty member at the hearing.
- D. *Quorum.* All of the voting members of the Hearing Panel must be present to constitute a quorum, unless a vacancy occurs. A majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.
- E. *Disqualification; Challenges.* Any Hearing Panel member shall disqualify themselves if they have a conflict of interest with the case, the student, a personal bias relevant to the case. The student may challenge a Hearing Panel member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Associate Provost may, at their discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of all remaining voting members of the Hearing Panel.
- F. *Witnesses.* The student and the faculty member may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Committee may limit the number of witnesses to avoid repetition and cumulative testimony. The witnesses must be affiliated with the University and knowledgeable about the academic misconduct accusation. Each party shall be responsible for insuring the presence of their witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a

witness unless the chairperson of the Hearing Panel permits a written statement. The student and the faculty member must provide the names of all witnesses who may testify at least twenty-four (24) hours before the scheduled time of the hearing to the Office of the Associate Provost. All witnesses who testify, as well as the accused student and the faculty member, may be questioned by any member of the Hearing Panel concerning any matter relevant to the issues before the Hearing Panel. Witnesses invited by either party shall be present only while they are testifying.

- G. *Materials Used in the Hearing.* The student must provide a written statement of no more than five (5) pages outlining the basis of the appeal and provide any supporting documentation. The faculty member will provide the original written notification and any additional supporting materials. All documentation must be received in the Office of the Associate Provost no less than five (5) school days prior to the hearing. All documents shall be distributed to both parties and the Hearing Panel no less than twenty-four (24) hours in advance of the scheduled hearing.
- H. *Conduct of the Hearing.* The hearing shall be conducted without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view to providing the Hearing Panel with a complete understanding of the facts involved. Each party shall be granted up to thirty (30) minutes to present relevant information to the Hearing Panel. Time used by witnesses shall count toward those thirty minutes (excluding time spent questioning the witness by the Hearing Panel). Decisions of the Hearing Panel shall be made by a majority vote. The Hearing Panel may delay judgment.
- I. *Privacy of Appeal Hearing.* The Hearing Committee members shall return any personal files, materials received during the appeals procedure, or notes taken during the meetings of the Hearing Committee to the Chairperson of the Hearing Committee, once the process is complete. No member of the Hearing Committee, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observation of the hearing to any other person unless required by a court of law to do so or upon the advice of the University's legal counsel.

## **VII. Hearing Committee: Determination/Recommendations**

- A. *Determination and Recommendation of the Hearing Panel.* The Hearing Panel's determinations shall be based solely on the evidence presented or summarized at the hearing, as well as the testimony provided by the student, faculty member, and witnesses; however, the Hearing Panel may take official notice of matters which would be within the general experience or knowledge of faculty or students of the university. The Hearing Panel shall complete the following tasks:
  - 1. Determine the responsibility of the student (if not previously determined);
  - 2. Determine the recommendation for consequences if the student is determined to be responsible for the violation or the student admitted responsibility for the violation in writing, or the only issue before the Hearing Panel is the consequence to be imposed. The Hearing Panel may consider any prior instances of academic misconduct by the student in determining its recommendation for consequences;
  - 3. Meet in one or more private sessions after the conclusion of the hearing for the



purpose of preparing the written summary of the evidence presented, findings, and recommendation for consequences for delivery to the Provost and Vice President for Academic Affairs.

- B. *Determination of Not Responsible.* If the Hearing Panel determines that the student is not responsible for the alleged violation, the accusation shall be dismissed and the Hearing Panel shall request the faculty member involved to assign a grade to the student based upon the student's academic performance. If the student thereafter disagrees with the final course grade assigned, the student may appeal the grade through the University's grade appeal procedure. The Hearing Panel shall give its written summary of evidence presented and its written finding of "not responsible" to the Provost and Vice President for Academic Affairs. A copy of the summary and finding of "not responsible" shall at the same time be given to the student, faculty member, the faculty member's department chairperson, and the faculty member's dean.
- C. *Determination of Responsibility for the Violation: Findings and Recommendation to Provost and Vice President for Academic Affairs.* If the Hearing Panel determines that the student is responsible for the violation of the accusation, if the student has admitted responsibility for the violation in writing, or if the only issue before the Hearing Panel is the consequences to be imposed, the Hearing Panel shall give its written summary of the evidence presented, its written findings, and its recommendation for consequences to the Provost and Vice President for Academic Affairs. A copy of the summary, findings, and recommendation for consequences shall at the same time be given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean.
- D. *Appeal to the Provost and Vice President for Academic Affairs.* The faculty member or the student may appeal the Hearing Panel's decision to the Provost and Vice President for Academic Affairs. To be considered by the Provost and Vice President for Academic Affairs, such appeals must be received by the Office of the Provost and Vice President for Academic Affairs within five (5) school days after the date the Hearing Panel's summary, findings, and recommendations are given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean. The decision of the Provost and Vice President for Academic Affairs is final.
- E. *Action by Provost and Vice President for Academic Affairs.* After receipt of the Hearing Panel's summary, findings, and recommendation and any written comments promptly submitted by the faculty member or student, the Provost and Vice President for Academic Affairs may: (1) approve the determination and recommendation of the Hearing Panel; (2) overrule or modify the Hearing Panel's recommendation for consequences; or (3) refer the matter back (remand) to the Hearing Panel for such action as the Provost and Vice President for Academic Affairs may direct. If the Provost and Vice President for Academic Affairs remands the matter to the Hearing Panel, the results of the Hearing Panel's further actions shall be communicated to the Provost and Vice President for Academic Affairs for final decision.

### **VIII. Consequences**

- A. *By Faculty Member.* A faculty member may impose consequences for academic misconduct up to and including failure in the course.

- B. *By Provost and Vice President for Academic Affairs.* After receipt of the Hearing Panel's summary, findings and recommendation, the Provost and Vice President for Academic Affairs may impose consequences up to and including suspension or expulsion from the University or revocation of a previously awarded degree.

## **IX. Records of Academic Misconduct**

- A. *Records in Case with No Adverse Finding.* If a student is determined or deemed to be not responsible of an accusation of academic misconduct, and any appeal of that decision has been concluded with no change in judgment, all materials concerning the accusation that are in the possession of the University or any University faculty or staff member shall be destroyed, except that:
  - 1. Any student work product involved in the dispute shall be evaluated, retained, returned to the student or otherwise handled as required by the original assignment; and
  - 2. A minimal record of the case, including nature of accusation, date/time of hearing, accused student's name, and the resolution will be retained for future reference as needed.
- B. *Records in Case with Adverse Finding.* If an academic misconduct proceeding concludes, after any available appeals, in a finding that there was academic misconduct of any type in any degree, or if a case is resolved by informal resolution, with a stipulation by the student that there was academic misconduct of any type in any degree, the records of the proceedings shall be maintained in accordance with University policies.
- C. *Maintenance of Records.* Records of any proceeding described above shall be maintained in a separate file, identified by the name of the student. The records shall include all materials used in the hearing, as well as findings of violation and imposition of consequences as a result of informal resolution. All materials in a student's academic misconduct file will be destroyed five (5) years after the case is resolved. However, if at the conclusion of this holding period, the materials are relevant to pending or threatened litigation, the Provost and Vice President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. Access to or release of the materials will occur only with the prior written consent of the student or in accordance with the Registrar's policies for the release of student records, in accordance with federal and state law and University policy.
- D. *Transcripts.* Other than the grade finally assigned in a course, a student's academic misconduct shall not be recorded on the student's transcript unless the student is expelled from the University or a previously awarded degree is revoked. In these cases the transcript has a notation but which does not specify expulsion or revocation of degree.

## **X. Miscellaneous**

- A. *Action by Designee.* Whenever an action may be or is required to be taken under this policy by the Provost and Vice President for Academic Affairs, the Associate Provost, or the Dean of Students, the action may be taken by that person's designee.