

REQUEST TO AMEND THE WSU STUDENT CODE OF CONDUCT 10.1 and 14.0 ON ACADEMIC MISCONDUCT

Recommendation

The Administration requests the Board of Governors amend the Student Code of Conduct section 10.1 Academic Misconduct – Preliminary Procedure and section 14.0 Informal Disciplinary Conference.

Background

The Academic Senate Policy Committee formed a Subcommittee, consisting of representatives from the Curriculum & Instruction, Student Affairs, and Faculty Affairs Committees, to develop proposals for revision of the academic misconduct procedures of the Student Code of Conduct, with an eye towards ensuring that faculty members that press academic misconduct charges have a formal role in the 10.1(a) appeal and 10.1(b) adjudication processes. The Subcommittee met with various stakeholders, including the Dean of Students Office and associate deans from the schools and colleges to ascertain existing academic misconduct procedures and practices.

The Subcommittee, in the course of its deliberations, determined that amendments to the Code of Conduct are warranted to codify existing best practices and to assure transparency in informal administrative dispositions of academic misconduct cases, and to these ends, proposed the annexed Code amendments. The Office of General Counsel made modifications to the draft amendments that ensured protection of the privacy of student information.

Proposed Revision

If the Board approves the proposed revision, the following changes in bold will be made:

10.1 ACADEMIC MISCONDUCT – PRELIMINARY PROCEDURE

a) When a faculty member is persuaded that academic misconduct has occurred, the faculty member may, without filing a charge, adjust the grade downward (including downgrading to a failing grade) for the test, paper, or other course-related activity in question, or for the entire course. In such instances, the faculty member shall notify the student(s) in writing of the downgrading and the reason(s) for it, as provided in Section 6.0, with a copy to the department or unit head. The faculty member shall provide the student with a copy of this Section 10.1 and a copy of the memorandum prepared by the Ombudsperson, explaining the Ombudsperson's role, referred to in Section 1.5.

The student may appeal the action by filing a written request with the department or unit head within ten school days of notification by the faculty member. The department or unit head shall give the student an opportunity for appearance within fifteen school days of receiving the student's appeal. **The faculty member must likewise be given an opportunity to be heard in advance of any decision to modify a grade adjustment, and in the event of such a decision, must be provided with a written statement of specific reasons for the overriding of the faculty member's judgment. The student shall be entitled to review any documentation or evidence offered by the faculty member which was not included in the notice described in the preceding paragraph. The department or unit head, and** shall notify the student of the decision,

in writing, within ten school days of the opportunity for appearance. In a departmentalized college where the unit head is not the Academic Dean, the student may appeal to the Academic Dean, in writing, within ten school days of notification of the unit head's decision. **The faculty member must be notified of the appeal, be given an opportunity to be heard in advance of any decision to modify a grade adjustment, and, in the event of such a decision, must be provided with a written statement of specific reasons for the overriding of the faculty member's judgment. The student shall be entitled to review any documentation or evidence offered by the faculty member which was not included in the notice described in the preceding paragraph.**

Where the department or unit head is the faculty member, then, in a departmentalized college where the unit head is not the Academic Dean, the student may appeal directly to the Academic Dean, in writing, within ten school days of the notification from the faculty member. The Academic Dean, acting in compliance with any of above-listed obligations to the faculty member and student that may be applicable, shall notify the student of the decision within ten school days of receiving the student's appeal. The Academic Dean's decision shall be final.

Where the Academic Dean is the faculty member, the student may appeal directly to the Provost, in writing, within ten school days of the notification from the faculty member.

b) If the faculty member in whose course the alleged infraction occurred perceives it as warranting discipline in addition to that provided for in Section 10.1a, the faculty member may also file academic misconduct charges with the Student Conduct Officer.

In the case of academic misconduct charges against a student, the Student Conduct Officer shall conduct a preliminary investigation and forward a copy of the charges to the Dean of the college in which the student is enrolled. In the case of graduate students, this will be the subject-area college, not the Graduate School, unless there is no subject-area college. If the student is not enrolled in a college, the Student Conduct Officer shall forward the copy of the charges to the Dean of the College of Liberal Arts and Sciences. If the Student Conduct Officer determines that another college has primary concern with the matter, in which case the Student Conduct Officer shall assign the matter to that college, and forward the charges to the Dean of that college.

In the case of academic misconduct charges against "related students," as defined in Section 13.2, if the students are enrolled in more than one college, the Student Conduct Officer shall determine which college has primary concern with the matter, shall assign the matter to that college, and shall forward the charges to the Dean of that college.

c) The Provost or designee may approve expedited due process procedures applicable to students enrolled in short-term, non-credit access programs, up to and including removal from the subject program.

d) On an annual basis, by May 31, each college shall report to the Provost or his/her designee: (i) whether any department or unit head has made any modifications to faculty-determined grade adjustments under paragraph (a) during the previous academic year, and if so, on how many occasions such modifications were made and a general description of the basis for the modification, and (ii) whether the Academic Dean made any modifications to faculty-

determined grade adjustments under paragraph (a) during the previous academic year, and if so, on how many occasions such modifications were made and a general description of the basis for the modification. On an annual basis, by July 31, the Provost or his/her designee shall report to the Academic Senate Curriculum and Instruction Committee, with a copy to the Student Conduct Officer, the total number of occasions in all colleges that modifications were made to faculty-determined grade adjustments under paragraph (a) during the previous academic year along with a general description as to the basis for each such modification, which description shall not include any reference to personally identifiable information as defined in the federal Family Educational Rights and Privacy Act.

14.0 INFORMAL DISCIPLINARY CONFERENCE

Alleged violation(s) involving sexual misconduct will be adjudicated pursuant to the Interim Guidelines so long as they remain in effect, and then by the Procedures for Implementing the Sexual Misconduct Policy. **For all other cases, the following provisions apply:**

Students or student organizations subject to, or electing to participate in, an Informal Disciplinary Conference before the Academic Dean or his/her designee or the Dean of Students shall be accorded the following procedure:

14.1 The student or representative of the student organization shall have access to the case file, prior to and during the conference.

14.2 The student or representative of the student organization shall have an opportunity to respond to the evidence and to call appropriate witnesses.

14.3 The student or representative shall have the right to be accompanied and assisted by an advisor or attorney only in the manner provided in Section 15.9 of this code.

14.4 In cases of academic misconduct arising under Section 10.1(b) above, the charging faculty member shall be notified of the Informal Disciplinary Conference and be given an opportunity to be heard; provided that any documentation or evidence provided by the faculty member that has not been previously reviewed by the student shall be subject to the procedure set forth in Section 14.2 above. Upon resolution of the matter, the Dean shall provide the charging faculty member with a written statement of specific reasons for the decision. On an annual basis, by May 31, each college shall report to the Provost or his/her designee whether or not the Academic Dean has disposed of one or more cases on the basis of an Informal Disciplinary Conference during the previous academic year, and, if so, on how many occasions such dispositions were made and a general description of the basis for the decision. On an annual basis, by July 31, the Provost or his/her designee shall report to the Academic Senate Curriculum and Instruction Committee, with a copy to the Student Conduct Officer, the total number of dispositions on the basis of an Informal Disciplinary Conference in all colleges, along with a general description of the basis for each such disposition, which description shall not include any reference to personally identifiable information as defined in the federal Family Educational Rights and Privacy Act.

14.45 The Dean shall render a decision within ten school days. If the Dean sustains the charges, the Dean shall decide the appropriate sanctions as specified in Section 5. The Dean shall notify the student or representative, the charging party, and the Student Conduct Officer of the decision, in writing, within ten school days. The decision of the Dean shall be final. The Dean shall, at this time, return the original file to the Student Conduct Officer. In those cases, in which the nature of the sanction requires notice to the Registrar, the Student Conduct Officer shall forward the Dean's notice to the Registrar.

Approvals

This recommendation was approved by the Academic Senate, the Office of the General Counsel, and the Provost.