

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENTS**

Date: April 5, 2010

REGULATION TITLE AND NUMBER: Code of Academic Integrity (4.001).

SUMMARY: The Division of Academic Affairs seeks approval to amend FAU Regulation 4.001, *Honor Code, Academic Irregularities, and Student's Academic Grievances*. This proposed amended regulation, renamed *Code of Academic Integrity*, describes the expectations for students' ethical academic conduct and the procedures for charging a student with a violation of the Code. The proposed amended regulation also outlines the procedures for students to appeal such charges. The regulation that is currently in effect suffers from a lack of clarity concerning the appeal process and contains a weak enforcement mechanism for violations of the Code. The current regulation also contains procedures for academic grievances, primarily grade appeals, which are unrelated to cases of academic irregularity. The proposed amendments clarify the policy and procedures involving situations of academic dishonesty and strengthen the sanctions against repeat offenders who violate the Code. The proposed amended regulation deliberately omits any discussion of academic grievance procedures. Academic grievance procedures have been removed from the current Regulation 4.001 and inserted into the proposed Regulation 4.002, with no substantive change in policy.

The Division of Academic Affairs spent several months revising this regulation, with extensive consultation with faculty and final approval by the University Faculty Senate. It was also reviewed by the General Counsel's Office.

FULL TEXT OF THE REGULATION AND AMENDMENTS: The full text of the proposed amended regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed amended regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENTS: Dr. Diane Alperin, University Provost and Chief Academic Officer

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENTS SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendments in whole or in part after notice, or proceed with adopting the regulation amendments. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENTS IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED

Florida Atlantic University

Regulation 4.001

~~Honor Code, of Academic Irregularities, and Student's Academic Grievances.~~ Integrity

~~(1) Academic irregularities frustrate the efforts of the faculty and serious students to meet~~

~~(1) Purpose. Students at Florida Atlantic University goals. Since faculty, students and staff have a stake in these goals, they are expected to maintain the highest ethical standards. Dishonesty is considered a serious breach of these ethical standards, because it interferes with the University mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Dishonesty is also destructive of the University community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility of all is to discourage academic irregularities by preventative measures and by insuring that appropriate action is taken when irregularities are discovered. Thus, FAU has an honor code requiring.~~

~~(1)(2) Definitions. The FAU Code of Academic Integrity prohibits dishonesty and requires a faculty member, student, or staff member to notify an instructor when there is reason to believe an academic irregularity is occurring dishonesty has occurred in a course/program requirement. The instructor's duty is to instructor must pursue any reasonable allegation, taking action, as described below, where appropriate. Examples of academic dishonesty include, but are not limited to, the following:~~

~~(2) The following shall constitute academic irregularities:~~

~~(a)~~

(A) Cheating

1. The unauthorized use of notes, books, electronic devices, or assistance from or to other students study aids while taking an examination or working on other assignments unless specifically authorized by the Instructor are defined as acts of cheating an assignment.

2. ~~(b) Providing unauthorized assistance to or receiving assistance from~~ another student during an examination or while working on an assignment.

3. Having someone take an exam or complete an assignment in one's place.

4. Securing an exam, receiving an unauthorized copy of an exam, or sharing a copy of an exam.

(B) Plagiarism

1. The presentation of words or ideas from any other source or another person as one's own without proper quotation and citation.

2. Putting someone else's ideas or facts into your own words (paraphrasing) without proper citation.

3. Turning in someone else's work as one's own, including the buying and selling of term papers or assignments.

(C) Other Forms of Dishonesty

1. Falsifying or inventing information, data, or citations.
2. Failing to comply with examination regulations or failing to obey the instructions of an act defined as examination proctor.
3. Submitting the same paper or assignment, or part thereof, in more than one class without the written consent of both instructors.
4. Any other form of academic cheating, plagiarism, or dishonesty.

~~(c) Other activities which interfere with the educational mission within the classroom.~~

~~(3) Initially, the Instructor will determine whether available facts and circumstances demonstrate~~

(3) Procedures.

If the instructor determines that there is ~~reason~~ sufficient evidence to believe that a student is ~~involved~~engaged in an academic irregularity:

~~(A) (a) The Instructor~~dishonesty, the instructor will, in conference, apprise meet with the student withat the earliest possible opportunity and provide notice to the Instructor's~~student of the instructor's perception of the facts. Early appraisal is desirable, the charges against the student, and the sanction. The instructor may not remove the student from the course until the appeal process has come to a conclusion.~~

~~(b) If, after this ~~conference~~meeting, the ~~Instructor~~instructor continues to believe that the student ~~was involved~~engaged in an academic irregularity~~dishonesty~~, the ~~Instructor~~instructor will ~~mail or give~~provide the student a ~~brief~~written ~~statement~~notice of the charges and the penalty.~~

~~(B) (c) A copy of this statement shall be sent to the ~~Department Head,~~ who~~chair of the department or director of the school/program administering the course.

(C) The student is entitled to an opportunity to be heard at a meeting with the instructor and chair/director to review and discuss the instructor's charges/statement. Such request for a meeting must be made in writing and received by the chair/director within five (5) business days of receipt of the instructor's charges/statement. The purpose of the meeting is to discuss the facts and to advise the student of the appeal process. The chair/director will provide the student, the instructor, and the dean of the college administering the course a summary of both the student's position and the instructor's position.

(D) The student may appeal in writing to the dean of the college administering the course. The appeal must be received by the dean within five (5) business days of receipt of the chair/director's summary from the review meeting. The dean will convene a Faculty-Student Council ("Council"), which will be composed of the dean (or designee), two faculty members, and two students. The dean (or designee) will act as chair of the Council, direct the hearing, and maintain the minutes and all records of the appeal hearing, which will not be transcribed or recorded. The hearing is an educational activity subject to student privacy laws/regulations, and the strict rules of evidence do not apply. The student may choose to be accompanied by a single advisor, but only the student may speak on her/his own behalf. The student and instructor may present testimony and documents on his/her behalf. Additional witnesses may be permitted to speak at the dean's (or designee's) discretion and only if relevant and helpful to the Council. The Council will deliberate and make a recommendation to the dean to affirm or void the instructor's findings of academic dishonesty. The dean (or designee) will inform the

student and instructor in writing of his/her findings of academic dishonesty after receipt of the Council's recommendation.

(E) The student may request an appeal in writing of the dean's findings of academic dishonesty to the University Provost (or designee) and include relevant documentation in support of such appeal. The University Provost (or designee) will notify the student, dean, and instructor of his/her decision in writing. This decision by the Provost (or designee) constitutes final University action.

(F) If there is a finding that the Code of Academic Integrity has been violated, the chair will notify the University Registrar that ~~an electronic~~ the following notation of the irregularity should be attached to included on both the student's official transcript. The notation will be part of and on the student's internal University record, but will not appear on the printed transcript. If the charges are dropped in the appeal process, or if there is no second record: "Violation of Code of Academic Integrity, University Regulations 4.001." If such violation is appealed and overturned, the dean or University Provost (or their designees) will notify the University Registrar that such notation should be removed from the student's transcript and internal record.

(4) Penalties.

(A) The instructor will determine the penalty to be administered to the student in the course. Penalty grades cannot be removed by drop, withdrawal, or forgiveness policy. Students should be aware that, in some Colleges/programs, failure in a course or a finding of dishonesty may result in other penalties, including expulsion or suspension from the College/program.

~~(A)~~(B) In the case of a first offense during the student's stay at the University, the student may elect to complete a peer counseling program administered by the Division of Student Affairs by the end of the semester following the semester in which the dishonesty occurred. Upon successful completion of this program, the notation regarding violation of the Code of Academic Integrity will be expunged from the record upon written request from the student following graduation from or two semesters of non attendance at, the University. student's official transcript. The grade, however, will remain unchanged and cannot be removed by drop or forgiveness policy. Also, the notation will remain in internal University student records.

~~——(d) The student may appeal the Instructor's actions by requesting a departmental conference within ten (10) days. The conference, held as soon as possible, will be among the student, the Instructor, and the Head of the Department administering the course. An advisor may attend to provide counsel to the student, but not to answer in place of the student. The Department Head's written statement of action taken pursuant to the conference will be delivered to the student and the Dean of the College administering the course.~~

~~——(4) When the Department Head notifies the Registrar of the irregularity (paragraph (3)(c)), the Registrar will inform the Department Head as to whether the student is a repeat offender. If the student is a repeat offender, the Department Head will recommend to the Dean a penalty suspension or expulsion. The Dean will make the decision as to the penalty and notify the student in writing.~~

~~——(5) The student may appeal the actions of the departmental conference or the Dean, at a faculty student council. This council will be established by each College and will be composed~~

of the Dean, two faculty members, and two students. Requests for a hearing must be presented in writing within ten (10) days of the departmental conference. Records of appeals and minutes will be maintained by the Dean. These hearings are considered to be educational activities. The strict rules of evidence do not apply. Students may be assisted by attorneys, but may not abdicate the responsibility to respond to charges to their legal advisors.

———(6) The student may appeal the faculty student council's action to the Vice President of Academic Affairs by requesting a hearing within ten (10) days of the committee's decision.

These appeals are limited to the following bases:

———(a) Failure to receive due process.

———(b) Arbitrary actions including lack of commensurateness of penalty to offense.

———(c) New pertinent information not available during earlier proceedings.

———(7) Penalties will vary with the offenses.

———(a) The Instructor's penalty, paragraph (3)(b) above, ranges from a grade of F on any work up to an F for course.

———(b) Penalty grades cannot be removed by drop or forgiveness policy.

———(c) Penalties assigned by the Dean, subsection (4) above, may include suspension or dismissal.

———(d) Each College or Department may adopt a policy of penalties more severe than prescribed above. Such a policy must be widely distributed in the Colleges.

———(8) The Vice President for Academic Affairs may act on an appeal as follows:

———(a) Dismiss the appeal and uphold the action taken by the College.

———(b) Order a new hearing by a different student faculty council.

———(c) Reduce the severity of the penalty administered.

———(9) Student grievances arising from academic activities require a written request for conference with the Instructor. If unsatisfied, the student may request further discussion in a department conference similar to the one in paragraph (3)(d) above. Grades will not be changed except by the Instructor, and grievances involving the judgment and discretion of a faculty member in assigning grades shall not proceed under this rule beyond the conference with the Instructor. This is an application of the concept of academic freedom. The exception to this rule occurs if the student can demonstrate malice on the part of a faculty member. A grievance involving a charge of malice may be appealed to the student faculty council, as above, and subsequently to the Vice President of Academic Affairs. In the event of a finding of malicious action, the University may take disciplinary action against the faculty member and, at the option of the student, remove the grade from the record and refund the student's fees for the courses. Students, whose accusations of malice are found to be frivolous by the Vice President of Student Affairs, are subject to disciplinary action.

(C) In the case of a repeat offense, even if the notation of violation of the Code of Academic Integrity from the first offense had been expunged from the official transcript as a result of successful completion of the peer counseling program, the student will be expelled from the University.

Specific Authority 240.227(1), 240.261 FS. Law Implemented 120.53(1)(b), 240.202, 240.261 FS., 6C-6.0105, F.A.C. History—New 10-1-75, Amended 12-17-78, 3-28-84, Formerly 6C5-4.01, Amended 11-11-87. Formerly 6C5-4.001. Amended - -10.