

Policy and Procedures for Student Academic Misconduct - III-1.10.02

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University of Maryland Graduate School, Baltimore (UMGSB)

This document states the basic UMGSB policy and procedures for dealing with various forms of student academic misconduct. It applies primarily to course work. For student misconduct in research and scholarly work at the University of Maryland, Baltimore County (UMBC), please see the UMBC document on “Policy and Procedures Concerning Misconduct in Scientific Work” <http://www.umbc.edu/newsevents/Student/scholar>. At the University of Maryland, Baltimore (UMB), misconduct in research and scholarly work is considered in the document, “Policy and Procedures Concerning Misconduct in Scholarly Work.”

<http://cits-cf.umaryland.edu/hrpolicies/section3/misconduct.htm>

Student academic misconduct may take numerous forms such as, but not limited to, those listed below:

- A. **Fabrication:** The intentional and unauthorized generation or augmentation of data, information, citation or result in an academic exercise.
- B. **Falsification:** The intentional and unauthorized altering of any information, citation or result in an academic exercise.
- C. **Plagiarism:** The intentional or knowing representation of the words, ideas or work of others as one's own in an academic exercise. The appropriation of the language, ideas or thoughts of another and representation of them as one's own original work.
- D. **Cheating:** The intentional use or attempted use of unauthorized material in an academic exercise.
- E. **Improprieties of Authorship:** Improper assignment of credit or misrepresentation of material as original without proper referencing of the original authors.
- F. **Facilitating Academic Dishonesty:** The intentional or knowing assistance or attempted assistance of another student to commit an act of academic misconduct.

All graduate students of the UMGSB are subject to the standards of academic integrity required by the UMGSB and to the possible penalties for academic misconduct in course work. In addition, students must also observe any additional standards announced by faculty members for particular courses.

Each faculty member is responsible for maintaining academic integrity in his or her courses and has the authority, using proper procedures and reasonable judgment, to determine whether a student has engaged in academic misconduct. The faculty member must decide whether the misconduct involves a less serious infraction, susceptible to resolution by informal methods, or a more serious infraction requiring severe and stigmatizing penalty, such as suspension and/or expulsion. Once the faculty member has made an initial determination of academic misconduct, he or she shall initiate the process explained below.

The faculty member should make the initial determination of academic misconduct within two weeks of the discovery of the infraction, if possible, and the entire process should be completed within 90 days, if feasible.

In all cases of suspected academic misconduct, the faculty member shall notify the student in writing within five calendar days, if feasible, of the initial determination and provide a copy of this document to the student. The student shall have an opportunity within five calendar days of notification to respond and give an explanation to the faculty member. The faculty member then will make a decision as to whether an infraction has occurred. If it has, the faculty member will make a decision as to whether the infraction is less serious or more serious and follow either of the procedures outlined below.

Less Serious Infractions

Examples of infractions that can be considered less serious are:

- Minor instances of plagiarism or cheating on exams or papers required for a course
- Minor fabrication or falsification of data for a laboratory report for a course
- Facilitating academic dishonesty by students in an academic exercise

After identifying academic misconduct and having determined that it is a less serious infraction, the faculty member should provide written notification, including a proposed resolution, to the associate dean of the graduate school, the student's mentor, the student and the student's graduate program director. The associate dean will respond in writing, confirming the assessment of a less serious infraction and authorizing the resolution suggested by the faculty member. The faculty member has authority to resolve less serious cases of academic misconduct by means of informal methods such as warning, counseling, additional assignments or grading. A typical penalty has been to assign a zero grade for the exercise in question and to compute the course grade including the zero grade for the exercise. The student may be reprimanded by the instructors, and the Graduate School can send letters of reprimand with the threat of dismissal should there be any further occurrence. Such informal methods shall not be considered to be severe or stigmatizing. Confidential records of authorized informal actions shall be kept by the associate dean for the use of the Graduate Council Grievance Committee (GCGC).*

The GCGC may release only general statistical summaries of such information and may not release identifying information.

Should the student fail to offer an explanation within the time frame, seek an extension for a good faith reason or make a written request to the associate dean for a full hearing before the GCGC, the faculty member's informal action shall be final and conclusive and not subject to appeal within the university system on grounds related to academic misconduct.

More Serious Infractions

Infractions that can be considered more serious include:

- Major instances of plagiarism or cheating on examinations or papers for a course
- Fabrication or falsification of data for publication, thesis, dissertation
- A pattern of or repeated occurrences of less serious infractions

After making a determination of a more serious academic misconduct requiring a severe and stigmatizing penalty, the faculty member shall, within five calendar days, send the associate dean of the Graduate School a letter describing the academic misconduct and recommending suspension, probation, expulsion or other action commensurate with the seriousness and circumstances of the misconduct.

The faculty member shall send a copy of the letter to the student, to the student's mentor, to the graduate program director and to the department chair. The associate dean will notify the registrar, if appropriate, to prevent the student from dropping the course, thereby evading a grading penalty. The letter to the student shall include a copy of this policy.

The faculty member shall also make reasonable efforts to preserve any evidence that might be needed by the GCGC in the event of an appeal by the student.

Appeals and Hearings

When the faculty member has filed a letter with the associate dean of the Graduate School establishing academic misconduct of either a more serious or less serious nature, the student shall have the right to a hearing before the GCGC. The student must file a written request for a hearing with the associate dean within 10 calendar days of notification. When a student requests a hearing in a case involving severe or stigmatizing penalty, the UMGSB administration shall provide facilities and personnel requested by the chair of the GCGC for the purpose of providing due process. If the faculty member recommends suspension or expulsion, the GCGC shall (unless the student waives the right to a hearing) automatically conduct a hearing to determine if there is enough evidence of misconduct or history of misconduct to justify suspension or expulsion.

Upon notification of a hearing request, the associate dean will appoint a three-person committee from among the members of the Graduate Council Grievance Committee. This smaller three-person committee will hereafter be referred to as the GCGC. The GCGC shall conduct an investigation, gathering evidence and interviewing witnesses to determine the facts. The investigation shall include a statement from the faculty member, describing the situation and action, a statement from the student including reason for the hearing request and all statements by witnesses. The associate dean shall circulate the statements to GCGC members, noting that confidential items must be kept in a secure location. The GCGC shall also obtain any additional information requested by the faculty member, the student or committee members. If requested by the chair of the GCGC, the associate dean of the Graduate School shall provide the GCGC the record of academic misconduct of any student requesting a hearing. The GCGC should, if necessary, hold a pre-hearing meeting of committee members to discuss the investigation.

Copies of all items of evidence should be sent to the faculty member and the student or, if the evidence cannot be copied, the associate dean should arrange for the evidence to be inspected by these parties at a convenient time.

The GCGC shall then schedule a hearing, conducted by the chair of the GCGC, allowing sufficient time, including continuations if necessary, for the committee to be satisfied that further inquiry would turn up no new material. If feasible, the hearing should be scheduled within 30 calendar days of the GCGC's notice of a hearing request. All three members of the GCGC must attend a hearing to form a quorum. Hearings will be held in closed session and will be tape-recorded. Accidental erasure of the tapes, failure of the recording equipment and/or poor quality of the recording will not be grounds for appeal. The faculty member and the student shall attend the hearing. Witnesses may be present at the hearing only during their own testimony except with the permission of both the student and the chair of the GCGC. Legal counsel for the student and/or the university may be present at the hearing in an advisory role. Legal counsel shall not function as an advocate. The student shall have the right to state his or her case, to offer explanations and interpretations of each item of evidence and testimony, and to ask questions of the faculty member and witnesses. The faculty member may offer interpretations of the evidence and testimony and ask questions as necessary. Each committee member may ask questions. The proceedings of the hearing are to be confidential and are not to be discussed outside the hearing.

The members of the GCGC shall discuss the case in closed session as soon as possible after the conclusion of the hearing. A vote is taken whether to uphold the faculty member's initial determination of academic misconduct. When a faculty member's recommendation of suspension or expulsion is involved, the GCGC also votes whether to uphold that recommendation. No votes in absentia shall be counted.

The GCGC shall send its findings and recommendations in writing to the associate dean of the Graduate School within 10 calendar days of the hearing, if possible. (A dissenting opinion may be submitted and filed by any GCGC member.) The associate dean will act upon the

recommendations of the report and notify the student, the faculty member and other necessary parties of the results of the determination. If the GCGC determines that the faculty member acted improperly or mistakenly in his or her initial determination of more serious academic misconduct, it may recommend that the associate dean expunge the notice of academic misconduct or attach a letter of explanation to the notice. The GCGC may, in its report to the associate dean of the Graduate School, support the recommendations of the faculty member and/or include other penalties. While the GCGC may not impose grade alterations based on the content of a student's work, it has the authority to uphold the grade sanctions recommended by the faculty member if the student is found to have engaged in academic misconduct. The associate dean's notification letter shall direct the student to the dean of the Graduate School should he or she want to appeal the decision. The GCGC shall also send the associate dean of the Graduate School the various documents and records used as evidence in the case.

The student has the right of appeal to the dean of the Graduate School. The appeal must be in writing and must be filed within 10 calendar days of receiving the GCGC report. The dean will review the GCGC report and may uphold the decision, reverse the decision, modify the decision and/or penalties or refer the case, back to the GCGC. In any case the decision of the dean of the Graduate School is final.

The associate dean of the Graduate School shall maintain a confidential file of academic misconduct communications that shall constitute the student's record of academic conduct. The associate dean of the Graduate School may place appropriate notations on the student's transcript and provide the academic misconduct record of any student to outside institutions making inquiry appropriate under the federal Buckley Amendment laws.

**The Graduate Council Grievance Committee (GCGC) is composed of three graduate faculty members from each campus. GCGC members may be members of the Graduate Council and are appointed by the respective deans of the Graduate School to a term of two years. The initial appointment of one year for two members assures continuity of membership on the committee. When a grievance is filed, all parties of the grievance and the members of the GCGC will be asked if there would be a conflict of interest with members of the committee or with any party filing the grievance. The associate dean will select three members of the GCGC who have no conflict of interest with any party affected by the grievance to serve on a panel to hear the case. Two members of the panel will be from the campus of the person filing the grievance. A panel may be augmented by up to two graduate student members (GSA members of the Graduate Council or other selected students) for the deliberation of academic misconduct grievances at the request of the student filing the appeal. The GCGC will consist of three faculty and one or two students and the preceding procedures will apply with an augmented number of members on the GCGC.*

Approved by UMGSB Graduate Council, April 1995

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