

# ACADEMIC MISCONDUCT POLICY

## Academic Misconduct Policy

For purposes of this policy, student **academic misconduct** includes **research misconduct**. Conduct covered by this policy includes, but is not limited to:

- **Cheating:** The deliberate use or attempted use of unauthorized material in an academic exercise, including unauthorized collaboration with classmates
- **Plagiarism:** The deliberate representation of the words, ideas or work of others as one's own in any academic exercise or research required by or related to the student's graduate program; the appropriation of the language, ideas or thoughts of another and representation of them as one's own original work.
- **Self Plagiarism:** The deliberate use of one's own personally submitted or concurrent papers, in whole or in part, except where expressly permitted in advance by the faculty member for the current course or the student's advisor
- **Falsification:** Falsifying documents, correspondence, reports, or records of any kind, or knowingly providing false information or evidence to University or School personnel, or to others external to the University
- **Fabrication:** The deliberate generation or augmentation of data, information, citation or result in an academic exercise or in research
- **Improprieties of Authorship:** Improper assignment of credit or misrepresentation of material as original without proper referencing of the original authors, whether done in a Graduate School course, as part of research conducted in the Graduate School, or in third party publications occurring during enrollment in the Graduate School
- **Facilitating Academic Dishonesty:** The deliberate assistance or attempted assistance of another to commit an act of academic misconduct.
- **Theft or destruction of library materials or other academic or research resources**
- **Research Misconduct:** The fabrication, falsification, or plagiarism in proposing, performing, reviewing research or in reporting research results, or destroying or failing to provide research records. It does not include honest error or differences of opinion. Research Record means the record of data or results that embody the facts resulting from scientific inquiry, including, but not limited to, research proposals, laboratory records (both physical and electronic), progress reports, abstracts, draft or final versions of theses, oral presentations, internal reports, or journal articles or other research publications.

All Creighton University graduate students are subject to the standards of academic and research integrity required by the University, and to the possible penalties for academic misconduct in course work and research.

In addition, students must also observe any additional standards announced in writing by faculty members for particular courses.

Research misconduct in federally-funded research, research training, or activities related to that research or research training as defined in and governed by University Policy 4.2.2, "Research Misconduct In Federally Funded Research." or as defined in and governed by University Policy 4.2.6. "Research Misconduct in Scholarly and Scientific Research That is not Federally Funded" will be subject to University Policy 4.2.2 or 4.2.6,

respectively. Allegations of student academic misconduct that fall within the definition of research misconduct within the scope of Policy 4.2.2 or 4.2.6 shall be reported to the Graduate School Dean and referred to the Research Compliance Officer, and procedures followed as described under Policy 4.2.2 or 4.2.6, respectively.

## Rights and Responsibilities

### 1. Student Rights and Responsibilities

**The student charged with Academic Misconduct has the right and responsibility to:**

- Be notified in writing of (1) the charges against him/her, (2) the basis for the charges, (3) the penalty proposed by the faculty member, (4) the right to a hearing, and (5) procedural steps.
- Attend class and exercise the privileges of all other Graduate School students pending the outcome of the hearing, except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property or reasons related to disruption of the academic, scholarly or administrative environment in Creighton facilities. The decision on student status will be made by the Dean of the Graduate School ("Dean").
- Have an advisor or legal counsel present during the presentation of the case to the Academic Hearing Subcommittee of the Graduate Board. The student is advised that if s/he elects to bring counsel to the hearing, the University is bound to also be represented by counsel. The student's advisor or counsel may not directly participate in the hearing, but may provide advice and counsel to the student.
- Waive the right to be heard before the Academic Hearing Subcommittee of the Graduate Board. The student is advised that, in so doing, s/he automatically agrees to accept the penalty proposed by the faculty member or levied by the Academic Hearing Subcommittee of the Graduate Board.
- Comply with deadlines and other requirements of this Policy.

### 2. Faculty Member Rights and Responsibilities

**The faculty member who brings a charge of academic misconduct has the right and responsibility to:**

- Participate in assuring the student receives due process by notifying the student via email and letter of the alleged misconduct.
- Make the initial determination, subject to this policy, of the seriousness of the alleged academic misconduct.
- Comply with deadlines and other requirements of this Policy.
- The faculty member who brings a charge of research misconduct has the responsibility to report the misconduct to the Dean and the Research Compliance Officer in accordance with the Reporting Noncompliant Conduct in Research and Sponsored Programs Policy, who shall handle the matter according to Policy 4.2.2 or 4.2.6, as appropriate.

### 3. Assistant Dean Rights and Responsibilities

**The Assistant Dean of the Graduate School ("Assistant Dean") has the right and responsibility to:**

- Oversee the handling, documentation and dissemination of information resulting from incidents of Academic Misconduct, subject to the requirements of University Policy 4.2.2, "Research Misconduct In Federally Funded Research." and University Policy

4.2.6. "Research Misconduct in Scholarly and Scientific Research That is not Federally Funded". If, for any reason, the Assistant Dean is unable to discharge the responsibilities outlined in this policy, they will be transferred to a School administrator designated by the Dean.

- Confer where appropriate or upon request with the faculty member or charged student about policy and process.
- Post the faculty member's letter to the charged student by certified mail and regular first class mail and by email.
- Ensure that all correspondence regarding the case becomes a part of the student's educational record, unless the charge is found to be groundless on appeal.
- Recuse him/herself in the event the Assistant Dean is the faculty member levying the charge of academic misconduct or is otherwise subject to a conflict of interest. In such an event, the Dean shall designate a replacement for the Assistant Dean's functions under this Policy.
- Comply with deadlines and other requirements of this Policy.

#### 4. Academic Hearing Subcommittee Rights and Responsibilities

**The Academic Hearing Subcommittee ("Subcommittee") has the right and responsibility to:**

- Access the complete educational record of the charged student.
- Access the Final Inquiry or Final Investigational Report resulting from a report of Research Misconduct to the Research Compliance Officer, as well as any supporting evidence.
- Meet prior to the hearing to review the documentation and discuss the case.
- Rule on challenges by the faculty member or charged student about the impartiality of Subcommittee members.
- Call and question witnesses.
- Determine who shall remain in the room during testimony.
- Levy penalties for misconduct charges upheld by the Subcommittee.
- Request additional evidence from the faculty member, the student, or the University, where necessary, in the sole judgment of the Subcommittee, to its decision.
- Keep confidential information regarding any current or past misconduct matters.
- Maintain hearing documents, audiotaped records of the hearing, and any transcription of the hearing in a secure manner.
- Ensure that the faculty member and charged student can exercise their rights to challenge the impartiality of any member of the Subcommittee prior to the hearing.
- Consider evidence, render a decision on the case, and communicate that decision to the Assistant Dean.
- Comply with deadlines and other requirements of this Policy.

### Procedures

The following procedures will guide the Graduate School in dealing with matters of Academic Misconduct. While not mandatory, the entire process should be completed within 60 days for Academic Misconduct that is not Research Misconduct, and within 60 days of the receipt of any Final Report from a Research Misconduct Inquiry or Investigational Committee governed by University Policy 4.2.2, "Research Misconduct In Federally Funded Research." or University Policy 4.2.6. "Research Misconduct in Scholarly and Scientific Research That is not Federally Funded".

#### Step 1. Making an Allegation

The faculty member should make the initial determination of academic misconduct within ten working days of the discovery of the alleged misconduct, if possible. Research misconduct shall be reported by a faculty member to the Graduate School Dean and the Research Compliance Officer. Research misconduct by a student that is reported to the Research Compliance Officer shall be communicated to the Graduate School Dean within ten working days.

#### Step 2. Determining the Misconduct Level

If the faculty member considers the misconduct to be of a less serious nature, the faculty member may resolve the issue by means of informal methods such as warning, counseling, additional assignments or grading (up to but not including course failure). For more serious misconduct where the faculty member wishes to propose a more stringent penalty (course failure, suspension, required withdrawal, expulsion), the faculty member must follow Steps 3 and 4 (if applicable). The faculty member shall visit with his/her Program Director and/or the Assistant Dean, notifying them of the allegation, discussing the proposed penalty and discussing the process of filing a misconduct charge and penalty options. The Program Director shall determine if the student has had any prior discipline for academic misconduct. The faculty member shall have the discretion to determine the severity of the proposed penalty, provided, however, that where the student has had prior discipline in the Graduate School for academic misconduct, the student is not eligible for informal resolution.

For Research Misconduct subject to University Policy 4.2.2, or University Policy 4.2.6, receipt of a Final Report from an Investigational Committee will require determination of the seriousness of the misconduct and appropriate penalties by an Ad-hoc Academic Misconduct Committee constituted by the Dean.

#### Step 3. Meeting with the Student

In all cases of suspected academic misconduct that is not research misconduct, the faculty member shall meet with the student in person or via phone or video conference within five working days of the faculty member's determination in Step 2 to discuss the allegations. The Faculty Member may request that the Program Director or the Assistant Dean shall participate in the meeting. Such allegations must be grounded in evidence retained by the faculty member. If at any point during the discussion, the faculty member accepts the student's explanation of the alleged misconduct, the process is terminated and the incident is dropped without further action, except as where governed by University Policies 4.2.2 or 4.2.6.

During that initial meeting between the faculty member and the student, the faculty member must provide the student with a hard copy of this policy or direct the student to the policy on the Graduate School's website. Where the faculty member is proposing a penalty that meets or exceeds course failure, the faculty member must advise the student to contact the Assistant Dean regarding the hearing and appeal processes.

Penalties involving grade reductions or additional assignments may be issued in the normal course of the semester. Warnings and assignment penalties should be documented in writing and included in the student's file housed in Academic Affairs for the Graduate School. Grade penalties are not appealable except through the Graduate School's Grade Appeals Policy (applicable to final course grades). Warnings and assignment penalties are not appealable.

#### Step 4: Initiating Academic Misconduct Charges

Where penalties equal or exceed course failure, the faculty member must:

1. Communicate with the Assistant Dean.
2. Assure due process for the student by notifying him/her via letter of the alleged misconduct. The faculty member shall provide the letter to the Assistant Dean within any deadline established by the Assistant Dean, who shall assume responsibility for sending the faculty member's letter to the student via certified and regular first-class mail to the student's most recent address of record on file at the Office of Academic Affairs for the Graduate School and to the student's University email address. The letter shall (1) identify the misconduct charge, (2) review the evidence in support of the misconduct charge, (3) specify the action recommended, and (4) inform the student of his/her right to appeal this charge. A copy of the Misconduct Policy, along with its appendices, shall be included with the letter. The letter shall be copied to the student's file, the Assistant Dean, the Program Director of the faculty member involved, and the student's academic advisor.
3. Instruct the student to contact the Assistant Dean immediately to discuss the procedure for accepting the proposed penalty or initiating an appeal.

Upon receipt of a Final Investigational Report resulting from a charge of Research Misconduct, as governed by Policy 4.2.2 or 4.2.6, the Dean may propose penalties in addition to any recommendations included in the Research Misconduct Final Investigational Report. Where penalties equal or exceed course failure, the Dean must

1. Assure due process for the student by notifying him/her via letter of the alleged misconduct via certified and regular first-class mail to the student's most recent address of record on file at the Office of Academic Affairs for the Graduate School and to the student's University email address. The letter shall (1) identify the misconduct charge, (2) review the evidence in support of the misconduct charge, (3) specify the action recommended, and (4) inform the student of his/her right to appeal this charge. A copy of the Misconduct Policy, along with its appendices, shall be included with the letter. The letter shall be copied to the student's file, the Assistant Dean, the Program Director of the faculty member involved, and the student's academic advisor.
2. Instruct the student to contact the Assistant Dean immediately to discuss the procedure for accepting the proposed penalty or initiating an appeal.

#### Step 5. Student Acceptance or Rejection of Charges

Where the penalty meets or exceeds course failure, the student has ten (10) working days from the date of the letter sent in Step 4 to accept the penalty or appeal the decision of the faculty member or Dean. The appeal shall be initiated by the student in writing to the Assistant Dean using the Intent to Appeal form, which is attached to this Policy as Appendix A. Failure to submit a completed Intent to Appeal form within 10 working days shall constitute acceptance of the penalty and waiver of the right to appeal.

#### Step 6: Appeal Preparation

- Once a student files the Intent to Appeal form with the Assistant Dean, the Assistant Dean will notify the Dean that an appeal is pending. The Assistant Dean will also notify in writing the faculty member for allegations of academic misconduct that is not research

misconduct, the faculty member's Program Director, and the student's academic advisor. Notice shall be made under confidential cover.

- The Dean is responsible for convening a five-person Academic Hearing Subcommittee of the Graduate Board, one of whose members shall be a graduate student in good standing.
- The Assistant Dean will establish the date on which the case will be heard by the Subcommittee. The student, his/her academic advisor, the faculty member levying the charge and his/her Program Director will be informed in writing by the Assistant Dean of the time and place of the hearing. The student will be informed in writing by the Assistant Dean of the right to have an advisor/legal counsel present.
- If the student elects not to appear in person before the Subcommittee, his/her responsibility for presentation of the case is not waived. Under these circumstances, the Subcommittee will deliberate, and act based on the evidence available at the time of the hearing.
- The Assistant Dean shall provide the student with a list of any documentation, including a statement of the student's position, a witness list and any supporting evidence, which must be submitted for presentation to the Subcommittee and the deadline for submitting such documentation. The student shall submit such documentation to the Assistant Dean within stated deadlines. The student is encouraged to present an oral statement to the Subcommittee at the time of the hearing as well.
- The Assistant Dean shall provide the faculty member with a list of any documentation, including a statement of the allegations, a witness list and any supporting evidence, which must be submitted to the Assistant Dean according to the deadlines established by the Assistant Dean.
- The Assistant Dean will forward the reports, witness lists and submitted evidence to the Subcommittee members, prior to the scheduled hearing. The Assistant Dean shall have the discretion to gather and submit to the Subcommittee any additional evidence known by the Assistant Dean to be available and relevant to the case. Reports prepared by one party are not shared with the other party unless so decided by the Subcommittee. Witness lists and document evidence are shared with both parties.
- The Assistant Dean may convene the Subcommittee prior to the hearing to review evidence (including pertinent components of the student's educational record), discuss issues and identify witnesses to call. The Subcommittee is not required to call all witnesses identified by either party but will call all those whom the Subcommittee believes necessary to allow it to make an informed judgment on the case.
- If the Subcommittee feels that the case against the student is without merit, it may dismiss the case at the meeting held pursuant to Step 7, Section 8.

#### Step 7: The Appeal Hearing

- At the start of the hearing, Subcommittee members will be advised of the sensitive and confidential nature of the proceedings by the Assistant Dean, who will act as a nonvoting Chair of the hearing. The hearing will be recorded in its entirety and, if necessary, transcribed.
- The Subcommittee is charged with reviewing the pertinent facts of the case as presented by the student, faculty member, key witnesses, and available in the student's educational record, and rendering a decision by majority vote.
- The Subcommittee has the exclusive right to call and question witnesses. The charged student and faculty member involved in the

case do not have the right to be present during the presentation of evidence or the questioning of witnesses.

- Any advisor/legal counsel for the student who is present at the hearing may only serve in an advisory capacity to the student, and may not introduce evidence, cross-examine witnesses or address the Subcommittee without being permitted to do so by the Chair. In the event the student elects to have an advisor or legal counsel present, University counsel will also be present. University counsel may cross-examine witnesses and address the Subcommittee.
- After the presentation of evidence, the Subcommittee will deliberate and render a decision. The Subcommittee can reconvene for additional hearing testimony or additional deliberations, if needed, provided notice is provided to the student, faculty member and Dean. Only Subcommittee members and University counsel may be present during deliberations. If necessary, the Subcommittee may recess but should resume deliberations at the earliest possible opportunity. The decision is reached by a majority vote of the Subcommittee. The Subcommittee's decision shall be based on a preponderance of the evidence.
- If a student is found innocent of the Academic Misconduct charge, the Subcommittee has the authority to dismiss the case. The Dean shall expunge the student's permanent academic file of all documents relating to the alleged offense and shall direct the faculty member to expunge his or her files of any documents relating to the alleged offense.
- If a student is found guilty of Academic Misconduct, the Subcommittee has the authority to levy a penalty more severe than that recommended by the faculty member. The Subcommittee may not levy a penalty less severe than that recommended by the faculty member if the original penalty was within the faculty member's jurisdiction (up to and including course failure). If the original penalty recommended by the faculty member was outside of his/her jurisdiction (e.g., suspension, dismissal), the Subcommittee has the authority to uphold the penalty or to impose a penalty that is either more or less severe.
- The Assistant Dean will be notified of the decision of the Subcommittee. The Assistant Dean shall notify in writing the charged student, the faculty member the Dean, the student's academic advisor, the faculty member's Program Director and any other individuals deemed appropriate by the Subcommittee. A copy of the correspondence will be placed in the student's file maintained in the Office of Academic and Student Affairs for the Graduate School.

#### Step 8: Additional Appeals

- The student may appeal the decision of the Subcommittee to the Dean within ten (10) working days following notification of the decision. Notice of intent to appeal shall be made on the form attached as Appendix B. The Dean's decision shall normally be made within 5 working days. No hearing will be held in connection with the appeal to the Dean. The Dean, at his/her discretion, may request a meeting or teleconference with the student to discuss the appeal prior to the Dean's decision. Except in cases where the penalty imposed is expulsion from the University, suspension or a required withdrawal from the university, the Dean's decision is final. Pending resolution of an appeal, the student's status as a student remains unaltered except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property. The decision on student status will be made by the Dean.

- If the student is appealing a decision of the Dean that involves expulsion from the University, suspension or a required withdrawal from the university, the student may make a written appeal to the Provost within ten (10) working days following notification of the Dean's decision. The notice of written appeal shall be delivered to the office of the Provost using the form attached as Appendix B. The student shall also deliver copies thereof to the office of the Dean. No hearing will be held in connection with the appeal to the Provost. Pending resolution of an appeal, the student's status as a student remains unaltered except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property. The decision on student status will be made by the Dean. The Provost shall only recommend a change in the decision made at the lower level of appeal if the decision is arbitrary or capricious or clearly unsubstantiated by the evidence. The Provost's decision shall be considered final. If the student is found not to have committed an act of academic misconduct at any level of appeal, then the Dean shall expunge the student's permanent academic file of all documents relating to the alleged offense and shall direct the faculty member to expunge his or her files of any documents relating to the alleged offense.
- Copies of all documents pertaining to the case and all appeals will be entered into the student's permanent record and the permanent record of the Academic Hearing Subcommittee after all University based appeals have been exhausted.
- If it is subsequently discovered that false information or evidence was provided by the student either prior to or during the Hearing, regardless of whether the right to a Hearing was waived, the case may be re-opened and the Subcommittee will reconsider the case based on the new information. In addition, the provision of false information or evidence will be considered an additional charge. To the extent possible, the original Subcommittee members will be retained on the reconvened Subcommittee.

#### C. Notices

Any notices required under this policy may be delivered in person or via e mail to official university email addresses, with copy sent by US mail, provided receipt is within the deadlines established by this policy.

#### D. Reserved Rights of the Graduate School

The School reserves the right to modify, deviate from, or make exceptions to this Policy at any time, and to apply any such modification, or make any such deviation or exception applicable to any student without regard to date of application, admission, or enrollment. This Policy is neither a contract nor an offer to enter into a contract. Each student is responsible for knowledge of the School's policies, as well as for changes promulgated by the School as addenda to this Policy. This policy supersedes all previous versions of the Academic Misconduct Policy and Graduate School policies. Any changes which are made in the University's Student Handbook will automatically be incorporated into this policy.