ACADEMIC MISCONDUCT POLICY

I. General Policy

All students in attendance at The University of Alabama are expected to abide by The Capstone Creed, in which students pledge, among other things, to pursue knowledge, act with fairness, integrity and respect, foster individual and civic responsibility, and strive for excellence in all that they do. All students are also required to adhere to the Academic Honor Pledge, and shall not, at any time, be involved with acts of academic misconduct, such as cheating, plagiarism, fabrication, or misrepresentation. Students are absolutely prohibited from engaging in academic misconduct as defined herein.

Academic Honor Code

1. All students in attendance at The University of Alabama are expected to be honorable and observe standards of conduct appropriate to a community of scholars. The University of Alabama expects from its students a higher standard of conduct than the minimum required to avoid discipline. When enrolled at The University of Alabama, students are expected to abide by the Academic Honor pledge. Additionally, at the discretion of the course instructor, each student will be expected to sign an Honor Pledge.

b. The Academic Honor Pledge reads as follows: "*I promise or affirm that I will not at any time be involved with cheating, plagiarism, fabrication, or misrepresentation while enrolled as a student at The University of Alabama. I have read the Academic Honor Code, and I understand that violation of this code will subject me to charges under the Academic Misconduct Policy and result in penalties as severe as suspension or up to expulsion from the University.*

The University is committed to providing its students notice of academic misconduct charges and an opportunity to be heard prior to finding a student responsible and imposing a fair and equitable penalty. This Policy identifies types of academic misconduct and possible penalties and sets forth the process that will be followed when addressing accusations of academic misconduct. Except in divisions that have an alternate academic misconduct policy that has been approved by the Provost or except in instances in which a college is dealing with multiple students accused of academic misconduct in a course and the Provost has approved alternate procedures, academic misconduct cases shall be resolved as set forth below.

II. Types of Academic Misconduct

Academic misconduct by students includes all acts of dishonesty in any academic-related matter and any knowing or intentional help, attempt to help, or conspiracy to help another student commit an act of academic dishonesty. Academic dishonesty includes, but is not limited to, each of the following acts when performed in any type of academic or academic-related matter, exercise, or activity:

1. Cheating: using, attempting to use or assisting in the use of unauthorized materials, information, study aids, or computer-related information.
2. Plagiarism: representing words, data, pictures, figures, works, ideas, computer programs or outputs, or any other work generated by someone else, as one's own.
   a. Self-Plagiarism: resubmitting your own previously submitted work without proper citation and permission from the current instructor to whom the original work is subsequently submitted.
3. Fabrication: presenting as genuine any invented or falsified citation, data or material.
4. Misrepresentation: falsifying, altering, or misstating the contents of documents or other materials related to academic matters, including schedules, prerequisites, and transcripts.

III. Penalties for Academic Misconduct

Range of Penalties: Penalties for academic misconduct can range from a reprimand to a penalty as severe as suspension or expulsion for egregious acts and/or multiple offenses.

- First Offense Penalties: For a student's first offense, typical penalties might include, but are not limited to, the student's grade on an assignment or test being lowered (even to a zero) or the student's grade being lowered in the course in which the misconduct occurred. If a student is accused of multiple acts of misconduct where the accusations have not been resolved at the college level (and are therefore not considered "second offenses" as defined below), penalties may be more severe than is typical in first offenses and may include a suspension. A suspension normally requires a minimum of one major semester (fall or spring).
- Second Offense Penalties: Second offense penalties presume that a first offense has been resolved (i.e., a college has made a finding of responsibility prior to the second academic misconduct act). A penalty of suspension is generally mandated for a finding of responsibility on second offenses. The length of the suspension for a second offense generally ranges from one major semester (fall or spring) to one academic year.

Discretion in Imposing Penalties: Academic deans have the authority and discretion to impose a full range of penalties for both first and second offenses. Academic misconduct monitors are authorized to impose penalties up to but not including suspension and may impose penalties of suspension only if authority to do so has been delegated to them by their academic dean. In determining a penalty, the dean or misconduct monitor may take into consideration mitigating factors, such as a student's admission of academic misconduct in a timely fashion and/or other behavior consistent with acceptance of responsibility.

Suspensions: In cases that involve suspension as a penalty, the college in which the misconduct occurred will place a hold on the student's record to prevent further enrollment, and the Office of the University Registrar will facilitate a drop of any existing future enrollment. The college in which the offense occurred should notify the student's home college of the length of the suspension at the time of suspension.

Expulsions: For egregious acts and/or multiple offenses, a penalty of expulsion may be appropriate. A student permanently expelled is prohibited from reapplying to the University in the future or from earning a degree from any of its colleges or schools. If a disciplinary action results in a recommendation that expulsion is the appropriate sanction, then the matter shall be referred to the Office of Academic Affairs. The Provost and Vice President for Academic Affairs shall review the sanction and shall make the final decision to expel after consultation with the President of the University. Because a decision to expel a student is made after consultation with the President, **a student has no right to request a review of the sanction of expulsion.**

Timing of Penalties Being Imposed: Penalties are not imposed until the time for filing an appeal has expired and no timely appeal was filed or after a decision on a timely appeal has been reached and no further appeals may be filed.

IV. Resolution of Academic Misconduct by the Academic Misconduct Monitor

Each academic dean appoints an academic misconduct monitor (hereinafter "monitor") to resolve an accusation(s) of academic misconduct. The monitor must have had previous classroom experience as an instructor of record at the university level. The monitor is charged with taking reasonable steps to gather evidence regarding the accusation, notifying the student of the academic misconduct accusation, giving the student an opportunity to be heard, resolving the accusation and, where appropriate, imposing a fair and equitable penalty. The monitor may identify a designee to act on their behalf. In all cases, a designee must satisfy the qualifications and act with the authority of a monitor. This section generally describes the process the monitor will follow in resolving an academic misconduct accusation.

If there is a conflict of interest with the monitor handling and/or resolving the particular matter (i.e., the monitor is also the course instructor making the accusation of misconduct), the dean will either select a substitute academic misconduct monitor to follow the process below or may choose to escalate the matter to the dean for the initial meeting. In that instance, if the dean decides the matter pursuant to this Section IV, then there will be no appeal to the dean's office; any appeal will be limited to the basis for an appeal to the Office for Academic Affairs discussed below.

1. Responsibility of Course Instructor to Report Acts of Academic Misconduct

A course instructor or any other person(s) who has reasonable cause to believe a student has engaged in an act of academic misconduct shall report the matter in a timely manner to the monitor of the division within which the alleged misconduct occurred. In most cases, the monitor should receive the report within three weeks of the student's alleged act of misconduct. The instructor will take no other action in the matter until a final decision has been reached and time for any appeal exhausted. When suspected incidents of academic misconduct occur in settings other than an academic division, the matter will be reported to and processed through the divisional academic misconduct monitor where oversight of the course occurs.

The course instructor should submit all evidence to the monitor for review. If any electronic device is confiscated by an instructor as part of the package of evidence presented to the monitor, the device will be returned promptly once pertinent information related to the accusation has been documented.

B. Academic Misconduct Monitor's Response and Resolution

1. Initial Responsibilities of Monitor

After a course instructor reports alleged academic misconduct by a student to the monitor, the monitor may discuss the circumstances involved with the course instructor and/or other appropriate person(s) and will review any pertinent materials in order to determine if a reasonable basis exists for believing that academic misconduct may have occurred. If the monitor concludes that there is a reasonable basis for believing an act of academic misconduct may have occurred, the monitor will determine if the matter is a second offense, will place appropriate holds, and will attempt to notify the student, in writing, of the accusation and of the student's need to promptly schedule a conference with the monitor to discuss next steps.

a. *Determining if an Accusation Represents a Second Offense*

Once the monitor concludes that a reasonable basis exists that an act of academic misconduct may have occurred, the monitor will determine if there are any prior academic misconduct findings for that student. If the student has previously been found responsible for academic misconduct, then the monitor will proceed with determining whether the student is responsible, but the monitor will not determine the penalty. Determination of the penalty for second offenses is reserved for the academic dean.

For second offense cases that are in progress at the beginning of a semester, a student will be allowed to enroll and continue through completion of the semester, even if the penalty for the accusation is suspension. If an academic misconduct case is underway during a student's final semester, the awarding of the degree will depend upon the resolution of the case, and, if applicable, penalties imposed.

b. *Preventing Student from Dropping Course and Assigning Incomplete Grade*

Once the monitor concludes that a reasonable basis exists that an act of academic misconduct may have occurred, the monitor will promptly place a hold on the student's academic record, indicating the student cannot drop the course in which the alleged misconduct occurred. When such an accusation is made prior to the last day to withdraw from a class with a W grade, the student will not be allowed to drop the course in which the academic misconduct is alleged to have occurred until the misconduct resolution process is complete. If the student is found not responsible for the misconduct after the deadline to withdraw from the class with a W grade, the student will have five (5) business days from the date of the monitor's written notice to notify the monitor that they wish to drop that course. If the student is found responsible for misconduct by the monitor, the student will not be allowed to drop the course at any time.

If the accusation of misconduct is made prior to the end of classes for the term, the Office of the University Registrar will be notified to assign an "Incomplete" (I) grade so that the student may not withdraw from the term. If classes have ended for the term and the matter has not been finally resolved, the monitor will advise the instructor to assign the "Incomplete" (I) with the submission of final grades. The "Incomplete" (I) grade will be replaced with the student's earned grade (after application of any penalty imposed) once the proceedings set forth in this Policy are final.

c. *Written Notification to the Student*

The monitor will provide written notification to the student of the accusation of academic misconduct, identifying the type of academic misconduct that is alleged to have occurred and the course in which the alleged misconduct occurred. The notification will provide a link to this Policy, recommend that the student review this Policy, and require the student to promptly contact the monitor to schedule a conference with the monitor to discuss the allegations.

Anytime written notification to the student is required in this Policy, it generally will occur via the student's UA e-mail. A text may be sent to the student's personal cell phone advising that an email has been sent, or the student may be notified by other ways deemed appropriate by the University.

2. When a Student Fails to Respond in a Timely Fashion to the Monitor's Request to Meet

a. *Monitor's Responsibility to Make a Timely Finding*

If the student does not respond to the request to meet with the monitor within five (5) business days of the communication from the monitor, the monitor will send a second communication to the student. If the student fails to schedule a meeting with the monitor within five (5) business days from the date of the second communication, the monitor will proceed with reviewing the evidence and determining if a preponderance of

evidence exists that a violation of this Policy occurred. The monitor will thereafter provide written notice to the student of their finding, with copies to the instructor and other involved parties. The monitor will also indicate in that written notification what, if any, penalty is being imposed.

If the monitor makes a finding of responsibility and imposes a penalty as a result thereof, the student will have five (5) business days from the date of the monitor's notice to request a meeting with the monitor for further review. If the student fails to request a meeting with the monitor within this five (5) day period, the student will be deemed to have waived their opportunity to meet with the monitor and/or to present evidence to the monitor. At that point, the monitor's finding of responsibility will stand and the penalty will be imposed.

b. *Student's Limited Appeal to Set Aside Monitor's Finding*

If a monitor makes a finding of responsibility against a student who has failed to meet with the monitor in a timely fashion and requests to do so, the student may seek to set aside the monitor's finding by appealing to the dean within five (5) business days of the penalty being imposed. However, the grounds upon which a student may bring an appeal in these circumstances are limited to mistake, inadvertence, or excusable neglect on the part of the student that caused the student to ignore or otherwise not respond to the monitor's communications. If the dean determines, in their discretion, that a preponderance of evidence exists that the student's failure to respond was due to mistake, inadvertence, or excusable neglect, then the dean may accept the case for appeal, and the matter will be resolved by the dean. (See Section V).

3. Student's Conference with Monitor

The conference with the student and monitor can be held in person or electronically/virtually if the student or other involved parties are not available for an in-person meeting or if the monitor deems it appropriate. The monitor may invite the course instructor and/or other appropriate persons to join the conference. At the start of the conference, the student will be informed again of the accusation of academic misconduct, the type of academic misconduct that is alleged to have occurred, and the course in which the alleged misconduct occurred. The student will also be given a copy of this Policy and be asked to acknowledge receipt of the Policy.

1. *Student's Rights in Conference*

At the conference, the monitor will advise the student of the following:

1. The student is not required to make any statement regarding the matter under investigation.
2. The student may make a voluntary statement if they choose.
3. The student has a right to present any evidence, supporting witnesses, and other information to the monitor.
4. The student has a right to be advised and accompanied by any one person of the student's choosing. This adviser, who may be an attorney, may privately consult with and advise the student but may not question witnesses, make statements, or otherwise directly participate in the conference. Any fees charged by the adviser are the sole responsibility of the student. The monitor may remove or dismiss a support person/adviser who becomes disruptive or does not abide by the limitations on their participation. These limitations on an advisor accompanying a student to a conference with the monitor apply equally to advisors who accompany students to appeal meetings that are discussed in Section V with the dean and in Section VI with representatives from the Office for Academic Affairs.
5. Students admitted to the University are required to meet the provisions in the English Language Proficiency Policy and must understand and speak the English language sufficiently to participate in class discussions, write multiple-page essays, read and understand assigned textbooks and course materials and comprehend lectures. If a student requests an interpreter and appropriate University officials determine that a language interpreter is either required or in the best interests of the parties, then the University will select and schedule the language interpreter.
6. With the rights listed in items 3 and 4 above, the student is entitled to request a recess in the conference for one week, or more at the sole discretion of the monitor.

b. *Possible Findings After Student's Conference with the Monitor*

The monitor will preside over the conference with the student, and the provisions in paragraphs IV.B.3 a) 1. - 5. above apply during the conference. At the conference, the student will be informed of the following three possible findings:

1. Dismissal. The matter can be dismissed by the monitor if evidence is presented that leads the monitor to conclude that a preponderance of evidence does not exist that the student engaged in an act of academic misconduct. In that instance, the matter is concluded unless the course instructor files a timely appeal to the dean regarding the monitor's dismissal. A monitor may also dismiss and send a warning letter.
2. Admission of Responsibility. The matter can be concluded by the monitor at the conference level and a penalty imposed if the student makes a voluntary written admission of engaging in an act of academic misconduct. In that instance, the matter is concluded unless either the course instructor or student files a timely appeal to the dean regarding the penalty imposed by the monitor.
3. Finding of Responsibility. The matter can be concluded by the monitor at the conference level and a penalty imposed if the monitor concludes that a preponderance of the evidence indicates an act of academic misconduct occurred. In that instance, the matter is concluded unless the student files a timely appeal to the dean regarding the finding of responsibility and/or penalty or the course instructor files an appeal to the dean regarding the penalty imposed by the monitor.

4. Written Notification of Finding by Monitor

The student will be given written notice of the monitor's finding and, if applicable, of the penalty(ies) to be imposed. Copies of this notice will also be sent to the instructor. The monitor may seek the advice of the course instructor prior to assigning a grade penalty. However, the monitor is not obligated to follow the instructor's recommendation, because a penalty is being assigned rather than an evaluation of academic work. If the course instructor does not approve the grade penalty recommendation, the course instructor has the option of filing an appeal to the academic dean (or dean's designee).

V. Appeal to Academic Dean

The dean may identify a designee to act on their behalf. In all cases, a designee must satisfy the qualifications and act with the authority of the dean. In colleges in which a monitor may also serve as a dean's designee, the dean will ensure that the dean's designee handling the matter/appeal on behalf of the dean is never the monitor whose decision is being appealed or reviewed.

1. Five Days to Appeal Monitor's Decision to Dean

A monitor's finding will be forwarded to the academic dean by the monitor if, within five (5) business days from the date of the written notification of the monitor's finding, either the student or the course instructor notifies the monitor and the dean that they wish to appeal the monitor's finding of responsibility and/or penalty, including dismissal.

B. Decision of Dean & Notification of Decision

The dean may act alone or in conjunction with a standing divisional committee to review the appeal, but the dean shall make the appeal decision. The academic dean may confer with the course instructor, the student, the monitor and any other appropriate persons to discuss the matter in question. The dean may arrange an individual or group conference to discuss the matter or can act on the evidence already provided in the appeal documents by the course instructor, monitor and student. At the dean's discretion, conference(s) may be held in person or electronically/virtually.

Notice of the dean's appeal decision will include a statement of any changes to the monitor's decision and/or penalties imposed. This written notice will be sent to the student with copies to the instructor, other involved parties (with a legitimate need to know and consistent with FERPA), and the monitor. If grade penalties are revised, the dean will notify the appropriate University officials, who will adjust the grade penalty when the decision is deemed final (i.e., when the appeal is concluded or time for appeal has run).

C. Time for Appeal to Office for Academic Affairs

The student or the instructor may appeal the dean's decision to the Office for Academic Affairs if the appeal is filed within five (5) business days of the date of the dean's appeal decision. After five (5) business days, appeals are not accepted. If no appeal is filed, the decision of the dean is final, and the penalty, if any, is imposed.

VI. Appeal to Office of Academic Affairs

The Provost may identify a designee to act on their behalf. In all cases, a designee must satisfy the qualifications and act with the authority of the Provost. Appeals to the Office for Academic Affairs may only be based on substantive grounds such as procedural errors, new evidence, or inconsistencies in penalties assigned. When an appeal is received by the Office for Academic Affairs, the Provost will review the appeal to ensure that these limited substantive grounds have been articulated. If the appeal meets the criteria or is unclear, the Provost may schedule a conference(s) with the student and other concerned parties to discuss the reasons for the appeal. If these meetings result in an agreeable solution to the matter, the appeal process will end.

If no such solution is reached, the Provost will make the decision on whether the appeal should be heard or denied. The appeal will not be granted unless there are substantive grounds, such as those noted above, to support the appeal. If the Provost denies the appeal, the appeal process will end. If the appeal is to be heard, the Provost will convene a panel to resolve the issues that remain.

The panel will consist of a person designated by the Vice President for Student Life, a person designated by the Provost, one student (appointed by the president of the SGA), and one course instructor (appointed by the president of the Faculty Senate). Both the student and the course instructor designees will come from the division holding jurisdiction for resolving the alleged misconduct if it is possible to find such people who have no prior connection with the case. In cases involving graduate students, the faculty and student members of the appeals panel should hold graduate faculty or graduate student status, respectively. The person designated by the Provost will serve as hearing administrator and will coordinate and preside at all meetings conducted to resolve the academic misconduct appeal.

The hearing by a panel is an administrative hearing, and the proceedings will be informal rather than those used in courts of law. The panel may admit any evidence that is of probative value in determining the issues, subject to the panel's judgment as to the relevance, credibility, and weight of the evidence. The panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses. The party requesting the hearing may be accompanied and advised by any one person of the party's choosing. This adviser, who may be an attorney, may privately consult with and advise the client but may not question witnesses, make statements, or otherwise directly participate in the conference by discussing the alleged misconduct; only the client may participate in the hearing in this manner. Any fees charged by the adviser are the sole responsibility of the party who invited the adviser. The hearing administrator may remove or dismiss an adviser who becomes disruptive or who does not abide by the participation limits.

The panel will decide each of the issues raised in the appeal. The panel's decision will be final and will conclude the University's process. A decision contrary to the student's position must be supported by the votes of at least three of the four panel members. The panel will give written notice of its decision(s) to the student, the course instructor, the dean, and the Provost.

Written notice of the panel's decision to uphold the decision of the dean (or dean's designee) or to make changes to the findings and/or penalties will be provided to the student with copies to the instructor, dean, and other involved parties.

VII. Records

Disciplinary sanctions, with the exception of University expulsion, shall not be made part of the student's permanent academic record (official transcript). Records documenting investigations and/or disciplinary actions taken against University students charged with academic misconduct shall be input into a centralized online software system and maintained for as long as required pursuant to the University's record retention schedule.