

## UNIVERSITY OF MARY ACADEMIC HONOR CODE AND HONOR SYSTEM

### Purpose

In accordance with the University of Mary's mission and to support students in developing the virtue of integrity and in upholding the Benedictine values, the University of Mary's Teaching Faculty Organization (UMTFO) and Board of Directors establish this Academic Honor Code.

### Statement of Policy

#### Oath

As part of formation in the mission and Benedictine values, University of Mary students in FYE 122 and 322 shall sign an oath of academic and personal integrity as follows: *As a member of the University of Mary community, I will uphold the University's mission, the Benedictine values, and the policies and procedures that apply to students, including the Academic Honor Code policy. I commit to enhancing my knowledge of the University's values, expanding their application to my personal and professional life, both on and off campus.*

Faculty are required to include in their syllabus a statement of academic integrity that references this policy and contains information on where to locate it online.

#### Definitions of Academic Misconduct

The following are violations of academic integrity and forms of academic misconduct. This list is not exhaustive.

#### Cheating

Cheating includes the actual use or attempt to use unauthorized materials, technology, or other aids on any form of academic work. It also includes the unauthorized giving of assistance, receiving of assistance, or any attempts thereof on academic work.

Examples of cheating include:

- Failure to follow rules or instructions on an examination or another activity undertaken for academic credit where such a failure could result in the student gaining an unfair advantage
- Removing an examination from the examination room unless authorized by the instructor
- Obtaining any portion of an examination before it is officially available or learning of any portion of an examination's content before it is officially available
- Copying another person's answer to an examination question
- Consulting an unauthorized source during an examination
- Consulting or seeking the assistance of others when writing a "take-home" examination, unless permitted by the course instructor

- Submitting work prepared in collaboration with another or other member(s) of a class when collaborative work on a project has not been authorized by the instructor
- Preparing work in whole or in part with the expectation that this work will be submitted by another student for appraisal
- Offering for sale or for free essays or other assignments in whole or in part with the expectation that these works will be submitted by a student for appraisal
- Impersonation in class; on a test, examination, or interview; or in connection with any other type of assignment or placement associated with a course or academic program

### Plagiarism

Plagiarism is the intentional misappropriation of the work – whether published, unpublished, posted electronically, attributed, or anonymous – of another by representing another person’s ideas, writing, or other intellectual property as one’s own.

Examples of plagiarism include:

- Copying of or attempts to copy the language, images, structure, programming, computer code, ideas, and/or thoughts of another and passing off the same as one's own original work
- Paraphrasing of oral or written material of other persons without adequate attribution
- Engaging in self-plagiarism, which is failure to properly cite a work previously produced by oneself or submitting the work one has done for one class or project to a second class or as a second project without the prior informed consent of the appropriate instructors
- Submitting work prepared in whole or in part by another person and representing that work as one’s own

### Fabrication or Falsification

Falsification and fabrication are actions taken, or attempts thereof, to mislead or deceive others by altering or inventing information relevant to one's academic work. Any form of this behavior is prohibited, verbally or in writing.

Examples of fabrication or falsification include altering, inventing, or modifying information, either by omission or commission,

- On any university forms, university records, or any other official or unofficial document used in support of an academic application, record, petition/appeal, or endeavor, including letters of recommendation;
- On a physician’s letter/form;
- On academic work, including citations, reporting of research results, and descriptions of research methods used;
- With the intent to avoid or delay writing an examination or fulfilling any other academic requirement; and/or

- By forging official signatures

#### Improper Research Practices

Violations of ethical research practices in one's field or failure to adhere to the Institutional Review Board (IRB) policies and procedures (when applicable) is a violation of the Academic Honor Code. IRB violations will be referred to this Board for a determination of appropriate action. Investigatory processes and response actions of the IRB supersede all requirements contained in this policy for alleged IRB violations.

#### Dissemination of Information without Permission

Information or experimental data collected, written, or developed by more than one collaborator (e.g., a student and faculty member or team of students) must not be submitted for publication or otherwise disseminated without the permission of all collaborators. Failure to receive such permission is a violation of this policy.

#### Breach of Confidentiality

Unauthorized possession, use, alteration, taking, or releasing of information originally provided under the assurance of confidentiality is considered a confidentiality breach and is prohibited.

Examples of confidentiality breaches include unauthorized possession, use, or release of:

- Data or information contained in confidential grant proposals, award applications, or manuscripts;
- Information protected under the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA);
- A password assigned to another; and/or
- A data file or program belonging to someone else

Proper authorization means being granted permission either by the owner or originator of the material or by an appropriate faculty member or administrator.

#### Obstruction of Another's Academic Activities

Interfering with the academic activities of another is prohibited.

Examples of obstruction of another's academic activities include:

- Interfering or tampering with an experiment, experimental data, a written or artistic work, a chemical used for scientific study, or with any other intellectual property
- Intentionally interfering with the opportunities of another person to have his or her contribution fully recognized or to participate in the academic program
- Preventing others from fair and equal access to university facilities associated with academic activities or to academic resources such as library resources
- Using or attempting to use personal relationships, bribes, threats, or other illegal conduct to gain unearned grades or academic advantages

### Aiding and Abetting

Encouraging, enabling, or causing others to do or attempt any of the above.

### Reporting Alleged Violations

A student observing or otherwise having knowledge of a possible violation of this policy shall report it to a faculty member, staff person, or administrator, who will submit an Academic Misconduct Report Form: <https://forms.office.com/r/5Cx30DzEZZ>.

Any faculty, staff person, or administrator who observes, or has reason to believe, that an alleged violation occurred shall report it using the [Academic Misconduct Report Form](#). Faculty and staff are encouraged to communicate their need to file such a report with the impacted student(s) before submitting it.

Upon receipt of an [Academic Misconduct Report Form](#), the Office of Academic Affairs shall review the form and determine the appropriate system (informal or formal) for processing the complaint and will submit it to the appropriate authority for investigation. The Office of Academic Affairs shall also provide a copy of the incident report to the implicated student after its review is completed and a determination of the appropriate response process is made.

If multiple students allegedly engaged in an Honor Code Violation together, a separate [Academic Misconduct Report Form](#) must be filed for each student.

### Repeat Violations

The Assistant Vice President for Academic Affairs (AVPAA) will review each [Academic Misconduct Report Form](#) in relation to the Academic Misconduct database to determine if the student has committed academic misconduct on more than one occasion.

Should the AVPAA discover that this is not the first academic misconduct violation, then s/he shall annotate the report with notice that the student has had multiple violations and identify who is the appropriate authority to respond to the most recently reported alleged violation. The annotated report is provided to the instructor of the course in which the alleged violation occurred, the implicated student, and to the University employee responsible for investigating and intervening as outlined in the Informal and Formal Response System sections of this policy.

### Protections and Responsibilities when Reporting a Violation

Any student or staff member reporting a violation is protected by the University of Mary's [Whistleblower](#) and [Retaliation](#) policies, is responsible for following any applicable requirements contained therein, and may be contacted by the Office of Academic Affairs to be informed of confidentiality requirements related to the reported violation under FERPA. Once the report is received, the AVPAA will notify the Registrar's Office that the student may not withdraw from the course.

### The Informal Response System

#### Instructor's Authority and Role

In cases where Academic Affairs determines that the instructor of the course in which the alleged violation occurred should respond to the Honor Code violation, the instructor may take any of the following actions:

- The work is accepted with a reduced grade higher than F
- The work is accepted with a grade of F
- The work is accepted with a grade of zero
- The student is given a deadline by which to submit a satisfactory replacement assignment with a reduced grade or for no credit
- The student is given an overall grade reduction for the course not resulting in course failure. An exception applies when the grade reduction is applied to a student who is earning a “D” in the course and the grade reduction would result in an “F.” In such cases, the instructor is authorized to enforce the grade-reduction penalty.

Instructors shall document the type of action taken in response to the Honor Code Violation using the documentation method prescribed by Academic Affairs. The AVPAA may report this information to university officials with a legitimate educational need to know about the violation (e.g., coaches).

#### *Use of Channel of Communication for Conduct outside Instructor’s Jurisdiction*

If Academic Affairs determines that the alleged misconduct may require a disciplinary response more severe than listed under the Instructor’s Authority and Role, but not necessitating a formal hearing, Academic Affairs may refer the incident to the next person in the channel of communication for the course per the course syllabus. That person will provide the student with notice of the accusation, supporting documentation, and an opportunity to respond within a reasonable deadline. That person will determine if a disciplinary response is warranted and the appropriate level of response based on all evidence submitted; however, this person does not have authority to suspend or dismiss a student from the University. Any recommendation in this regard must be forwarded to the formal system for decision-making. The university official making a disciplinary decision at this level may choose to enforce any of the disciplinary options that are available to the course instructor and/or any of the following responses:

- Assigning a grade of an “F” for the course, which will appear on the student’s permanent transcript;
- Placing the student on a probation plan, the terms of which will be enforced by the student’s program chair and advisor;
- Requiring the student to complete ethics training;
- Placing the student on academic warning.

That person will also document his or her findings using the method prescribed by the Office of Academic Affairs. Academic Affairs shall report this information to university officials with a legitimate educational need to know about the violation and will notify the student of the decision and the appeals process.

#### *Appeal*

If the student is dissatisfied with the decision made in the informal system, the student may appeal the alleged violation of the Honor Code. The student must appeal the decision within seven calendar days of notification of the decision. This notification will prompt action under the Formal Response System.

### The Formal Response System

#### Honor Panel Composition and Responsibilities

Academic Affairs shall choose the composition of the Honor Panel from the options below:

1. The Honor Panel may be composed solely of the student's dean. This option is generally used when:
  - a. The alleged level of academic misconduct, if found, would result in a recommendation for a sanction of less than dismissal from the University, and
  - b. The dean does not have a conflict of interest (e.g., was not the instructor of record in the course where the violation occurred), or
  - c. A full Honor Panel (as described in #2 below) cannot be convened in a timely manner.
2. The Honor Panel may be composed of a dean,<sup>1</sup> and two faculty members. The University of Mary Teaching Faculty Organization (UMTFO) elects two faculty representatives and one alternate to serve on the panel annually. A quorum (i.e., a simple majority) of this panel is required to hold a hearing and will make decisions through a simple majority vote. The dean shall be the chair of the Honor Panel.

The dean overseeing the Honor Panel is responsible to ascertain that the rights of all parties have been respected, that due process has been followed, that the decision is supported by a preponderance of the evidence, and that the sanctions imposed are appropriate and in keeping with policy. Any concerns of the dean are forwarded to the Office of Academic Affairs with the Honor Panel's report.

All members of the Honor Panel pools receive training approved by the University's attorney or designee.

#### Notification

The chair of the Honor Panel will notify the student who is the subject of an Honor Panel hearing of the notice of the allegations; date, time, and location of the hearing; and the rights and obligations of the student (see below) at least five calendar days prior to the hearing. The chair will work with the student, within reason, to schedule an alternative date and time for the hearing if the originally scheduled date and time conflicts with the student's schedule.

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<sup>1</sup> Typically, the dean of the student's school unless he or she has a conflict of interest.

The Honor Panel chair shall contact the Office of Academic Affairs at least seven calendar days prior to the hearing to request that all evidence for the hearing be gathered and disseminated in accordance with the requirements below.

#### Rights and Obligations of the Student

A person accused of violating the Academic Honor Code shall be accorded the following rights:

1. To be considered innocent until proven guilty
2. To be advised by and/or represented by any member of the university community or other person of the student's choosing who agrees to serve
3. To seek counsel with his or her representative and expect all such conversations to be held in confidence
4. To speak on his or her own behalf
5. To refrain from self-incrimination
6. To receive written notice of all charges of Academic Honor Code violations
7. To receive, at least 48 hours prior to the Honor Panel, a copy of all evidence in the case in possession of the Academic Honor System
8. To question any witness who testifies at the Honor Panel
9. To be present for the presentation of all evidence to the Honor Panel
10. To have the Honor Panel make a decision based solely on the evidence presented at the Honor Panel hearing
11. To receive a written notification of the decision of the Honor Panel with respect to verdict
12. To appeal the verdict of the Honor Panel to the Vice President for Academic Affairs (VPAA) within 14 calendar days of issuance of the Honor Panel's decision to the student

If the student intends to have legal counsel present at the hearing, he or she must notify the Honor Panel chair within 48 hours of the hearing. The chair may request that the University's attorney be present at the hearing in such cases.

#### Evidence Gathering

The AVPAA will initiate the evidence-gathering phase of the process. This includes solicitation of additional materials from the student, the person filing the allegation report, and any other persons who may have information relevant to the allegation; developing a list of individuals to provide testimony; and informing witnesses of the hearing date and time. Any witness unable to attend the hearing may submit a written statement to be included with the evidence presented.

#### Probation Pending the Hearing

The AVPAA will also determine whether or not the student should be placed on probation pending the hearing and will notify the student of this decision as soon as possible.

#### Hearing

The hearing is not a court proceeding and should not be referred to or conducted as such. There are no specific rules of evidence or procedure that must be followed. The intent of the hearing is to determine whether or not the alleged Honor Code violation is supported by a preponderance of the evidence.

Failure of the student to appear at his or her hearing constitutes an admission that the student violated the Honor Code as alleged. Failure of the person bringing the allegation to appear does not automatically outweigh any information developed during the evidence gathering phase.

The student or his or her representative shall be given the opportunity to make opening and final statements, call witnesses, and cross examine witnesses called by the Honor Panel. The Honor Panel may ask questions of anyone present as needed. The proceedings may be videotaped or recorded by the University.

The hearing is a closed meeting. Only the student, his or her representative, Honor Panel members, and the University's attorney (if applicable) shall be present for the duration of the hearing. Witnesses shall be called into the room individually to present evidence and will be dismissed after answering all questions. The chair is responsible for maintaining the decorum of the hearing.

#### Decision

The Honor Panel determines, by majority vote, whether or not a violation of the Honor Code has occurred. Subsequently, the Panel determines, by a second majority vote, the sanction(s) to be applied, if applicable. The chair shall not vote unless necessary to break a tie.

If the Honor Panel is composed of only the dean, he or she makes an independent decision of whether or not a violation occurred and the appropriate penalty (if applicable).

A report of the Panel's findings and decisions is sent to the student, the faculty advisor, the impacted instructor (if applicable and if he or she has a legitimate educational need to know the outcome of the hearing), the Registrar's Office, and the Office of Academic Affairs.

#### Penalties within the Formal System

When the Honor Panel determines that a student violated the Academic Honor Code, it shall determine the appropriate penalty based on the following criteria:

- The severity of violation: minor violations, such as seeking unauthorized assistance on a small homework assignment, may be addressed using the penalties listed under the informal system. Major violations, such as cheating on a licensure exam, should be addressed using the highest level of penalties available under this policy (i.e., academic suspension or dismissal);
- The degree to which the misconduct disrupted the educational environment;
- The degree to which the misconduct infringed on the rights of others;



- The degree to which the misconduct infringed on the University's ability, or that of any school or program under its jurisdiction, to offer quality academic programming with integrity;
- The frequency, proximity, and severity of prior Honor Code violations.

In addition to the penalties listed under the informal system, the Honor Panel has authority to enforce any of the following penalties based on application of the criteria above:

- Submitting a formal complaint to the student's licensure board, if appropriate;
- Removing the student from his or her program of study but allowing the student to remain enrolled at the University;
- Recommending to the VPAA suspension of the student for one or two terms;
- Recommending that the VPAA dismiss the student from the University.

#### Review by the Office of Academic Affairs

With or without an appeal, the Vice President for Academic Affairs may review all recommendations and decisions of the Honor Panel, plus any additional information, to ascertain that the rights of all parties have been respected, that due process has been followed, that the decision is supported by the evidence, and that the sanctions imposed or recommended are appropriate and in keeping with policy. The VPAA may override any decision of the Honor Panel (i.e., may overturn the decision or adjust the sanction(s)). The Office of Academic Affairs applies the determined sanctions and notifies the student and other offices affected by the decision (e.g., Registrar, Financial Aid, dean of the student's school). There is no appeal beyond this stage.

#### Appeals process

The student may appeal the decision of the Honor Panel in writing to the VPAA within 14 calendar days of the Honor Panel's decision. The appeal may be based on the discovery of new evidence previously unavailable or a significant irregularity in the procedural process that is perceived to have impacted the outcome of the decision by the Honor Panel. The VPAA's decision is binding and final.

#### Approved

August 2021 by President's Council and Deans Council