Policy 335.1 Version 2 *1/16/15*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | Policy 335.1: Code of Professional and Academic Responsibility and Conduct – Graduate Students |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
 |
| * Is this a federal or state mandate? [ ]  Yes x[ ]  No
* Describe change: A new policy that consolidates all adjudication of academic and professional misconduct under a single policy. Corresponding changes removing reference to graduate students from policies 326 and 335 have also been submitted.
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Office/Department/Name and the date submitted Graduate School, October 23, 2014
* Email address of the person who should be contacted with revisions: david.wittrock@ndsu.edu
 |
| ***This portion will be completed by Kelly Hoyt.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** | 1/16/15 |
| **Faculty Senate:** | 11/21/14 |
| **Staff Senate:** | 11/21/14 |
| **Student Government:** | 11/21/14 |
| **President’s Cabinet:** | 11/21/14 |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University**

**Policy Manual**

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**SECTION 335.1**

**CODE OF PROFESSIONAL AND ACADEMIC RESPONSIBILITY AND CONDUCT – GRADUATE STUDENTS**

SOURCE: NDSU Faculty Senate Policy

Definitions of academic misconduct, including plagiarism, cheating, and other forms of academic misconduct are found in NDSU Policy 326 and NDSU Policy 335 (insert links). The definitions in these policies are applicable to graduate students. The purpose of this policy is to define how incidents of academic as well as professional misconduct will be adjudicated when involving a graduate student.

Procedures established by an academic college (including the College of Graduate and Interdisciplinary Studies) may exceed the minimum standards outlined in this policy. Academic colleges with an approved and published student code of conduct, honor commission, or similar mechanism may employ alternative procedures; however, the standards of expected behavior shall not be less than those in described in NDSU policy. In all cases, the procedure presented in this policy for tracking academic misconduct must still be followed.

This policy is applicable in any instance of alleged academic or professional misconduct involving a NDSU graduate student. Misconduct covered by this policy would include all instances of academic or professional misconduct, including for-credit activities, activities related to the duties of an assistantship, or other activities associated with the individual’s role as a student at NDSU. Colleges and Departments with graduate programs may also have a code of academic and professional conduct that includes expectations beyond those stated in university policies. These expectations will be adjudicated using procedures defined by this policy as well as procedures specific to the program.

In this policy, a “student” is defined as anyone enrolled as a graduate student at NDSU. These students include individuals in a non-degree status, such as those taking NDSU courses through a collaborative program or in a conditional admit status (e.g., GPIDEA, dual degree program).

1. **Fairness**. Instructional staff members and administrators are responsible for procedural fairness to any student accused of academic or professional misconduct. An instructional staff member who suspects that academic or professional misconduct has occurred in his/her class or other context has an initial responsibility to:

a) inform the student involved of his/her suspicion and the suspicion’s grounds, including specific information regarding the nature of the misconduct and how it is a violation of policy;

b) allow a fair opportunity for the student to respond;

c) make a fair and reasonable judgment as to whether any academic misconduct occurred; and

d) inform the student of the judgment, penalty (if any), and the student’s right to appeal. See also Section 6 of this policy.

2. **Penalties from instructional staff members for academic misconduct**. Instructional staff members have the prerogative of determining the penalty for academic misconduct in their classes and other instructional contexts.

a) Penalties may vary with the gravity of the offense and the circumstances of the particular case. Penalties may include, but are not limited to, failure for a particular assignment, test, or course.

b) If an instructional staff member imposes a penalty, the student may not drop the course in question without the permission of the instructional staff member. (The instructional staff member is responsible for notifying the Registrar to prevent the student from dropping the class.)

c) If an instructional staff member imposes any penalty, the instructional staff member must complete the Graduate Student Academic Misconduct Tracking Form and submit copies to the student, the chair/head of the instructional staff member’s primary department, or the program director if the student is enrolled in an interdisciplinary program. Programs that have a code of student conduct or similar document should develop a reporting form to track professional misconduct. It is the chair/head or program director’s responsibility to forward copies of the tracking form to the dean of the college of the student’s primary major, the dean of the instructional staff member’s primary college, the Registrar, the Dean of the College of Graduate and Interdisciplinary Studies, and the Provost.

d) Within three class days of receiving the Student Academic Misconduct Tracking Form, the Registrar shall enter the information from the Student Academic Misconduct Tracking Form into a FERPA compliant Student Academic Misconduct Database.

e) In cases of particularly egregious academic misconduct, the dean of the college of the student’s primary major or the dean of the college where the academic misconduct occurred may recommend dismissal, suspension, or expulsion to the Dean of the College of Graduate and Interdisciplinary Studies. In the case of a non-degree student or a student in an interdisciplinary graduate program administered by the College of Graduate and Interdisciplinary Studies, the recommendation is made by an Associate Dean in the College of Graduate and Interdisciplinary Studies.

3. **Penalties from instructional staff members for students not enrolled in course**. If a student involved in a case of academic misconduct is not enrolled in the course in which the academic misconduct occurred, the instructional staff member teaching that course may recommend a penalty to the dean of the instructional staff member’s primary college. If the student is enrolled in a different college, the dean will forward the recommendation to the dean of the college of the student’s primary major.

a) The dean of the college of the student’s primary major may recommend sanctions including dismissal, academic warning, or probation. This recommendation is made to the Dean of the College of Graduate and Interdisciplinary Studies, who will initiate the process defined in number 6 below. In the case of a non-degree student or a student in an interdisciplinary graduate program administered by the College of Graduate and Interdisciplinary Studies, the recommendation is made by an Associate Dean in the College of Graduate and Interdisciplinary Studies.

4. **Penalties from program administrators for actions that do not occur in the context of a course**. If a student is involved in professional or academic misconduct outside of the context of a for-credit activity that results in sanctions, the program administrator must complete the Graduate Student Academic Misconduct Tracking Form and submit copies to the student, the dean of the college of the student’s primary major, the dean of the instructional staff member’s primary college, the Registrar, the Dean of the College of Graduate and Interdisciplinary Studies, and the Provost. Sanctions including dismissal, academic warning, or probation may be recommended by the program administrator. This recommendation is made to the Dean of the College of Graduate and Interdisciplinary Studies, who will initiate the process defined in number 6 below.

5. **Penalties for students with multiple instances of academic misconduct**. If, when entering a report into the Student Academic Misconduct Database, it is discovered that the student has a prior record of academic misconduct, the Registrar shall notify the Dean of the College of Graduate and Interdisciplinary Studies and the dean of the college of the student's primary major about the student’s repeated academic misconduct.

a) In case of repeat offenses, the dean of the college of the student’s primary major may recommend additional penalties up to and including dismissal academic warning, or probation, as outlined in Sections 3 and 4 of this policy. In the case of a non-degree student or a student in an interdisciplinary graduate program administered by the College of Graduate and Interdisciplinary Studies, the recommendation is made by an Associate Dean in the College of Graduate and Interdisciplinary Studies. A second offense constitutes grounds for immediate dismissal.

6. **Appeals of penalties imposed by an instructional staff member or by the dean of the student’s academic college (the Associate Dean of the College of Graduate and Interdisciplinary Studies if the student is in an interdisciplinary program or is a non-degree student) must be filed in accordance with the policy described in the NDSU *Graduate Bulletin***.

a) The Dean of the College of Graduate and Interdisciplinary Studies will provide the student with written notice of the following:

i. additional disciplinary action taken, if any;

ii. description of the graduate student appeal process, as outlined in the NDSU Graduate Bulletin; and

iii. the date by which an appeal must be filed by the student, should the student choose to file an appeal.

b) If an appeal is filed, the Dean of the College of Graduate and Interdisciplinary Studies will notify the student of the result following the completion of the appeal process.

c) The following parties shall be notified if additional penalties up to and including dismissal are imposed upon the student: the student, the student’s advisor, the chair/head of the student’s primary major department, the dean who recommended dismissal, suspension, or expulsion, the dean of the college of the student’s primary major, the Provost, and the Registrar.

**7. Penalties for students who engage in professional misconduct.** Graduate programs may define expectations of professional behavior and non-academic program standards. Graduate programs who desire to set such standards must develop and disseminate a code of student conduct or similar document that clearly delineates the expected standards of behaviors, the potential penalties for violating these standards, and define the procedural fairness and appeal processes within the college for addressing such matters. Sanctions may include dismissal, probation, or academic warning. Appropriate standards of professional behavior are best defined and adjudicated within the academic program. As a result, sanctions imposed by the individual graduate program and supported by the academic dean must be forwarded to the Dean of the College of Graduate and Interdisciplinary Studies for action.

8. **Procedures for cases involving individuals who are not NDSU students**. If a person who is not an NDSU student is involved in academic misconduct, the instructional staff member shall send a written statement describing the academic misconduct to the Provost, Vice President for Student Affairs, Dean of the College of Graduate and Interdisciplinary Studies, and Registrar for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the university, and notification being sent to the individual’s home institution.

9. **Rescission of degrees**. A degree previously awarded may be rescinded if it is determined that the graduate’s actions taken to obtain the degree involved academic misconduct. In such cases the following procedures shall apply.

a) Written notice of the concerns and recommendation to rescind the graduate’s degree(s) shall be sent to the student by the Dean of the College of Graduate and Interdisciplinary Studies via certified mail and email with return receipt. A hold will placed on the student’s official transcript and academic record. The graduate will have 30 calendar days after the notice was received to respond in writing to the Dean of the College of Graduate and Interdisciplinary Studies to request a hearing with the Graduate Council.

In the appeal, the burden of proof shall be on the graduate. The graduate has the right to be given notice in sufficient detail that the accusation is clear and the details of the accusation are detailed enough for a meaningful response. The Graduate Council is not bound by the rules of legal evidence or procedure and may develop procedures that its members consider to be fair and equitable to the particular circumstance. The Graduate Council will make a decision based on available information, nonresponses to questions is available information, i.e., a negative inference may be drawn from the lack of a response. A recommendation of whether to rescind the degree(s) shall be made by the Graduate Council to the Dean of the College of Graduate and Interdisciplinary Studies within 30 calendar days after a response is received or a hearing is completed.

b) A decision by the Dean of the College of Graduate and Interdisciplinary Studies shall be made within 30 calendar days after receiving the recommendation from the Graduate Council. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt. The respondent may file an appeal of this decision with the Provost of the University within 30 calendar days of receiving the notice of the decision. The President’s decision will normally be made within 30 calendar days after receiving the appeal.

c) The student’s program administrator, academic dean, the Provost, and the Office of Registration and Records will be notified of the results of the final decision on rescinding the degree(s).

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HISTORY:

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