

Office/Contact: Office of the Provost and Academic Affairs

Source: SDBOR Policy 1:11; SDBOR Policy 1:18; SDBOR Policy 1:19; SDBOR Policy 2:9; SDBOR Policy 2:33; SDBOR Policy 3:4

Link: <https://www.sdbor.edu/policy/documents/1-11.pdf>; <https://www.sdbor.edu/policy/documents/1-18.pdf>; <https://www.sdbor.edu/policy/documents/1-19.pdf>; <https://www.sdbor.edu/policy/documents/2-9.pdf>; <https://www.sdbor.edu/policy/documents/2-33.pdf>; <https://www.sdbor.edu/policy/documents/3-4.pdf>

Associated Forms: [Academic Appeals Reporting Form](#), [Academic Misconduct Resolution Form](#)

SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Student Academic Misconduct and Academic Appeals

NUMBER: 2:4

1. Purpose

The University has a duty to develop policy and procedures which safeguard the freedom to teach and learn in an environment where honor, fairness, and equity are upheld. Academic integrity embodies ethical principles to act responsibly and take responsibility for one's actions. Integrity and honor function as forms of a "social contract" where individuals have a duty to follow the rules and norms of academia as well as a duty to ensure their peers also follow such rules and norms. Undergraduate and graduate students at the University are expected to maintain the highest standards of academic conduct; if violated, the University takes a strong and clear stand regarding academic misconduct.

This policy and its procedures implement SDBOR policies and set forth the standards and protocols to address first, how academic misconduct will be handled by the faculty member and University, and secondly, how students may appeal a grade or academic decision when they believe the decision or grade is unfair or inaccurate. Any conflict or omission arising between the SDBOR policies and this policy and its procedures will be resolved in favor of SDBOR policies.

2. Definitions

a. Academic Misconduct: includes, but is not limited to, the following:

i. Cheating: includes, but is not limited to, the following:

- 1) Using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations, or other assignments including copying from another's quiz, test, examination or other assignment or allowing another to copy from one's own quiz, test, examination or other assignment;
- 2) Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;

- 3) Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the institutional faculty or staff;
 - 4) Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;
 - 5) Falsifying or misrepresenting data or results from a laboratory or experiment; or
 - 6) Engaging in other behavior that a Reasonable Person would consider to be cheating.
- ii. Plagiarism: includes, but is not limited to, the following:
 - 1) Using, by paraphrase or direct quotation, the published or unpublished work of another person (words, ideas or arguments) without full and clear acknowledgment consistent with accepted practices of the discipline;
 - 2) Using materials prepared by another person or agency engaged in the selling or provision of term papers or other academic materials, without prior authorization by the instructor; or
 - 3) Engaging in other behavior that a Reasonable Person would consider plagiarism.
 - iii. Fabrication: intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
 - iv. Facilitating Academic Misconduct: intentionally or knowingly helping or attempting to help another to commit an act of Academic Misconduct.
 - v. Misrepresentation: claiming to represent or act on behalf of the University when not authorized to so, represent, or so act.
 - vi. Other forms of misconduct relating to academic achievement, research results, thesis dissertation on comprehensive, written or oral exams, or academically related public service, or Academic Misconduct as defined in other SDBOR or University policy sections, or federal or state law.
- b. Academic Appeal: the process for requesting a formal change to an official academic decision. Student Code determinations must be appealed through the procedures set forth in University Policy 3:1 and SDBOR Policy 3:4.
 - c. Student: all persons taking courses from the University, both full-time and part-time, enrolled in undergraduate, graduate, professional, or special topic courses, whether credit-bearing or not.
 - d. Other capitalized terms in this policy are defined in SDBOR Policy 3:4 and University Policy 3:1.

3. Policy

- a. This policy and its procedures govern Academic Misconduct and Academic Appeals. Policies governing research misconduct and other provisions are to be followed when

applicable. When a complaint presents facts that would suggest that the challenged action stemmed from conduct violating SDBOR Policies 1:18 or 1:19, the matter will be referred to the University Director of Equal Opportunity and Title IX Coordinator for investigation under those policies. No further action will be taken under this policy pending the completion of the proceedings under SDBOR Policy 1:18.

b. Academic Misconduct

- i. Faculty will inform Students at the beginning of each course of the objectives, requirements, performance standards, and evaluation procedures for the course. The Faculty Member determines course content, attendance requirements, performance requirements, and grading procedures for courses under their direct supervision, and they must distribute these in written form to their Students at the beginning of each semester. Further, Faculty Members should call to the attention of Students the University policy regarding Academic Misconduct, answer any questions Students may have, and actively engage Students in understanding and avoiding academic dishonesty or misconduct. These provisions will be distributed in the course syllabus.
- ii. Academic Misconduct occurs when a Faculty Member has evidence that a Student has cheated, plagiarized, fabricated or otherwise misrepresented their work. It also involves contributing to or facilitating Academic Misconduct with others.
- iii. Allegations of Academic Misconduct may be informally resolved between a Student and Faculty Member as set forth herein, or formally resolved pursuant to the Student Code of Conduct.

c. Academic Appeals

- i. Academic disputes may arise as a result of Student dissatisfaction with assigned grades; however, Students may also invoke the standards and procedures provided under this policy to challenge other academic decisions, justified on academic grounds, that affect their participation in or completion of University academic programs, except for decisions made through Student Code processes. Students wishing to challenge disciplinary actions taken after findings of academic misconduct or other student misconduct under the Student Code of Conduct must proceed under those appeal provisions.
- ii. Academic Appeals may be brought only by Students who were registered during the term in which the disputed action was taken and only from final course grades or other actions that have similar finality (i.e., no Academic Appeals for quiz/exam grades, assignment grades, etc.).
- iii. Academic Appeals may be brought to challenge a grade or academic decision on one or more of the following grounds:
 - 1) if an academic decision resulted from administrative error or misapprehension of a material fact or circumstance;
 - 2) if an academic decision departs substantially from accepted academic standards for the discipline and the University; or
 - 3) if circumstances suggest that an academic decision reflected the

prejudiced or capricious consideration of Student opinions or conduct unrelated to academic standards, of Student status protected under policy or law, or of other considerations that are inconsistent with the bona fide exercise of academic judgment.

- iv. When an academic decision (e.g. grade, suspension from an academic course or program, etc.) is determined by a Faculty Member or other University Official, the Student has a right to appeal the decision if the Student believes they were treated unfairly or important information was not considered in the decision. To file an Academic Appeal, the procedures outlined herein must be followed.

4. Procedures

a. Academic Misconduct

- i. Faculty members who have evidence of alleged Academic Misconduct will:
 - 1) thoroughly document all communications, actions, materials, and evidence regarding the Academic Misconduct;
 - 2) review and retain the material (e.g. exam, quiz, report, term paper, etc.) and other data to ensure sufficient evidence for a charge of Academic Misconduct; and
 - 3) inform the applicable Department Head(s) and Dean(s).
- ii. Informal Resolution
 - 1) The Faculty Member will meet with the Student to discuss the allegations. The Faculty Member will attempt informal resolution within ten (10) business days of the initial meeting between the Faculty Member and Student. The Faculty Member may request the assistance or presence of the Student Conduct Officer for this meeting and may request information from the Student Conduct Officer, including whether a Student has been found responsible for prior occurrences of Academic Misconduct, at any point throughout the process.
 - 2) Informal resolution is reached where the Student and Faculty Member agree that there was no Academic Misconduct, or the Student accepts responsibility for the Academic Misconduct, agrees to academic consequences, and signs the *Academic Misconduct Resolution Form*. Prior to finalizing an informal resolution based on the Student's acceptance of responsibility and any proposed academic consequences, the Faculty Member will notify Student Conduct of the pending informal resolution. At the Faculty Member's request, the Student Conduct Officer will inform the Faculty Member of the student's engagement in prior instances of Academic Misconduct, which information may be used in determining any academic consequences. The Faculty Member must notify Student Conduct of a finalized informal resolution based on the Student's acceptance of responsibility for Academic Misconduct.
 - 3) If informal resolution is reached and the Student and Faculty Member agree that there was no Academic Misconduct, no further action is taken.

- 4) If informal resolution is reached and the Student accepts responsibility for Academic Misconduct, the Faculty Member will provide the signed *Academic Misconduct Resolution Form* used to document the Student's agreement to the Student Conduct Officer for appropriate conduct sanctions.
- 5) If informal resolution is not reached within ten (10) business days of the initial meeting between the Faculty Member and Student to discuss the allegations, the Faculty Member must report the alleged Academic Misconduct to the Student Conduct Officer to inform them that the alleged Academic Misconduct was not informally resolved through this policy and will need to be addressed through Student Code of Conduct.
- 6) Where informal resolution is reached through this policy, a Student may not appeal either the fact that the student engaged in the Academic Misconduct or the academic consequence imposed by the Faculty Member because the Student waives such appeal rights in agreeing to the informal resolution under this policy.
- 7) Where informal resolution is not reached through this policy, a Student may appeal the academic consequence imposed by the Faculty Member pursuant to Section 4.b. below.

iii. Formal Resolution

- 1) Once the Student Conduct process is concluded, the Faculty Member will receive a copy of the informal resolution documentation (if an informal resolution is agreed to under SDBOR Policy 3:4 and University Policy 3:1) or the written findings that include the facts found to have occurred.
- 2) If the informal resolution documentation (if an informal resolution is agreed to under SDBOR Policy 3:4 and University Policy 3:1) or the written findings include a determination that a violation of the Student Code for Academic Misconduct occurred, the Faculty Member may impose academic consequences for the Academic Misconduct. Information regarding whether the Student had ever engaged in prior Academic Misconduct may be used in determining the academic consequences imposed by the Faculty Member.

b. Academic Appeals

- i. Academic Appeals must be brought within thirty (30) calendar days from the date that the Student received official notification of the action. If this action occurs within fifteen (15) calendar days before the end of the term, the Student must bring an appeal within fifteen (15) calendar days after the beginning of the academic term (fall, spring, or summer) following the term in which the challenged action was taken.
 - 1) When a complainant presents details that would suggest that the challenged action stemmed from conduct violating SDBOR Policies 1:17, 1:17:1, 1:18 or 1:19, and University Policies 4:3, 4:4, 4:5, or 4:6, which prohibit sexual harassment and other forms of discrimination, the matter will be referred under SDBOR Policy 1:18 and University Policy

4:6 to the University Title IX/EO Coordinator, or designee, for investigation and resolution under those policies. No further action will be taken under SDBOR Policy 2:9 or this policy pending the completion of proceedings under SDBOR Policy 1:18 and University Policy 4:6.

- 2) If the SDBOR Policy 1:18 and University Policy 4:6 proceedings result in findings that the academic action stemmed from prohibited discrimination, the proceedings pursuant to SDBOR Policy 2:9 or pursuant to this policy shall be dismissed, unless there are other factors that may have independently been subject to challenge under this policy.
 - 3) If the SDBOR Policy 1:18 and University Policy 4:6 proceedings do not result in findings that the academic action stemmed from prohibited discrimination, the proceedings pursuant to SDBOR Policy 2:9 or this policy will resume determining what action is proper.
- ii. The appeal is initiated by completion of the *Academic Appeals Reporting Form*. The Student will first discuss the matter, in person if possible, with the course instructor or the person responsible for the decision. The instructor shall document the contact date, decision, and rationale for the decision by completing the *Academic Appeals Reporting Form* within ten (10) calendar days after the Student makes the initial contact. The instructor will send a copy of the completed form (and any documentation) to the Student, Department Head/School Director, Dean, and Vice Provost for Graduate Education and Extended Studies, or successor (if applicable).
- iii. If, after discussion with the instructor (or academic decision-maker), the Student's concerns remain unresolved, the Student may appeal the matter to the appropriate immediate supervisor, who in most instances is the Department Head/School Director of the department/school in which the course was delivered, within ten (10) calendar days after the instructor's decision. The Department Head/School Director will document contact with the Student, the decision, and rationale for the decision by completing the *Academic Appeals Reporting Form* within ten (10) calendar days after the Student makes contact with the Department Head/School Director. A copy of the form (and documentation) is sent to the Student, Instructor, Dean, and Vice Provost for Graduate Education and Extended Studies, or successor (if applicable).
- 1) If the matter still remains unresolved, the Student may appeal the matter to the Dean of the college in which the course was delivered within ten (10) calendar days after the Department Head/School Director's decision. The dispute for graduate courses shall be referred to the Dean of the College as well as the Vice Provost for Graduate Education and Extended Studies, or successor. The Dean shall document contact with the Student, the decision, and rationale for the decision by completing the *Academic Appeals Reporting Form* within ten (10) calendar days after the Student makes contact with the Dean. A copy of the form (and any documentation) is sent to the Student, Instructor, Department Head/School Director and Provost.
 - 2) If, after discussion with the appropriate Dean, the Student's concerns remain unresolved, the Student may appeal the matter to the Provost

and Vice President for Academic Affairs, or designee, within ten (10) calendar days after the Dean's decision. Appeals at this level are referred for review to the Academic Appeals Committee, which meets monthly. The committee may, at its discretion, hear an appeal at an earlier date. The Academic Appeals Committee Chair will forward the committee's recommendation to the Provost and Vice President for Academic Affairs, who will make the final decision and document it by completing the *Academic Appeals Reporting Form*. A copy of the form (and documentation) is sent to the Student, Instructor, Department Head/School Director, Dean, and Vice Provost for Graduate Education and Extended Studies, or successor (if applicable).

- 3) Additional documentation and correspondence to be attached to the *Academic Appeals Reporting Form* may include a statement from the instructor, a copy of the course syllabus, D2L records, or other material as appropriate.

5. Responsible Administrator

The Provost and Vice President for Academic Affairs, successor, or designee is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 08/20/2013. Revised, approved by President on 10/24/2013. Revised, approved by President on 08/05/2014. Revised, approved by President on 09/06/2016. Revised (clerical edits only) on 11/16/2018; Revised, approved by President on 01/25/2022. Revised, approved by President on 09/19/2022.