

Rule 5.10 - Academic Integrity v082517

PART 1: PURPOSE AND OVERVIEW

- A. Overview: NMSU strives to cultivate an academic environment in which student scholarship thrives and is subject to rigorous academic standards. This rule sets the essential expectation for academic honesty throughout the university system. This rule provides definitions and roles/responsibilities, and addresses general process issues such as confidentiality, protection from retaliation, avoidance of conflict of interest, timeliness, types of sanctions, and level of Evidence required to prove an academic integrity violation.
- B. Companion Rule 5.11 Provides Procedures: This rule must be read in conjunction with Rule 5.11, which provides the specific procedures by which allegations of student academic misconduct will be investigated and resolved. Those procedural steps include: initial response upon information indicating a violation of academic integrity, fact-finding investigation, evaluation of the facts and determination of level of sanction, presentation to student for acceptance of responsibility or request for hearing, hearing and decision and opportunity for a final review if a Level II Sanction is proposed. Rules 5.10 and 5.11 and appendices are collectively referred to as the Student Academic Code of Conduct. See Flowchart attached as ARP Appendix ____, which diagrams the procedural steps.

PART 2: NOTICE TO STUDENTS REGARDING ACADEMIC REQUIREMENTS

The Student Academic Code of Conduct applies throughout the NMSU system, and will be posted on the websites of the Office of the Dean of Students and the Graduate School, and may be published in the student handbook and academic catalogs by way of restatement, summarization, cross reference or electronic link. At the beginning of each academic semester or session for each course or academic program, faculty members provide a syllabus or program handbook with expectations for academic performance required by their course or program. Each student is required to comply with the Student Academic Code of Conduct, applicable ethical and other standards required by the specific discipline, as well as the specific requirements stated on each course syllabus or program handbook.

PART 3: EXPECTATION OF HONESTY IN ACADEMIC MATTERS

NMSU students are expected to maintain high academic, ethical, and professional standards of conduct, which requires honesty in all academic matters. Academic dishonesty may take a variety of forms, including but not limited to those listed below. Examples of conduct that would violate this rule are illustrated at Appendix ____.

- A. Cheating or Assisting to Cheat: Cheating, knowingly assisting another in committing an act of cheating, having knowledge of cheating by others and not reporting it, or other form of academic dishonesty. Cheating as used in this Rule includes but is not limited to deceiving, tricking, defrauding, and/or otherwise taking unfair or unethical advantage of a situation to benefit someone's grade, academic standing or status.
- B. Misrepresentation: Misrepresentation, including non-disclosure when disclosure is required, in the completion of applications or other university records. An example of this would be concealment by a student of the fact they had attended another college or university, with associated failure to cause the registrar of that institution to submit the required transcript, whether or not credit was earned.
- C. Plagiarism: The use of another person's work without acknowledgment, making it appear to be one's own.
 - 1. Any ideas, words, pictures, or other intellectual content taken from another source must be acknowledged in a citation that gives credit to the source.
 - 2. The prohibition of plagiarism applies irrespective of the origin of the material, including the Internet, another person's work, unpublished materials, or oral sources.
 - 3. Intentional and unintentional instances of plagiarism are considered instances of academic misconduct.
- D. Unauthorized Access to or Alteration of Academic Records: Unauthorized changing of grades on an examination, in an instructor's grade book, or on a grade report; or unauthorized access to academic computer records.
- E. Unauthorized Possession of Academic Material: Unauthorized possession of examinations, any library resources, laboratory materials, or other course-related materials.

PART 4: DEFINITIONS

- A. Academic Integrity Education Program: An education program designed or purchased by NMSU for use in remediating cases of academic integrity, or for general educational purposes across campuses.
- B. Academic Misconduct Report Form: A checklist provided by the Office of the Executive Vice President and Provost for use by the AI Investigator to document the allegations, the findings and the outcome in matters of alleged academic misconduct. The Academic Misconduct Report Form is attached as ARP Appendix ____.
- C. Clear and Convincing Evidence: The amount of Evidence required to prove an academic integrity violation. Clear and Convincing Evidence is that which makes it highly probable or reasonably certain that the alleged misconduct occurred. To prove a fact by Clear and Convincing Evidence requires Evidence stronger than a "preponderance of the Evidence" (the greater weight of the Evidence) and less than "beyond a reasonable doubt". The Evidence must instantly tilt the scales in the affirmative when weighed against the Evidence in opposition.
- D. Course/Program Level Academic Misconduct: Course/Program Level Academic Misconduct is that which would affect a student's academic standing in a course or academic program, and may include allegations such as plagiarism on a course assignment, cheating on an exam, or alteration of a faculty member/academic administrator's grade book. For Course Level Academic Misconduct, the faculty member or appropriate academic administrator associated with the course or academic program will be responsible as the AI Investigator.
- E. Day: When a time limit refers to "Day", it refers to university work days rather than calendar Days (Monday through Friday), and excludes official university holidays and closures.
- F. Evidence: Evidence is the proof presented by the involved parties in support of their respective positions which the fact finder(s) assess for reliability and credibility. The Evidence takes a variety of forms and may consist of:
1. Documentation,
 2. Testimony from the involved party or from witnesses, based on personal knowledge or professional expertise,
 3. Video or audio recording, or
 4. Other relevant information.
- G. Level I Sanction: Level I sanctions are intended for first time violations by undergraduate students and for less serious (e.g. unintentional) breaches of academic integrity. Level I sanctions are limited to one or more of the following:
1. Verbal warning issued in coordination with the Academic Conduct Officer, to ensure the student signs to acknowledge receipt, and for central documentation;
 2. Requirement to re-do an academic assignment;
 3. Imposition of a failing grade on an assignment; or
 4. Reduction of final grade in course by one letter grade.
- H. Level II Sanction: Level II sanctions are imposed for first time violations by graduate students, and for repeat violations and more serious breaches of academic integrity by undergraduate students. Level II sanctions are limited to one or more of the following:
1. Written reprimand issued in coordination with the Academic Conduct Officer, to ensure the student signs to acknowledge receipt, and for central documentation;
 2. Imposition of a failing grade in the course;
 3. Disciplinary probation for a specified time period;
 4. Disciplinary suspension for a specified time period;
 5. Disciplinary dismissal for a specified time period; or
 6. A notation of academic misconduct on the student's official transcript.
- I. Informal Meeting: An informational meeting scheduled by the Academic Conduct Officer once the facts and an appropriate sanction have been determined, to allow the parties to discuss the findings, any additional or disputed facts, and to explore whether or not the student wishes to accept responsibility and the sanction proposed, or whether the matter needs to be set for a hearing for disputed facts to be resolved by the Hearing Panel.

- J. Student: Each undergraduate and graduate student has a responsibility to report any observed or reasonably suspected academic misconduct to the relevant faculty member or academic administrator or to the Academic Conduct Officer, as well as a duty to cooperate in any investigative or administrative proceeding as may be requested or required by those charged with administering the Student Academic Code of Conduct.
- K. Student Academic Code of Conduct: Rule 5.10 - Academic Integrity and Rule 5.11- Procedures to Respond to Allegations of Student Academic Misconduct together constitute the NMSU Student Academic Code of Conduct.
- L. University Level Academic Misconduct: University Level Academic Misconduct is academic misconduct other than Course/Program Level Academic Misconduct. It pertains more generally to the student's general academic standing and may include allegations such as falsification of university records, misrepresentation regarding previous transcripts or degrees or forgery. For University Level Academic Misconduct, the registrar or designee will be responsible as the AI Investigator.

PART 5: ROLES AND RESPONSIBILITIES

- A. Academic Conduct Officer: An individual designated by the executive vice president and provost, whose duties will include:
 - 1. Providing procedural guidance relating to matters involving alleged academic misconduct to students, faculty and academic administrators, the registrar or designee and any hearing official charged with responsibility pursuant to this rule or Rule 5.11.
 - 2. Serving as non-voting member and chair of the Student Academic Conduct Board and providing and administrative support to this board and to the executive vice president and provost, including facilitating the hearing and final review processes within the NMSU system;
 - 3. Coordination with deans as may be necessary on a case by case basis to assist the AI Investigator in the determination of the facts and appropriate sanction;
 - 4. Reporting academic integrity violations to the Dean of Students for further reporting as required by law; and
 - 5. Other duties related to the administration of the Student Academic Code of Conduct.
- B. Academic Integrity Investigator (AI Investigator): The AI Investigator for Course or Program Level [Alleged] Misconduct will be the involved faculty member, who may be assisted by the department head or other appropriate academic administrator. The AI Investigator for University Level [Alleged] Academic Misconduct is the registrar or designee. *See* Part 4 above Definitions D. and L. It is the responsibility of the AI Investigator to coordinate with the Academic Conduct Officer and to fairly and promptly find the facts in accordance with the Student Academic Code of Conduct.
- C. Dean of Students: The Dean of Students (or designee) works closely with the Academic Conduct Officer to ensure accurate reporting of academic integrity violations, and also to promote consistency throughout the university community relative to student discipline generally.
- D. Executive Vice President and Provost: The executive vice president and provost or designee provides the final administrative review of Level II academic misconduct matters, based on the record received from the Formal Hearing Panel.
- E. Hearing Panel: Three members (one academic administrator, one faculty member and one student) selected by the Academic Conduct Officer from the membership of the Student Academic Conduct Board to conduct an administrative hearing when alleged academic misconduct is contested. For cases involving Level I sanctions, the Hearing Panel issues the final decision.
- F. Student Academic Conduct Board: The Student Academic Conduct Board is a standing university board (*See* RPM, Policy 1.05.90). The Student Academic Conduct Board will consist of the following members, who will serve staggered terms as indicated below.

1. Ten members of faculty to serve staggered three year terms, consisting of four tenured or tenure-track faculty and two college faculty from NMSU-LC appointed by the Executive Vice President and Provost, and at least two faculty members of any classification from each community college, to be appointed by the respective community college president.
 2. Three undergraduate students to serve a one year term, to be appointed by the ASNMSU President and confirmed by the ASNMSU Senate;
 3. Two students from each community college to serve a one year term, to be appointed by each community college chief academic officer;
 4. Three graduate students to serve a one year term, to be appointed by the Graduate Student Council;
 5. Thirteen academic administrators with faculty rank (five from NMSU-LC and two from each community college) to serve staggered three terms, to be appointed by the Associate Deans Academic Council.
- G. Student Advisor: A person chosen by the accused student to provide consultation, guidance and/or support to the student through the various procedural steps outlined in the Student Academic Code of Conduct. If the student needs assistance in identifying someone to serve as advisor, the ASNMSU Supreme Court Justice will designate someone to serve in such capacity on the student's behalf. The student advisor must not actively advocate or participate in the proceedings.

PART 6: GOOD FAITH AND PROTECTION FROM RETALIATION

All individuals involved in the processes outlined in the Student Academic Conduct Code must act with honesty of intention when reporting, investigating and taking administrative action relating to alleged violations. Individuals who believe they are being retaliated against because they have in good faith reported a suspected violation, investigated a claim of academic dishonesty, cooperated in an investigation, testified or provided other Evidence during a hearing, conducted a hearing, imposed or proposed a sanction, issued a determination or decision, or otherwise taken action authorized by the Student Academic Code of Conduct, must report the retaliation promptly. If the claim is against a student, it should be reported to the Office of the Dean of Students. If the claim is against a faculty member or other employee, it should be reported to the Office of Human Resource Services. Allegations of retaliation will be investigated independently and objectively; corrective and/or disciplinary action will be administered as warranted by the findings.

PART 7: TIMELINESS

AI Investigators and other officials with responsibility under the Student Academic Code of Conduct will perform their duties in a timely manner, which may include seeking an extension of time. The first request for an extension by either party will generally be granted by the Academic Conduct Officer. Second or subsequent requests for time extension from **a party** may be granted by the Academic Conduct Officer with consent from the other party, or when reasonable cause is shown. If the **AI Investigator, any hearing official (Hearing Panel or executive vice president and provost or designee) or the Academic Conduct Officer** reasonably requires an extension of time, a notice will be sent to the parties, informing of the extended date by which the action will be taken, with weekly status reports until the action is concluded. All time extensions and status reports will be documented by the Academic Conduct Officer for the record.

PART 8: CONFIDENTIALITY

An allegation of academic dishonesty is a serious matter, and may cause harm to a student's prospective academic or professional career. The internal investigation, hearing processes, and sanctions imposed, if any, will be administered using discretion and kept confidential on a "need to know" basis. Any university representative or student who becomes privy to the matter must maintain confidentiality. If other students are involved (e.g. as a witness), they will be instructed to maintain confidentiality. *See Also ARP, Rule 5.11 Part 2, A. (Anonymous Reports).*

PART 9: FAIRNESS AND AVOIDANCE OF CONFLICT OF INTEREST

- A. Fairness Generally: NMSU officials will perform their duties required by the Student Academic Code of Conduct in a thorough and impartial manner. No individual involved in an alleged violation of the Student Academic Code of Conduct shall seek to directly or indirectly influence the outcome or obtain relief from an NMSU official.
- B. Resolution of Perceived and Actual Conflicts of Interest: As early as possible in the process, actual and perceived conflicts of interest should be disclosed or otherwise brought to the attention of the Academic Conduct Officer or

Executive Vice President and provost, if the conflict involves the Academic Conduct officer. If a person alleged to have a conflict of interest will not voluntarily recuse themselves from an official role or duty, a decision will be made by the Academic Conduct Officer or the provost, as appropriate, to ensure a fair hearing process. The issue to be decided will be whether a reasonable person would believe that the facts presented would render the person accused of having the conflict to be unable to serve impartially. If an individual recuses themselves or is excused, alternate Hearing Panel members will be selected from the Student Academic Conduct Board, or if it involves the Academic Conduct Officer or the provost, the provost or chancellor will designate an alternate, respectively.

Rule Administrator:	Executive Vice President and Provost
Scope:	NMSU System
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Cross References:	<p>See ARP, Rule 5.11 - Procedures to Respond to Allegations of Student Academic Misconduct; See ARP Appendices 5-? through 5-? (SACC Flowchart, Academic Misconduct Report Form and List of Examples of Academic Misconduct) See ARP, Rule 5.94.10 (allegations of misconduct in research); See Course Catalog (grade appeals or grievances relating to instruction); See https://:eoo.nmsu.edu/ (discrimination complaint procedures); See Student Handbook, Student Social Code of Conduct</p>