

## 13.02.99.C0.04 Student Academic Misconduct Cases



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### Procedure Statement

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Texas A&M University-Corpus Christi students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty is described in Article III of the Student Code of Conduct.

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### Reason for Procedure

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This procedure should be read in conjunction with the University Catalog and the Student Code of Conduct, which explain standards for academic integrity and academic honesty.

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### Definitions

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Preponderance of Information: A standard of proof that indicates that the information provided leads the hearing body to the conclusion that “more likely than not” a violation did or did not occur.

Time Limits: All statements about the number of days allowed for completing any step refers to university business days during which the university is in session.

Additional terms are defined in Article II of the Student Code of Conduct (link in the Appendix section of this procedure).

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### Procedures and Responsibilities

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#### 1. GENERAL

Responsibility of the Student: It is the responsibility of the student to become educated

regarding university rules and procedures regarding academic misconduct. This includes, but is not limited to, seeking clarification from each instructor regarding acceptable behaviors and guidelines for completing individual assignments. A failure to become educated with the university rules and procedures or the instructor's individual guidelines will not excuse the student from accountability for violations of such policies. Students may not withdraw from a course once an allegation of academic misconduct has been presented until the matter is resolved.

**Responsibility of the Instructor:** The instructor should maintain a policy regarding academic misconduct within their syllabus and provide clear expectations regarding behaviors that will and will not be permitted regarding the completion of in and out of class assignments. The instructor shall address all matters of suspected academic misconduct with the student in question and may choose to document and refer the matter to the Office of Judicial Affairs. The burden of proof shall lie on the instructor when presenting cases of academic misconduct to the Office of Judicial Affairs.

- 1.1 The Academic Integrity Committee (AIC) is a standing committee designed to provide members of Academic Integrity Hearing Panels (AIHPs) to consider cases involving academic misconduct.
  - 1.1.1 Each college dean will select three (3) full-time faculty members and the Library Director will select two (2) professional librarians to serve on the AIC. Members of the committee will serve staggered three-year terms of service, be generally available for service throughout the year, and may serve on more than one case during a year. The Provost or delegate will designate one faculty representative on the committee from each college to serve in the role of chair for cases heard by individual AIHPs. Those designated as chairs will complete a training session and should be available throughout the year.
  - 1.1.2 **Appointment of Student Members:** The Associate Dean of Students will select students to serve on the AIC for a one-year term. Students must be in good disciplinary standing, maintain a minimum cumulative GPA of 2.50, complete a mandatory training session, and be available to serve on AIHPs throughout the year. The student members shall be appointed in the Spring semester to serve one-year terms beginning the following Fall semester. Students may serve on more than one case during the year. Students may be eligible to serve another term, upon approval from the Associate Dean of Students.
  - 1.1.3 **Summer Appointments:** If cases arise during the summer session at a time when absences result in insufficient members to constitute an AIHP, interim faculty appointments may be made by the Provost or delegate and interim student appointments by the Associate Dean of Students.
- 1.2 **Appointment of individual AIHPs:** From the AIC, the Provost or delegate will

select three (3) faculty members and the Associate Dean of Students two (2) students to serve on an AIHP. For each AIHP, the Provost or delegate will appoint a faculty member as chair. The chair will not be from the college from which the case emanates. No faculty or student member may be in any way involved in the case to be heard.

- 1.3 Extension of Process Beyond Semester: If the academic misconduct process extends beyond the semester in which the incident occurred, the grade will be reported as an “I” until the case is decided.
- 1.4 Early Resolution in the Process: The academic misconduct process may end at any step if the disagreement is resolved to the satisfaction of all parties, if the instructor chooses to drop the charges, or if the student chooses to accept responsibility for the misconduct in question.
- 1.5 Dropping a Course or University Withdrawal: A student’s dropping of a course or withdrawing from the university will not end the process or allow the student to escape sanction if found responsible for academic misconduct.

## 2. PROCESS FOR ACADEMIC MISCONDUCT

### 2.1 General

Disciplinary action for academic misconduct is first the responsibility of the faculty member assigned to the course. The faculty member is charged with assessing the gravity of any case of academic misconduct and with giving appropriate sanction to any student involved.

- 2.1.1 Definitions of academic misconduct including specific types can be found in Article III of the Student Code of Conduct.
- 2.1.2 The faculty member must file a record (an Academic Misconduct Incident Form) for each case of academic misconduct, along with any materials involved. The Office of Judicial Affairs will maintain records of such reported incidents for a period of five (5) years after the student’s last enrollment date. Professors may file incident reports for students who are currently enrolled in their course and for students who are not currently enrolled in their course but are impacting the academic integrity of a course currently in progress.
- 2.1.3 Sanctions that may be recommended by the faculty member for individual cases of academic misconduct include one or more of the following:
  - Written reprimand (an official letter of reprimand will be issued by the Office of Judicial Affairs);
  - Requirement to re-do work in question;

- Requirement to submit additional work;
- Lowering of grade on work in question;
- Assigning grade of 'F' to work in question;
- Assigning grade of 'F' for course;
- Recommendation for more severe punishment, such as suspension, dismissal from program, or expulsion from the university.

If the faculty member recommends a more severe sanction, such as dismissal from program or expulsion from the program or from the university, the matter will automatically be reviewed by the Office of Judicial Affairs and may be referred to an AIHP. Additionally, if the student has a history of academic misconduct, the AIHP will review the matter.

- 2.1.4 Any student who has been sanctioned for academic misconduct has the right to appeal the judgment or the penalty assessed, unless the student chooses not to sign the Academic Misconduct Incident Form within the time constraints indicated in section 2.2.1 of this procedure. If university personnel, in accordance with the procedures, do not process an appeal in a timely manner, the student may petition to the Student Conduct Officer to proceed to the next step in the process.

## 2.2 Steps in the Academic Misconduct Process

### 2.2.1 Instructor Makes Charge of Academic Misconduct

The instructor will make an attempt to meet with the student to discuss the charge of academic misconduct, show the student the evidence of misconduct, and complete an Academic Misconduct Incident Form with the student. Distance education faculty and students may meet virtually (video conference, email, phone) to complete this step in the academic misconduct process. The faculty member must file an Academic Misconduct Incident Form for each case of academic misconduct along with any materials involved. The Academic Misconduct Incident Form includes a description of the nature of the infraction, the disciplinary action taken or recommended, and the student's response to the alleged charges. The Academic Misconduct Incident Form and all related material is to be submitted to the Office of Judicial Affairs within thirty (30) business days of the assignment being submitted to the instructor, or within one (1) week of the last day of final examinations for the given term, whichever comes first. If a report is submitted outside of the timeline, the report will be returned to the instructor and the student should not be penalized for the incident. In this case, the university will keep no record of the occurrence.

### 2.2.2 Role of the Student Conduct Officer

The Student Conduct Officer or their appointee serves to coordinate and

oversee the academic misconduct hearing process. These functions include:

- (a) receiving, maintaining, and reviewing records of academic misconduct incidents;
- (b) requesting the formation of AIHPs by the Provost or delegate;
- (c) advising students, instructors, and members of the AIHPs of their rights, responsibilities, and obligations in the process and ensuring that the procedures are being properly followed.
- (d) arranging the place, day, and time for AIHP hearings.

### 2.2.3 Hearing by the Academic Integrity Hearing Panel (AIHP)

Each individual AIHP will be formed from members of the AIC upon request of the Student Conduct Officer. The Provost or delegate will select the faculty representatives, and the Associate Dean of Students will select the student representatives. An AIHP will be formed to hear cases involving academic misconduct in four (4) instances.

2.2.3.1 Finding of “In Violation”, Acceptance of Sanction(s): If, upon review of a student’s file, the Student Conduct Officer finds that a student who has indicated that they are in violation of the alleged charge and accepts the assigned sanction(s) for an instance of academic misconduct has a previous record of such conduct, an AIHP will be convened to consider more severe sanctions. The Student Conduct Officer will notify the student of the hearing, and the student will have the opportunity to address the panel. The panel may impose the sanction of probation, suspension, dismissal from program, or expulsion in addition to any grade sanction that was issued by the faculty member.

2.2.3.2 Finding of “In Violation”, Denial of Sanction(s): When the student accepts responsibility for an infraction, but wishes to appeal the sanction imposed, an AIHP will convene to determine sanction(s).

2.2.3.3 Finding of “Not In Violation”: If a student indicates that they are not in violation of the alleged charge, the case will automatically be referred to an AIHP for review. Upon receipt by the Student Conduct Officer of an Academic Misconduct Incident Form indicating the student's response of “Not In Violation”, an AIHP will be formed as quickly as possible and a hearing will be scheduled as soon as all necessary arrangements can be made.

2.2.3.4 Failure to Meet with Instructor and/or Sign Academic Misconduct Incident Form: If an instructor reports an instance of academic misconduct but for any reason is unable to meet with the student

prior to submitting the Academic Misconduct Incident Form, or the student declines to sign the form, the Student Conduct Officer will give the student written notice (via the Islander email account) to return a signed copy of the form within ten (10) business days. If the student fails to sign the resolution section of the Academic Misconduct Incident Form in the time allowed, it will be deemed that the student 1) accepts any sanction specified on the form, and 2) waives the right to subsequent appeal of such sanction.

#### 2.2.4 Proceedings of the Academic Integrity Hearing Panel (AIHP)

2.2.4.1 Role of the Chair: The chair will preside at the hearing, maintain orderly proceedings, and assure that all parties have a fair hearing. The chair will keep appropriate records of meetings and actions of the AIHP, will report the decision of the panel to the appropriate parties, and report any recommendations for formal sanction(s) to the Provost or delegate. The chair is a voting member of the panel.

2.2.4.2 Hearing Protocol: The hearing shall observe the following conventions:

2.2.4.2.1 Scheduling: The AIHP will be formed and convene as promptly as possible after the Academic Misconduct Incident Form is received by the Student Conduct Officer. The case will be heard at a time and place that does not conflict with class schedule of the students or professional obligations of the faculty involved. If the hearing is set with the concurrence of the parties and the student or instructor cannot attend, the hearing may proceed as scheduled.

2.2.4.2.2 Quorum: A quorum shall be two (2) faculty members and one (1) student member of the AIHP including the chair.

2.2.4.2.3 Objections to Panel Membership: The student has no right to preemptory challenge or challenge for cause any panel member. However, the panel may, by majority vote, recess to consider a student objection in closed session. In closed session, the member in question may choose to recuse himself or herself, a majority of the panel may vote to recuse the member, or a majority of the panel may vote to continue with the member in question impaneled. If the member is recused for any reason and the remaining members of the panel present constitute a quorum, the hearing will

continue. If, after such recusal, the membership present does not constitute a quorum, the hearing will be rescheduled, and the Provost or delegate will appoint a substitute member of the panel.

2.2.4.2.4 Burden of Proof: The burden of proof shall rest with the party bringing the charge. The AIHP will make a determination of "In Violation" or "Not In Violation" using the basis of a preponderance of information.

2.2.4.2.5 Evidence and Testimony: The AIHP shall hear all parties to the case and shall review all evidence presented. The panel shall have the right to call witnesses, including representatives from the academic discipline from which the case emanated, who are not directly involved in the case. It shall also have the right to review the course objectives and syllabus, course criteria for grading and assignments, student work submitted for evaluation, and any other relevant information. The panel may choose to table the meeting to a future date and time if needed to ensure that all witnesses and evidence available can be considered.

2.2.4.2.6 Counsel: Each party to the hearing, including the student, the instructor, and the AIHP may be accompanied by another person throughout the process. In all cases, the role of that person shall be advisory only, and any such advisor may not participate directly in the hearing.

2.2.4.2.7 Privacy: The proceedings, findings, and recommendations shall not be open to the general public or available to any individuals other than those involved in the case or those determined as necessary by the Office of Judicial Affairs.

## 2.2.5 Action by the Academic Integrity Hearing Panel (AIHP)

2.2.5.1 Decision: The AIHP will determine the facts of the incident and attempt to affect a fair and appropriate resolution to the case. Based on the standard of a preponderance of the information, the panel will decide, by majority vote, if the student is "In Violation" or "Not In Violation" for the allegation(s) of misconduct in question. If the student is found to be in violation for the allegation(s) of academic misconduct, the AIHP has the option to

accept or alter the recommended sanction(s) by the instructor. Their recommendations should address the student's eligibility to remain in the program or seek re-admittance into the program. Should the AIHP absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based on the panel's finding. All decisions by the panel will be reported to the student, the faculty member, the appropriate department chair, and the Provost or delegate.

2.2.5.2 Recommendation for Further Sanction: After taking into consideration the student's cumulative history of academic misconduct, the AIHP may recommend to the Provost or delegate the sanction(s) of educationally purposeful activities (e.g., referral to campus resources, assignment of online courses), probation, suspension, dismissal from program, or expulsion from the university in addition to any sanction that was issued by the faculty member. In such case the chair of the panel will deliver to the Provost or delegate a letter summarizing the facts of the case, the hearing, the decision of the panel and any relevant evidentiary materials. The decision of the panel is final unless an appeal is filed.

## 2.2.6 Appeal

2.2.6.1 The student or faculty member may appeal the decision of the AIHP. Such appeal must be confined to one or more of three (3) specific matters including: 1) the procedures followed in the process; 2) new facts unknown to the appellant at the time of the hearing; and/or 3) sanction imposed which is disproportionate to the misconduct. Any such appeal must be made in writing to the Office of the Provost and Vice President for Academic Affairs within ten (10) business days from the date the notification was sent regarding the decision of the AIHP.

2.2.6.1.1 The written appeal should make clear the grounds for appeal and why these grounds are sufficient to alter the decision. In the case of an appeal based on procedural objections, the appellant must clearly describe how the procedures of the case may have worked to the appellant's disadvantage. Any error committed must be determined to have substantially impacted the fairness of the process.

2.2.6.1.2 The Office of the Provost and Vice President for Academic Affairs or designated appointee will render a decision and copies of the decision will be sent to the



student, the faculty member, and the appropriate chair involved within fifteen (15) business days upon receipt of the appeal. This decision will be final.

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## **Related Statutes, Policies or Requirements**

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System Policy [13.02, Student Rights and Obligations](#)

This procedure supersedes:

- *13.02.99.C3.01, Procedure for Academic Misconduct Cases*
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## **Appendix**

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[Academic Misconduct Incident Form](#)  
[University Student Code of Conduct](#)

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## **Contact Office**

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Contact for interpretation and clarification: Provost and Vice President for Academic Affairs  
(361) 825-2722  
Associate Dean of Students  
(361) 825-6219