

DES MOINES AREA COMMUNITY COLLEGE
EDUCATIONAL SERVICES PROCEDURES

Subject: STUDENT RIGHTS, APPEALS AND FERPA
 Procedure: Academic Misconduct
 Effective Date: August 28, 2006
 Procedure Number: ES 4670

I. Institutional Regulations

The Board of Directors of DMACC confers upon the staff the power to invoke sanctions and promulgate rules to protect the educational processes and the rights of individual students and staff.

II. Procedure

A. The following acts by students are prohibited:

1. Engaging in any form of plagiarism, which is defined as the appropriation of and use of another person's writing, and passing it off as the product of one's own efforts or copying any work and submitting it as original work.
2. Falsifying with respect to any examination, paper, project, application, recommendation, transcript, or test, or by any dishonest means whatsoever, or by aiding or abetting another student to do so.
3. Using materials or collaborating with another person (or persons) during a test or other assignments without authorization.
4. Substituting for another student, or permitting another person to substitute for oneself, to take an examination, course, or test, or to provide the work for any assigned project.
5. The acquisition of grades, academic credits, degrees, honors, awards, certification, or professional endorsements by means of cheating.
6. Failing to comply with the policies of the student's program or department stated in College publications.

B. Investigation and Charge Procedure for Alleged Violations of Academic Misconduct

1. An instructor who believes a student has violated the Academic Misconduct Policy should complete an Academic Misconduct Report Form, attach all documentation used to come to this conclusion (course syllabus, assignment, test, quiz, source of plagiarized material, etc.), and send a copy to the Dean/Provost, Judicial Officer, and to the student.
2. The originator must make a good faith effort to communicate with the student to provide him/her an opportunity to respond to the charges. The instructor should communicate to the student the sanction to be imposed. If the student is unavailable, the instructor should indicate the reason in Part 4 and document the sanction on the Academic Misconduct Report Form.
3. If the student admits responsibility for the violation, the student should indicate that by checking option one (1) on Academic Misconduct Report Form in Part 4. If the student does not agree with the proposed sanction or denies responsibility for the alleged violation by checking option two (2) or three (3) on Academic Misconduct Report Form in Part 4, the instructor, Dean/Provost, or Judicial Officer should provide the student with Student Instructions for Completion of Appeal of Academic Misconduct Allegations Form and the Appeal of Academic Misconduct Allegation Form to be submitted by the student to the Judicial Officer within 10 (ten) business days of receipt of the Academic Misconduct Report Form. No sanctions can be imposed until responsibility is determined; however, if extenuating circumstances exist, a temporary grade can be issued by the instructor. See appeal procedures (Section D) for additional information.

C. Sanctions

1. The instructor may reduce the student's grade, including the assignment of a failing grade (F) for all or any portion of the course.
2. Sanctions may only be imposed after the student has accepted responsibility for the alleged violation of Academic Misconduct, the student has been found responsible by the College Judicial Hearing Board, or if the student is unavailable to respond to the alleged violations.
3. Based on information presented in the hearing, the College Judicial Hearing Board may determine that a change of grade is warranted or they may determine that the original

grade stands. The new grade may be higher than, the same as, or lower than the original grade. The College Judicial Hearing Board may request that the instructor submit a change of grade form. If the instructor is absent or unwilling to submit the change of grade form, then the Chairperson and three board members will sign and submit the change of grade form to the Registrar.

4. An accused student has the option to stay in the course or drop the course within the approved time period as described in policy ES 4554 Registration Status Procedure. A student who has been found responsible for Academic Misconduct and has received the sanction of a failing grade in the course will not be permitted to withdraw from the course. A student who chooses to withdraw before the outcome of a College Judicial Hearing Board will be permitted to withdraw but will be placed back into the course by the Registrar if he or she is found responsible and the instructor imposes a failing grade for the course.
5. Violations of the Academic Misconduct policy are also in violation of ES 4630 Student Conduct, Discipline and Appeals Procedure. The Judicial Officer will review Academic Misconduct Reports and may choose to file charges according to ES 4630. Such sanctions may include reprimand, restitution, conduct probation, educational sanctions, suspension or termination of the use of college property, resources, or activities, suspension from the College or certain courses for a specified period, or a recommendation for expulsion from the College.

D. Appeal Procedures

1. Students have the right to appeal an alleged violation of Academic Misconduct and/or a sanction they believe is unjust for academic misconduct.
2. If the student believes he or she is not responsible for an alleged violation of academic misconduct, he or she may appeal to the College Judicial Hearing Board by completing an Appeal of Academic Misconduct Allegation Form and submitting it to the Judicial Officer within 10 (ten) business days of receipt of the Academic Misconduct Report Form. Failure to submit an appeal form within the scheduled time period will result in the sanction being imposed. The College Judicial Hearing Board comprised of five members (two faculty, a student and two staff representatives) will hear all evidence in the case including witness testimony and documentation and will make a decision about whether the student is responsible or not responsible for a violation of academic misconduct.
3. If found responsible, the instructor's sanction will be imposed and the board has discretion to impose additional sanctions outlined in ES 4630 Student Conduct, Discipline and Appeals Procedure. Details about the College Judicial Hearing Board's procedures are found in ES 4630. The student may appeal the College Judicial Hearing Board's decision to the Senior Vice President of Academic Affairs using the procedures in ES 4630. A copy of the hearing board's decision will be mailed to the student by registered mail at the last known address provided to the College by the student.
4. If the student is not satisfied with the College Judicial Hearing Board's decision, the student may appeal to the Vice President of Academic Affairs (or designee) within 10 (ten) business days of receiving the decision. The student must complete the Appeal of Academic Misconduct Allegation Form and submit it to the Judicial Officer within 10 (ten) business days of the date the sanction was imposed. The appeal procedures are outlined in ES 4630 Student Conduct, Discipline and Appeals Procedure.
5. The Judicial Officer will meet with the student to discuss the hearing process and review the student's rights at the hearing listed in ES 4630 Student Conduct, Discipline and Appeals Procedure.

E. Disciplinary Records

1. The Judicial Officer shall maintain a record of academic misconduct and shall notify other areas of the college, as are concerned, with action taken.
2. Disciplinary actions are part of the education records of the student and consequently are not available for public disclosure or discussion. The College will not disclose information outside the College relating to the student's disciplinary record, except as allowed by law, if prior written permission from the student has not been received.
3. If a student is suspended from the College a notation will appear on the student's transcript indicating that he or she is suspended and the period of suspension.
4. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including security personnel and the campus nurse); a person or company with whom the College

has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Directors; or a student serving on an official committee, such as the Petition for Policy Waiver Committee, College Review Board or College Judicial Hearing Board, or assisting another school official in performing his or her tasks. A school official has legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities. "College officials" include students serving on institutional committees. College officials who have access to student records in the course of performing their professional responsibilities shall not be permitted to release the record to persons outside the College, unless authorized in writing by the student or unless one of the exceptions stated earlier applies.



APPROVED:

Executive Dean, Student Services

May 1, 2006

Date



Executive Vice President, Academic Affairs

May 1, 2006

Date



Faculty and Staff Instructions for Completion of
Academic Misconduct Report Form
Procedure ES 4670

1. The Board of Directors of DMACC confers upon the staff the power to invoke sanctions and promulgate rules to protect the educational processes and the rights of individual students and staff.
2. ES 4660 Appeal of Final Grades Procedure provides procedures that give students the protection to be evaluated in the classroom on the basis of satisfactory progress, academic achievement, and fulfillment of educational requirements with freedom of expression protected and respected.
3. Procedure ES 4670, Item II. A. This section provides a list of acts that are prohibited and are considered forms of academic misconduct.
4. Procedure ES 4670, Item II. B. An instructor who believes a student has violated the Academic Misconduct Policy should complete an Academic Misconduct Report Form. The originator must make a good faith effort to communicate with the student to provide the student an opportunity to respond to the charges.
5. Procedure ES 4670, Item II. C. The instructor may reduce the student's grade; this may include the assignment of a failing grade for all or any portion of the course. Sanctions may only be imposed after the student has accepted responsibility for the alleged violation, has been found responsible by the College Judicial Hearing Board, or is unavailable to respond to the alleged violations. Violations of the Academic Misconduct Policy are also a violation of the ES 4630 Student Conduct, Discipline and Appeals Procedure. The Judicial Officer will review Academic Misconduct Reports and may choose to file charges according to ES 4630 Student Conduct, Discipline and Appeals Procedure.
6. Part 2. The form can be used for the following:
 - a. To report alleged misconduct; i.e., you are reporting to your immediate supervisor that you allege that an act of academic misconduct has occurred and you are making this report for the student's awareness and for his/her disciplinary file maintained by the Judicial Officer.
 - b. To report a sanction imposed for academic misconduct; i.e., you are reporting a sanction you have imposed for academic misconduct and are making this report for the student's awareness and for his/her disciplinary file maintained by the Judicial Officer.

NOTE: Complete this form even if you are only reporting an alleged situation. This report will create a record in the student's disciplinary file; several reported concerns for one student may warrant later investigations. Instructors who have questions about the process are encouraged to contact the Judicial Officer for assistance.

7. Part 3. Detailed descriptions of the student's actions are important. Responses and actions to the reported misconduct will be based on these descriptions. Attach all documentation used to come to this conclusion (course syllabus, assignment, test, quiz, source of plagiarized material, etc.).
8. Part 4. Student should indicate whether he or she is responsible or not responsible for the alleged violation of academic misconduct after reviewing the Academic Misconduct Report Form. If the student indicates not being responsible, the student must complete an Appeal of Academic Misconduct Form. Failure to do so within the allowed time period will result in the sanction being implemented.
9. Distribution of copies:
 - A copy goes to the Judicial Officer
 - If disciplinary action is taken against a student under the procedures outlined above, a record of the action will be sent to the Judicial Officer to be placed in the student's disciplinary file. This file is a confidential part of the student's educational record.
 - A copy goes to Student

Students are guaranteed their constitutional right of due process. Students have the right to appeal any action brought or taken against them, and notification of those actions must be communicated.

A copy goes to Department Dean/Provost

Notification of concerns about a student or imposing a sanction on a student's action must be reported to administrative personnel.

A copy goes to Originator



ACADEMIC MISCONDUCT REPORT FORM
 Use this form to report academic misconduct and/or the sanction imposed
 Academic Misconduct Procedure – ES 4670

Part 1.

Student's Name _____ Student ID # _____

Course Number _____ Section _____ Course Title _____

Incident Date/Time _____ Campus/Location _____

Instructor or Staff Name _____ Phone Number _____

Part 2.

Purpose for this form: _____ Report of alleged academic misconduct
 _____ Report of sanction recommended/imposed for academic misconduct

The above named student has demonstrated the following actions:

- _____ Engaged in plagiarism.
 - _____ Falsified/or dishonest academic work (test, paper, application, transcript).
 - _____ Used materials or collaborated with another person without authorization.
 - _____ Substituted for another student, or permitted another person to substitute oneself to provide academic work.
 - _____ Acquired grades, degree, awards, or endorsements by means of cheating.
 - _____ Failed to comply with policies of the student's program or department.
 - _____ Other _____
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Part 3. Please attach documentation describing in detail the nature of the academic misconduct incident and the proposed sanction. Attach all documentation used to come to this conclusion (course syllabus, assignment, test, quiz, source of plagiarized material, etc.).

Part 4. Student Section: Please check one of the following responses.

- _____ 1. I accept responsibility for the alleged violation and accept the sanction proposed by my instructor.
- _____ 2. I accept responsibility for the alleged violation, but do not agree with the proposed sanction. I understand that I can appeal this to the Judicial Officer within 10 (ten) business days of the date of receiving this report and that I can get the appeal forms from the Dean/Provost or Judicial Officer.
- _____ 3. I deny responsibility for the alleged violation and do not accept the proposed sanction. I understand that I can appeal this to the Judicial Officer within 10 (ten) business days of the date of receiving this report and that I can get the appeal forms from the Department Dean/Provost or Judicial Officer.

Failure to submit an appeal form within this time period will result in the sanction being imposed.

Signature of person filing report	Date
Signature student	Date

Student signature unattainable because _____

Distribute copies to each: () Judicial Officer () Student () Department Dean/Provost () Originator



Student Instructions for Completion of
Appeal of Academic Misconduct Allegations Form
Procedure ES 4670

STEPS TO FOLLOW IN DETERMINING IF AN APPEAL IS THE NEXT STEP FOR YOU

You are advised to contact the Department Dean/Provost on your campus or Judicial Officer for assistance in this appeal process to assure that you understand the process and your rights.

- A. The Board of Directors of DMACC confers upon the staff the power to invoke sanctions and promulgate rules to protect the educational processes and the rights of individual students and staff.
- B. Students are guaranteed their constitutional right to due process and their right to appeal any action brought or taken by the college that can reasonably be expected to affect their status within the college.
- C. Review the information in your “student copy” of the Academic Misconduct Report Form that was completed by an instructor or a staff member. If you believe you are not responsible for the alleged Academic Misconduct or that the imposed sanction is unjust and you decide to appeal the sanction, you must complete the Appeal of Academic Misconduct Allegations Form. Failure to submit an appeal form will result in implementation of the sanction.
- D. Obtain a copy of the ES 4630 Student Conduct, Discipline and Appeals Procedure to become aware of the College Judicial Hearing Board Procedures. The Judicial Officer will meet with you to discuss the hearing procedures and your rights in the appeal process.
- E. Include details and all relevant information that supports your appeal.
- F. Submit your completed form to the Judicial Officer within 10 (ten) business days of the date the report was received.

BE SURE TO KEEP ONE COPY OF THE FORM FOR YOUR RECORDS.

- G. You will be notified of the date, time, and place of the hearing. At the hearing, you will have the right to present your side of the story, to present witnesses and evidence on your behalf, to question witnesses, and to have up to two advisors with you (at your expense). See ES 4625 Advisors for Students in Academic or Disciplinary Hearings.
- H. You will receive written notification of the College Judicial Hearing Board’s decision within 5 (five) business days of the date that your appeal was submitted.



APPEAL OF ACADEMIC MISCONDUCT ALLEGATION FORM
 Use this form to provide documentation of non-responsibility of Academic Misconduct or to appeal a sanction issued for Academic Misconduct.
 Appeal of Academic Misconduct Procedure – ES 4670

Please type or print. Upon completion, please submit this form to Judicial Officer. This form must be submitted within 10 (ten) business days of the date the Academic Misconduct Report was received.

Student's Name _____	Student ID # _____
Address _____	Phone Home _____
_____	Phone Work _____
Course Number _____ Section _____	Course Title _____
Instructor's Name _____	Campus _____

This form indicates my desire to:

- _____ 1. Accept responsibility for the alleged violation, but appeal the proposed sanction.
- _____ 2. Deny responsibility for the alleged violation and appeal the proposed sanction.

In the space below, please provide all relevant details and attach any documentation in support of your appeal. Use additional sheets if necessary. A copy of the Academic Misconduct Report Form filed by the originator must accompany this form.

My signature indicates that I declare all statements made herein and any attachments are true and correct to the best of my knowledge and belief. I hereby authorize all DMACC officials to conduct whatever investigations may be necessary in considering this request.

_____ Student Signature

_____ Date