

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 8 – A (2)

DATE: March 29-30, 2022

SUBJECT

BOR Policy 2:33 – Student Academic Misconduct (First Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:33](#) – Student Academic Misconduct

BACKGROUND / DISCUSSION

A review of BOR Policy 2:33 was requested by AAC members in November 2021. Reasons for the review and requested changes to the policy were that the policy was too restrictive and prevented initial conversations with students until a student conduct report was filed. The proposed changes to BOR Policy 2:33 provide more flexibility for faculty by allowing initial communication between faculty and students in the event of suspected academic misconduct, while continuing to provide due process for the student throughout the handling of any allegations.

IMPACT AND RECOMMENDATION

The proposed changes preserve the due process rights of the student while also providing flexibility for faculty classroom management and remain consistent with BOR Policy 3:4 (Student Code of Conduct).

Board staff recommends approval.

ATTACHMENTS

Attachment I – Proposed Revisions to BOR Policy 2:33

DRAFT MOTION 20220329_8-A(2):

I move to approve the first reading of the proposed revisions to BOR Policy 2:33, as presented.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Student Academic Misconduct

NUMBER: 2:33

A. PURPOSE

To establish the expectations of student conduct in academic programs, the process for determining when academic misconduct has occurred, and the appeals process when a violation is found.

B. DEFINITIONS

1. ~~The phrase~~ “**Academic Misconduct**” means Cheating or Plagiarism.
2. ~~The term~~ “**Cheating**” includes, but is not limited to, the following:
 - 2.1. 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;
 - 2.2. Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - 2.3. Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the Institutional faculty or staff;
 - 2.4. Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;
 - 2.5. Falsifying or misrepresenting data or results from a laboratory or experiment; or
 - 2.6. Engaging in other behavior that a reasonable person would consider to be cheating.
3. ~~The term~~ “**Plagiarism**” includes, but is not limited to, the following:
 - 3.1. Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;
 - 3.2. Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
 - 3.3. Engaging in other behavior that a reasonable person would consider plagiarism.
4. ~~The term~~ “**Student**” includes all persons taking courses from the Institution, both full-time and part-time, enrolled in undergraduate, graduate, professional or special topic courses, whether credit-bearing or not.

5. Other capitalized terms in this policy are defined in Board Policy 3:4, Section 2.

C. POLICY

1. Authority

- 1.1. For purposes of this policy and Board Policy 3:4, the Institution that offered the course shall have default authority over the Student.

2. Academic Misconduct Process

2.1. Allegations

~~Allegations of Academic Misconduct may be informally resolved between a Student and Faculty Member, or formally resolved pursuant to BOR Policy 3:4. Allegations of Academic Misconduct must be reported by the Faculty Member to the Student Conduct Officer. At the Faculty Member's request, the Student Conduct Officer will inform the Faculty Member whether the Student has ever engaged in Academic Misconduct, which information may be used in determining any academic consequences should it be determined that the Student engaged in Academic Misconduct. The Faculty Member may request this information at any point throughout the informal resolution process.~~

2.2. Informal Resolution

2.2.1. The Faculty Member will meet with the Student to discuss the allegations ~~and~~. The Faculty Member will attempt informal resolution within 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, or to provide information at any point throughout the process.

2.2.2. Informal resolution is reached where:

2.2.2.1. The Student and the Faculty Member agree that there was no Academic Misconduct; or

2.2.2.2. The Student accepts responsibility for admits to the Academic Misconduct, agrees to ~~the academic consequences—consequence penalty,~~ and signs a ~~the [Academic Misconduct Acknowledgement —insert name—insert name]~~ form documenting the Student's agreement. 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. By signing the form, the Student waives the right to appeal both the fact that the Student engaged in the Academic Misconduct and the academic consequences imposed by the Faculty Member—consequence penalty. The Faculty Member must notify Student Conduct of a finalized informal resolution based on the Student’s acceptance of responsibility for Academic Misconduct.

2.2.3. If informal resolution is reached:

2.2.3.1. and the student and Faculty Member agree that there was no Academic Misconduct, no further action is taken.

2.2.3.2. and the Student ~~admitted~~ accepts responsibility for Academic Misconduct, the Faculty Member must provide the signed ~~[Academic Misconduct Acknowledgement—insert name insert name] form~~ form used to document the Student’s agreement to the Student Conduct Officer for appropriate conduct sanctions.

2.2.4. If informal resolution is not reached within 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 Board Policy 3:4. If there is no informal resolution, the student has appeal rights under Board Policy 2.9.

2.3. Formal Resolution

2.3.1. Once the Student ~~C~~conduct process through Board Policy 3:4 is concluded, the Faculty Member will receive a copy of the informal resolution documentation (if an informal resolution is agreed to under BOR Policy 3:4) or the written findings that include the facts found to have occurred.

2.3.2. If the informal resolution documentation (if an informal resolution is agreed to under BOR Policy 3:4) 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

2.4. Appeals

2.4.1. Informal Resolution Reached Through Board Policy 2:33

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.

2.4.2. Informal Resolution Not Reached Through Board Policy 2:33

A Student may appeal the academic consequence imposed by the Faculty Member pursuant to Board Policy 2:9.

FORMS / APPENDICES:

None

SOURCE:

BOR, May 2016.