

HOW ARE ACADEMIC MISCONDUCT PENALTIES ASSIGNED?

The assessment of penalties in academic misconduct cases involves three principles: reference to the specific facts of an individual case, application of the provisions of the Academic Integrity Code, and consistency in interpreting these provisions. The guidelines below set forth the principles for interpreting the Code and applying it to individual cases, particularly with respect to the factors that will be considered as aggravating (increasing) or mitigating (decreasing) the gravity of the offense.

CODE PROVISIONS

Section 6.2 of the Academic Integrity Code is the starting point for assessing institutional penalties.

CENSURE

“Censure is a written reprimand for violation of integrity standards and a warning that a further act of academic misconduct will result in a more severe action.”

A censure is not recorded on a University transcript, but is noted in a student’s educational record. Censure is distinguishable from admonition in that a censure is reportable within and outside the university as a final disciplinary action for misconduct. Censure is ordinarily the final penalty assigned after successful completion of the “Do You Understand Integrity” seminar (see below). Ordinarily, a censure is not permitted if there is a prior record of academic misconduct.

INSTRUCTIONAL ALTERNATIVES

“In appropriate cases, a student may be allowed to complete a voluntary community service or instructional exercise in lieu of suspension or expulsion.”

A one-credit-hour integrity awareness course (“Do You Understand Integrity” or DYUI) is offered to students as an alternative to suspension. Community service alone is not currently offered as an option. The sort of academic misconduct which would result in DYUI would be a case in which mitigating factors counsel against the imposition of a limited notation suspension.

LIMITED NOTATION SUSPENSION and PERMANENT NOTATION SUSPENSION

“Suspension is loss of student status for a period of not less than one academic session. Credits earned elsewhere during the suspension shall not be accepted by the university. A notation of the suspension shall be made on the student’s transcript and shall remain there until the student graduates, or permanently, depending on the severity of the offense.”

Suspensions can be for an Intersession, a Summer block, the entire Summer term, a full Fall or Spring semester, or multiple terms. Repeat misconduct of any sort will generally result in some form of suspension.

The sort of academic misconduct that might result in limited notation suspension might be a case of classroom cheating involving prior planning, or a case of extensive plagiarism. Intentional

cheating by a senior or a graduate student on a significant assignment is likely to result in a suspension for a full Fall or Spring semester. Lesser offenses by a senior or graduate student could result in a suspension for a shorter term.

The sort of academic misconduct which might result in permanent notation suspension might be a case in which a junior, senior, or graduate student engages in knowing and substantial plagiarism or classroom cheating involving extensive collaboration or planning, particularly if either scenario involves multiple assignments. A student who commits a second integrity violation after completing integrity training may expect a permanent notation for a full year.

EXPULSION

“Expulsion is termination of student status for an indefinite period, usually intended to be permanent.”

The sort of academic misconduct which might result in expulsion might be a case involving: (1) serial misconduct; (2) fraud in the admissions process resulting in the admission and attendance of an unqualified applicant (admissions fraud discovered prior to attendance is not covered by the Code and will be addressed by the Office of Admissions); (3) a single incident involving particularly outrageous conduct, for example where a student has sat for someone else's examinations or arranged for someone else to take his/hers; commercial term papers or other purchased assignments have been submitted; examinations, grade books, grade sheets, or other instructor possessions have been stolen, copied, or otherwise utilized; or destruction of the academic work of others or intimidation has been used in an attempt to influence the academic process.

PRINCIPLES IN APPLYING SECTION 6

The provisions of Section 6 should be interpreted and applied so as to further the purpose of the Academic Integrity Code, namely, to establish a high standard of integrity, to assure students that they may expect this standard to be maintained, and to remedy breaches of the standard when they occur. To further their remedial intent, penalties assessed under the Code should be proportionate and sufficient both to convey the community's expectations to the individual student and to deter future violations. The following factors are implicit in Section 6 and should inform its application to specific cases.

- (1) **Extent of the misconduct.** Misconduct that extends across multiple classes is generally more serious than misconduct affecting only one class. Misconduct involving multiple assignments is generally more serious than misconduct affecting only one assignment. Misconduct that involves an entire assignment is generally more serious than misconduct affecting a small portion of an assignment. Misconduct that involves a high-point-value assignment is generally more serious than misconduct on a lesser assignment.
- (2) **Level of intent.** Misconduct may occur if a student violates the expectations of academic integrity through
 - A. *negligence*, for example by failing to understand the basic rules of citation or permissible collaboration, or by signing onto a group assignment that simple inspection would reveal to be plagiarized, or by providing a completed paper to a second student under circumstances that would lead a reasonable student to understand that the work will be copied;
 - B. *knowledge*, for example by providing completed homework to a second student upon request, knowing that the second student intends to cheat from it, even if the first student does not specifically intend for the cheating to occur;
 - C. *recklessness*, for example by posting a test key where it is certain, or highly likely, to be seen by students who have not yet taken the test;
 - D. *willfulness*, i.e. intentionally engaging in improper conduct with or without the expectation of deriving a benefit from it. Willful conduct is especially serious when it involves prior planning or subsequent concealment, or involves other students, either by actually engaging their knowing cooperation in misconduct or by foreseeably exposing them to a reasonable suspicion that they have cooperated. The Code sections on suspensions are illustrated by acts of misconduct that show a moderate to high level of intent. The section on expulsion is illustrated by acts of misconduct showing the highest level of intent and, in some cases, particular disregard for the rights of others or for community expectations of integrity. Penalties for offenses committed through negligence should include a remedial element calculated to instruct the student, although in egregious cases a suspension may be appropriate in addition to such elements. Second or subsequent acts of negligence shall include a substantial disciplinary component and may result in expulsion.
- (3) **Importance of the assignment.** Misconduct on assignments of particular importance is particularly serious. Misconduct that could yield a greater advantage requires deterrence by proportionate penalties. Other things being equal, misconduct on final

- examinations, term papers, and the like merit higher penalties than the same misconduct on lesser assignments. Similarly, misconduct in a capstone or similar course is particularly serious.
- (4) **Student's class standing.** Inexperience or unfamiliarity with the rules of integrity is not ordinarily available as a mitigating factor for students after the freshman year. The gravity of the offense increases as the student rises in class standing. In assessing class standing, time in any institution of higher learning is more important than hours earned or hours earned at the University of Oklahoma. In the case of returning students, substantial time away from university studies may be adduced to show unfamiliarity with the rules of attribution but not unfamiliarity with the basic expectations of integrity.
 - (5) **Integrity of the student's response to the report.** No student will be penalized for exercising the right to a hearing. However, students who fully and promptly admit misconduct may receive consideration not available to students whose denial of responsibility is contradicted by the findings of a hearing panel. Lenience for prompt and full admission is especially appropriate when some question of responsibility for the incident reasonably exists. Admission is less significant when the student continues to contest some or all of the facts described in the report of misconduct, or where the evidence of responsibility is already overwhelming before the admission is made. Failure to respond to a report should ordinarily be viewed as equivalent to denial followed by a finding of responsibility.
 - (6) **Prior offenses.** Repeat offenses are especially serious where the former offense has been fully and finally adjudicated at the time the next offense is committed. Unless very minor and very close in time to the prior offense, second or subsequent offenses ordinarily merit at least suspension even in the presence of substantial mitigating factors. Moreover, suspensions are appropriate for those first offenses that involve substantial cheating and willful intent; therefore after a first offense involving these elements a second offense of the same nature should ordinarily result in expulsion. Expulsion is also appropriate for serial offenses. As provided elsewhere in the Code, admonitions are not counted as prior offenses but are relevant to intent, as evidence that the student has been specifically informed and admonished as to the standards for academic integrity.
 - (7) **Mitigating factors and undue burden.** Penalties are primarily assessed on the basis of the elements above. "Mitigating factors" relevant to assessment of penalties relate for the most part to these factors: minimal extent of the misconduct, negligence rather than willfulness, freshman standing, and prompt, full admission. Other factors are worthy of consideration but will ordinarily not be accepted as grounds for a penalty reduction: e.g. the student's good character, the student's involvement in the university community or particular activities, the student's newness to college or nearness to graduation, the student's family, health, immigration, scholarship, or financial situation, etc. For the most part, these factors will not substantially reduce the appropriate penalty. They are more appropriately taken into account in considering related matters such as, without limitation, the timing of suspensions, the ability of a suspended student to transfer coursework where the inability to do so would disproportionately delay time

to degree, the nature of any alternative instructional requirement, removal of transcript notations, conditions for readmission following expulsion, etc. Claims of unprofessional conduct, prejudice, or inequitable enforcement of the Code by the instructor are not mitigating factors unless they are proved and are directly relevant to the gravity of the offense or the student's level of intent.

- (8) **Instructor, hearing panel, dean, and Integrity Council recommendations.** Hearing panels are specifically required to provide recommendations as to institutional penalties. Deans and instructors (and occasionally other parties) also choose to make requests or recommendations in some cases. The Provost may request advice from the student Integrity Council as to specific cases, with or without personally identifying information. These recommendations are advisory to the Provost, who is finally responsible for determining the appropriate penalty and ensuring that the Code is applied consistently across all colleges and academic units. Recommendations are not a separate factor in determining a final penalty. Their advisory value lies in the perspective they provide for the consistent application of the factors above. Hearing panel recommendations are particularly helpful when characterizing the specific nature of the offense and the likely level of intent; dean or instructor recommendations are particularly helpful regarding the student's response to the report and the college perspective on the gravity of the offense; instructor recommendations are particularly helpful regarding the student's demeanor and character; student integrity council recommendations are particularly helpful in providing a student perspective on the gravity of the offense and the deterrent value of the proposed penalty.

EARLY REMOVAL OF TRANSCRIPT NOTATIONS AND EXPUNGEMENT OF RECORDS

Both early removal of transcript notations and expungement of records are extraordinary steps requiring a showing of good cause, and are not routinely granted. A student requesting either should send a written request to the Director of the Office of Academic Integrity Programs indicating the reasons for the request and a summary of the student's academic and personal history since the incident. It is advisable, but not required, to attach a statement of support from a professor or other person who knows the student well. Notation removal and expungement requests are not an avenue for re-trying the facts of the case. It is particularly extraordinary to grant an expungement prior to the student's final year in the degree program.

When granted, early removal of a transcript notation does not expunge the entire record of the case. Expungement means that the misconduct case is not reported outside the university and is not considered within the university for any purpose. For example, an expunged offense would not be considered as a prior offense if another integrity violation occurs, and would not be grounds to deny an honor or award for which a prior offense might be a disqualifier. Expungement does not involve the electronic deletion or physical destruction of records, but such records would not be released except as required by law.

Students applying for graduate programs, professional licensure, etc. are often asked as part of the application process to disclose disciplinary incidents. The university does consider integrity

violations as disciplinary incidents. Whether such questions require disclosure of admonitions or expunged violations depends on the nature of the question and the intent of the responsible institution or agency. As such, the obligation to disclose not an issue on which this office can provide guidance or assurances, unless the program is sponsored by OU.