

# G-005.4 ACADEMIC DISHONESTY APPEALS

This procedure outlines the process for students to appeal an accusation of academic dishonesty made against them by a faculty member (See SMSU Policy A-032, "Academic Honesty").

## Deadline for Appeal

Students must appeal a formal report of academic dishonesty by the end of the fifth (5th) business day from the date of notification of the alleged incident.

## Appeal Process

The appeal process ensures a fair and quick resolution for students appealing an accusation of academic dishonesty.

### Start of Appeal Process

Before students meet with the Academic Appeals Committee (AAC), they should start by taking the following steps.

#### Instructor Meeting

Students should first present their case to the instructor who accused the student of academic dishonesty.

#### Student Appeal Form

If the meeting between the instructor and the student fails to resolve the complaint, or either party is uncomfortable with such a meeting, students may present their case to the deans' office by submitting a Student Appeal form. The Student Appeal form includes:

1. Where and when the meeting with the faculty member occurred (date, time, and place), if applicable
2. An outline of the student's case for the appeal
3. Supporting documentation regarding the appeal, if applicable

#### Academic Dean

The completed Student Appeal form is directed to the appropriate academic dean who will determine the merit of the appeal. The academic dean or designee will advise the student of their rights. When the appeal is not considered to have merit, students have the right to appeal to the other academic dean.

### Preparing for Hearing

When the appeal is considered to have merit, the following steps will be taken in preparation for the hearing.

1. The academic dean will forward a copy of the Student Appeal form to the instructor and initiate the review with AAC.
2. Students have ten (10) business days to submit all evidence and materials to the Academic Deans' Office. The faculty member will then have ten (10) business days to submit all evidence and materials to the Academic Deans' Office. The student will then have five (5) business days to submit any rebuttal evidence and materials to the Academic Deans' Office.

AAC will not consider evidence submitted by either party beyond this timeline.

3. A syllabus for the course must be provided to AAC.
4. The student and faculty member will decide their preferred format for appearing at the hearing.
  - a. Both appear in person.
  - b. Both appear via teleconferencing.
  - c. Neither appears before the committee.
5. Should there be a dispute as to the means with which the parties will appear before the committee, the academic dean will make the final determination while maintaining that both parties appear in the same format.
6. It is to the benefit of the student making the appeal to attend the hearing, either in person or via teleconferencing.

When the academic dishonesty allegation is not considered to have merit and the student's course grade was adversely affected, AAC will commence with a Course Grade Appeal using the submitted materials (See SMSU Procedure G-005.2, "Course Grade Appeals").

### Appeals Hearing

When the dean notifies AAC that an appeal for academic dishonesty has been submitted and all evidence has been received, it will convene as soon as possible.

#### General Rules

The following rules apply to all hearings:

1. If a member of AAC is the instructor who made the accusation of academic dishonesty, then that faculty member's participation in the hearing will be as the role of instructor and not the role of committee member.
2. Both parties will receive a list of the names of the first-hand account witnesses who may be called to speak at the hearing and copies of all documents or written statements to be presented at the hearing.
3. AAC will have a chairperson who will preside at the hearing and will rule upon procedural matters.
4. Prior misconduct by the student will be admissible only after a finding that academic dishonesty has been committed and may be used in the determination of recommended sanction(s).

### Hearing Proceedings

The order of presentation at the hearing will be as follows:

The reporting faculty member will have the burden of showing that it is more likely than not that a violation of the Academic Honesty policy has occurred.

Following their testimony, first-hand account witnesses will be asked to remain in the hearing room until the committee begins deliberations. The instructor and the student may remain throughout the entire hearing of the evidence.

1. The faculty member may present an opening statement.
2. The student may present an opening statement.
3. The chair will call first-hand account witnesses for the faculty member to provide statements.

4. The chair will then call first-hand account witnesses for the student to provide statements.
5. At the conclusion of each witness' statement, they may be re-questioned by the student, faculty member, or by members of AAC.
6. Following the testimony of all witnesses, case summations may be presented by the faculty member and then by the student.

SMSU Procedure G-005.2, "Course Grade Appeals"

## Procedure History

**Date of Adoption:** August 1984

**Date of Last Review:** March 2023

### Date and Subject of Amendments

3/15/2023 - Create a stand-alone procedure

## Decisions of the Academic Appeals Committee

Only the members of the hearing committee may be present during deliberations.

A simple majority of the committee present at the hearing is necessary to make a recommendation that a Code of Conduct violation more likely than not occurred or for a grade change. A majority plus one (1) vote for those present at the hearing is necessary to recommend suspension or expulsion from the university.

1. Recommendations of suspension or expulsion will be reviewed and a final decision will be made by the Provost.
2. Decisions regarding suspension and expulsion may not be appealed.

## Communication of the Academic Dean

The Academic Deans' Office shall notify the student of the Committee's findings and decision in writing within five (5) business days of the hearing. Notification will include information regarding the appeal procedure.

Copies of the decision letter will be sent to the student, the faculty member, and all the student's academic advisors. Any other persons receiving a copy of the decision letter will be indicated as copied.

## Appealing to the Provost

Students who are not satisfied with the decision of AAC may appeal to the provost.

Students must inform the provost's office in writing no later than two (2) business days after the decision of AAC has been communicated. In the appeal, students must give reasons for the appeal, including reasons the decision of AAC was unsatisfactory or unfair.

The provost may consider only the written materials used by AAC in its own deliberations and the student's explanation for the basis of the appeal.

The provost's decision, either upholding or rejecting the decision of AAC, shall be communicated in writing, with reasons, to the student and AAC within five (5) business days after the appeal was made to the provost. A copy of this communication shall be maintained in the student's file.

## Related Documents

Minnesota State Board Policy 3.8, "Student Complaints and Grievances"

Minnesota State System Procedure 3.8.1, "Student Complaints and Grievances"

SMSU Policy A-032, "Academic Honesty"

SMSU Policy G-005, "Academic Appeals"

*Note: While every effort is made to ensure accuracy, SMSU reserves the right to correct any clerical errors herein. Also, you can submit feedback.*