

HOW ARE ACADEMIC MISCONDUCT PENALTIES ASSIGNED?

The assessment of penalties in academic misconduct cases involves three elements: reference to the specific facts of an individual case, application of the provisions of the Academic Misconduct Code, and consistency in interpreting these provisions. The guidelines below set forth the principles for interpreting section 7 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 7 of the Academic Misconduct Code is the starting point for assessing institutional penalties.

7.1 CENSURE. "The sort of academic misconduct which might result in censure might be a case in which a student has copied on an examination and in which it seems that the cheating was the result of momentary panic. There would be no reason to suppose that the student had planned to cheat and there would be no prior record of academic misconduct."

7.2 COMMUNITY SERVICE ALTERNATIVE

In appropriate cases, a student may be allowed to perform voluntary community service in lieu of suspension and may, upon satisfactory completion, receive a lesser sanction. ... The sort of academic misconduct which would result in the offer of the community service option would be a case in which mitigating factors counsel against the imposition of a limited notation suspension.

7.3 LIMITED NOTATION SUSPENSION

Suspension from classes and other privileges for a period of not less than one full session. ... The sort of academic misconduct that might result in limited notation suspension might be a case of classroom cheating involving some prior planning, or some cases of plagiarism in which it seems that the plagiarism may have occurred partially because of mitigating circumstances.

7.4 PERMANENT NOTATION SUSPENSION

Suspension from classes and other privileges for a period of not less than one full session. ... The sort of academic misconduct which might result in permanent notation suspension might be a case in which knowing and substantial plagiarism has occurred, or a case of classroom cheating in which it is determined that extensive collaboration or planning was involved, or other cases substantially involving one or more aggravating factors such as planning, collaboration, or concealment.

7.5 EXPULSION

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 in which: the student has been involved in a prior incident of academic misconduct; the student has submitted to the University forged documents such as transcripts; a student has taken someone else's examinations or arranged for someone else to take his/hers; commercial term papers 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 7

The provisions of Section 7 should be interpreted and applied so as to further the purpose of the Academic Misconduct 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 expectations of the community to the individual student and to deter future violations. The following factors are implicit in Section 7 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.

(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;

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. Sections 7.3 and 7.4 on suspensions are illustrated by acts of misconduct that show a moderate to high level of intent. Section 7.5 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 charge. 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 existed. Admission is less significant when the student continues to contest some or all of the facts described in the charge of misconduct, or where the evidence of guilt is already overwhelming before the admission is made. Failure to respond to a charge should ordinarily be viewed as equivalent to denial followed by a finding of guilt.

(6) prior offenses. Section 7.6, expulsion, specifically addresses repeat 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 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. As provided in section 2.3.2 of 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 service 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, Academic Misconduct Board, dean, and Honor Council recommendations. Academic Misconduct Boards and deans are specifically required to provide recommendations as to institutional penalties. Instructors (or other parties) also choose to make requests or recommendations in some cases, and the Provost may request advice from the student Honor 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. AMB recommendations are particularly helpful when characterizing the specific nature of the offense and the likely level of intent; dean recommendations are particularly helpful regarding the student's response to the charge 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.

EXAMPLES

In light of these principles, and keeping in mind that no system of guidelines can be applied mechanically to individual cases, the following rules of thumb apply for common types of offenses.

Expulsion: Two or more offenses of substantial magnitude and willful intent will ordinarily result in expulsion, or with substantial mitigating factors, in permanent notation suspension for multiple semesters. Expulsion will also result for single aggravated offenses such as those described in section 7.5, except that offenses involving freshmen or those involving truly compelling mitigating factors may result in permanent notation suspension.

Fall or Spring semester suspension: A single offense of substantial magnitude and willful intent, e.g. cheating from concealed notes on a midterm or final examination, altering a major assignment for regrading, submitting all or substantial amounts of another student's work as one's own, or intentionally plagiarizing substantial portions of a term paper from online sources, merits a permanent notation suspension for at least one full semester. Similar offenses with substantial mitigating factors may result in limited-notation suspensions for one full semester.

Summer suspensions, community service, and censure. A single offense of lesser magnitude and/or lesser intent, e.g. minor and panic-based classroom cheating, minor improper collaboration on lesser assignments, plagiarism through negligence, resubmitting one's own assignment in more than one class, and other offenses of lesser magnitude or lesser intent may be penalized by limited or permanent notation for a summer term, alone or in combination with community service and remedial instructional assignments. Community service assignments will ordinarily not exceed 70 hours per Fall or Spring semester or the equivalent for other periods. First offenses characterized by negligence only should ordinarily not result in permanent transcript notations.