

Policy 6-410: Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct

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I. Purpose and Scope	2
II. Definitions	3
III. Policy	5
A. Standards of Academic Performance.....	5
B. Standards of Academic Conduct.....	6
C. Academic Misconduct	6
D. Academic Misconduct - Proceedings Before Academic Appeals Committees and Review and Decision by Dean or Designee.....	10
E. Academic Misconduct – Appeals of Dean’s or Senior Vice President’s Decision 12	
F. Academic Misconduct – Implementation of Sanction	13
G. Academic Misconduct – Other General Requirements	14
H. Student Professional and Ethical Conduct – Standards of Professional Conduct 14	
I. Professional Misconduct.....	15
J. Professional Misconduct – Academic Appeals Committees	16
K. Professional Misconduct – Review and Decision by Cognizant Senior Vice President	17
L. Professional Misconduct –Appeal to President	18

M. Internal Reporting of Professional Misconduct..... 19

N. Professional Misconduct – Administrative Suspension to Protect the University Community or the Public..... 19

O. Sanctions of Suspension or Dismissal from a Program or from the University, or Revocation of a Degree or Certificate for Academic Misconduct or Professional Misconduct 20

P. Academic Appeals Committees Membership and Procedures..... 22

Q. Other General Requirements Related to Academic Misconduct and Professional and Ethical Misconduct 26

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources 27

V. References 27

VI. Contacts 27

VII. History 27

I. Purpose and Scope

A. Purpose.

This policy establishes Student academic performance standards, standards of academic conduct, and standards of professional or ethical conduct for Students. This policy also establishes academic appeals committees, creates the process by which the University investigates and resolves allegations of Academic Misconduct and Professional Misconduct, and authorizes sanctions for Students who engage in Academic Misconduct or Professional Misconduct.

B. Scope.

This policy applies to all University Students and academic units. This policy does not address violations of the standards of Student behavior, which are described in Policy 6-400. In addition, for research misconduct, Students may be subject to Policy 7-001.

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

- A. "Academic Action" means an Academic Action as defined in Policy 6-100.
- B. "Academic Misconduct" includes, but is not limited to, cheating, misrepresenting one's work, inappropriately collaborating, plagiarism, and fabrication or falsification of information, as defined further below. It also includes facilitating Academic Misconduct by intentionally helping or attempting to help another to commit an act of Academic Misconduct.
 - 1. "Cheating" involves the unauthorized possession or use of information, materials, notes, study aids, or other devices in any academic exercise, or the unauthorized communication with another person during such an exercise. Common examples of cheating include, but are not limited to, copying from another Student's examination, submitting work for an in-class exam that has been prepared in advance, violating rules governing the administration of exams, having another person take an exam, altering one's work after the work has been returned and before resubmitting it, or violating any rules relating to academic conduct of a course or Program.
 - 2. Misrepresenting one's work includes, but is not limited to, representing material prepared by another as one's own work, or submitting the same work in more than one course without prior permission of both Faculty Members.
 - 3. "Plagiarism" means the intentional unacknowledged use or incorporation of any other person's work in, or as a basis for, one's own work offered for

academic consideration or credit or for public presentation. Plagiarism includes, but is not limited to, representing as one's own, without attribution, any other individual's words, phrasing, ideas, sequence of ideas, information or any other mode or content of expression.

4. "Fabrication" or "falsification" includes reporting experiments or measurements or statistical analyses never performed; manipulating or altering data or other manifestations of research to achieve a desired result; falsifying or misrepresenting background information, credentials or other academically relevant information; or selective reporting, including the deliberate suppression of conflicting or unwanted data. It does not include honest error or honest differences in interpretations or judgments of data and/or results.
- C. "Academic Sanction" means a sanction imposed on a Student for engaging in Academic or Professional Misconduct. It may include, but is not limited to, requiring a Student to retake an exam(s) or rewrite a paper(s), a grade reduction, a failing grade, probation, suspension or dismissal from a Program or the University, or revocation of a Student's degree or certificate. It may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the Student is preparing.
- D. "Arbitrary and Capricious" means without a principled basis or in a manner that substantially deviates from applicable policies.
- E. "Business Day" is every day that the University is open for business, excluding weekends and University-recognized holidays. The official calendar is maintained by the University registrar's office.
- F. "Department" means an academic unit, Program, Department, division, college or school, whichever is the appropriate academic unit of organization.
- G. "Faculty" or "Faculty Member" refers to an individual who teaches or conducts research at or under the auspices of the University and for purposes of this

policy only, includes Students with teaching responsibilities and other instructional personnel. It also refers to the chair of a Faculty committee that has assessed an Academic Action.

- H. "Notice" or "Notification" refers to the date of delivery if Notification is delivered personally or ten (10) Business Days after the time of postmark if the Notification is mailed by U.S. mail. Correspondence to a Umail address is considered Notification for purposes of this policy.
- I. "Preponderance of the Evidence" means that more likely than not, or more than 50 percent in favor.
- J. "Professional Misconduct" means the violation of professional or ethical standards for the profession or discipline for which a Student is preparing as adopted or recognized as authoritative by the relevant academic Program that demonstrates the Student's unfitness for such profession or discipline.
- K. "Program" refers to any set of courses that may be a degree, major, minor, certificate, or related course of study.
- L. "Student" refers to a person who is currently, or was at the time of the offense, admitted to or registered in any class or Program of instruction or training offered by the University at any level, whether or not for credit.
- M. "University" means the University of Utah and all of its undergraduate, graduate and professional schools, divisions and Programs.

III. Policy

A. Standards of Academic Performance

- 1. In order to ensure that the highest standards of academic performance are promoted and supported at the University, Students must:
 - a. meet the academic requirements of a course;
 - b. meet the academic requirements of the relevant discipline or Program;and

- c. if applicable to the Student's Program, meet the applicable Professional and Ethical Standards.
2. Evaluation of a Student's academic performance, including appeals of Academic Actions, is described in Policy 6-100 Section III.J.
3. Faculty Members are qualified as professionals to observe and judge all aspects of a Student's academic performance, including demonstrated knowledge, technical and interpersonal skills, attitudes and professional character, and ability to master the required curriculum. An Academic Action, as defined in Policy 6-100, may be overturned on appeal only if the Academic Action was Arbitrary or Capricious.

B. Standards of Academic Conduct

In order to ensure that the highest standards of academic conduct are promoted and supported at the University, Students must adhere to generally accepted standards of academic honesty, including but not limited to refraining from cheating, plagiarizing, research misconduct misrepresenting one's work, and/or inappropriately collaborating.

1. Claims of research misconduct will be handled in accordance with Policy 7-001. In addition, such claims may also be considered under this policy.

C. Academic Misconduct

A Student who engages in Academic Misconduct may be subject to Academic Sanctions including but not limited to a grade reduction, failing grade, probation, suspension or dismissal from the Program or the University, or revocation of the Student's degree or certificate. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the Student is preparing.

1. Any person who observes or discovers Academic Misconduct by a Student should file a written complaint with the Faculty Member responsible for the

pertinent academic activity within thirty (30) Business Days of the date of discovery of the alleged violation.

2. A Faculty Member who discovers or receives a complaint of misconduct relating to an academic activity for which the Faculty Member is responsible shall take action under this code and impose an appropriate sanction for the misconduct.
3. Upon receipt of a complaint or discovery of Academic Misconduct, the Faculty Member shall make reasonable efforts to discuss the alleged Academic Misconduct with the accused Student no later than twenty (20) Business Days after receipt of the complaint, and give the Student an opportunity to respond. Within ten (10) Business Days thereafter, the Faculty Member shall give the Student written Notice of the Academic Sanction, if any, to be taken and the Student's right to appeal the Academic Sanction to the Academic Appeals Committee for the college offering the course. Such sanctions may include requiring the Student to rewrite a paper(s) or retake an exam(s), a grade reduction, a failing grade for the exercise, or a failing grade for the course. In no event shall the Academic Sanction imposed by the Faculty Member be more severe than a failing grade for the course.
 - a. If a Student attempts to withdraw from a course after engaging in Academic Misconduct, withdrawal may be denied by the University whether or not the attempt is made before the official withdrawal date and a failing grade may be imposed for the course.
4. If the Faculty Member imposes the sanction of a failing grade for the course, the Faculty Member shall, within ten (10) Business Days of imposing the sanction, notify in writing, the chair of the Student's home Department and the senior vice president for academic affairs or senior vice president for health sciences, as appropriate, of the Academic Misconduct and the circumstances which the Faculty Member believes support the imposition of a failing grade. If the sanction imposed by the Faculty Member is less than a failing grade for the course, the Faculty Member should report the

misconduct to the dean or chair of the Student's home Department or college. Each college shall develop a policy specifying the dean and/or the chair as the appropriate person to receive Notice of sanctions less than a failing grade for the course.

- a. In colleges without Departments, the Faculty Member shall notify the dean of the college.
 - b. If the Student's home Department is unknown or undecided, the Faculty Member should report the Academic Misconduct to the senior vice president for academic affairs or the senior vice president for health sciences and the associate dean for advising, Academic Advising Center.
5. A Student who believes that the Academic Sanction given by the Faculty Member is Arbitrary or Capricious should discuss the Academic Sanction with the Faculty Member and attempt to resolve the disagreement. If the Student and Faculty Member are unable to resolve the disagreement, the Student may appeal the Academic Sanction to the Academic Appeals Committee for the college offering the course within fifteen (15) Business Days of receiving written Notice of the Academic Sanction.
6. If the Faculty Member, chair or vice president believes that the Student's Academic Misconduct warrants an Academic Sanction of probation, suspension or dismissal from a Program, suspension or dismissal from the University, or revocation of a Student's degree or certificate, the Faculty Member, chair, or vice president may, within thirty (30) Business Days of receiving Notice of the misconduct, prepare a complaint with recommendations, refer the matter to the chair or dean's designee of the Student's home Department or college and notify the Student of the complaint and recommendation. If the Student's home college is unknown or undecided, the person pursuing the complaint should report the Academic Misconduct to the senior vice president for academic affairs, or the senior vice president for health sciences. The action for misconduct may then be pursued through the Academic Appeals Committee of the college offering the

course. The chair and/or dean's designee of the home Department/college may undertake an investigation of the allegations and recommendations set forth in the complaint. Within ten (10) Business Days of receipt of the complaint, the chair and/or dean's designee shall forward the complaint and recommendation to the Academic Appeals Committee of the home college for proceedings in accordance with Section C, below, and so notify the Student in writing. The chair and/or dean may accompany the complaint with their own recommendation supporting or opposing the sanction sought in the complaint. The person initiating the original complaint continues as the complainant in the case unless that person and the chair/dean's designee both agree that the latter shall become the complainant. If the Student has appealed the Academic Sanction imposed by the Faculty Member, the time periods set forth in this paragraph may be extended until ten (10) Business Days after the resolution of the Student's appeal.

7. If a Department chair, the dean, the senior vice president for academic affairs and/or the senior vice president for health sciences, become aware of multiple acts of Academic Misconduct by a Student, they or their designees may, within thirty (30) Business Days after receiving Notice of the last act of misconduct, prepare a complaint with recommendations for probation, suspension or dismissal from a Program, suspension or dismissal from the University, or revocation of a degree or certificate, and refer the matter to the Academic Appeals Committee of the Student's home college for proceedings in accordance with Section C, below, and so notify the Student in writing.
 - a. If the Student appeals a failing grade or other lesser sanction imposed for the last act of misconduct, the dean or vice president for the Student's home college may delay action under this section until ten (10) Business Days following Notice of the determination on the Student's appeal.
 - b. If the Student's home college is unknown or undecided, proceedings for misconduct should be pursued through the Academic Appeals Committee of the college in which the last act of misconduct occurred.

D. Academic Misconduct - Proceedings Before Academic Appeals Committees and Review and Decision by Dean or Designee

1. When addressing Academic Misconduct, an Academic Appeals Committees shall include the membership and follow the procedures described in Section III.O. In addition, Academic Appeals Committees shall follow the specific requirements related to Academic Misconduct described in this section.
2. Written Complaint and Recommendations or Appeal. The written complaint and recommendations or the written appeal shall be delivered to the chair of the Committee, with a copy to the other party.
3. Response to Complaint and Recommendations or Appeal. The person responding to the complaint and recommendations or the appeal may deliver their response to the chair of the Academic Appeals Committee, with a copy to the other party, no later than five (5) Business Days after receipt of the complaint and recommendations.
4. In the hearing, the Committee must determine, by a preponderance of the evidence, whether the Student engaged in the alleged Academic Misconduct. If the Committee answers this question in the affirmative, the Committee may then recommend any Academic Sanction it deems appropriate under the entire circumstances of the case, including but not limited to suspension or dismissal from the Program or the University, or revocation of a Student's degree or certificate.
5. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) Business Days after the conclusion of the hearing. A report that recommends sanctions no more serious than a failing grade, shall be presented to the dean of the college offering the course. Reports recommending sanctions greater than a failing grade (e.g. suspension or dismissal) shall be presented to the dean of the Student's home college.

- a. If the Student's home Department is unknown or undecided, the Faculty Member should report the Academic Misconduct to the senior vice president for academic affairs or the senior vice president for health sciences and the associate dean for Advising, Academic Advising Center.
6. The dean of the college, or designee, shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the dean of the college, or designee, shall, within ten (10) Business Days, take one of the following actions:
 - a. For any recommendation other than dismissal or suspension from the University or revocation of a degree or certificate, accept the Committee's findings and recommendations and impose the recommended sanctions;
 - b. For a recommendation of dismissal or suspension from the University or revocation of a degree or certificate, concur with the Committee's findings and recommendations and refer the matter with a confirming recommendation to the cognizant vice president for a decision;
 - c. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the dean of the college, or designee, a second report of its findings and recommendations relating to the specific matters referred by the dean of the college, or designee, for further consideration. (If a report to the dean recommends sanctions greater than a failing grade and has originated from a Committee outside of the dean's college, the dean may refer the matter to the chair of their college Academic Appeals Committee for further review and recommendations); or
 - d. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The dean may impose (or recommend to the cognizant vice president) a greater or lesser sanction than recommended by the Committee.

7. Written Notification of the dean's, or designee's, decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the cognizant senior vice president within ten (10) Business Days of receipt of the Committee's findings and recommendations.
 8. The dean's, or designee's, decision, or for Sanctions of dismissal or suspension from the University or revocation of a degree or certificate, the cognizant senior vice president's decision, is final unless appealed as described in Section III.E.
- E. Academic Misconduct – Appeals of Dean's or Senior Vice President's Decision
1. For a decision issued by the dean or dean's designee, within ten (10) Business Days of receipt of the decision, any party may appeal the decision by filing a written Notice of appeal with the senior vice president for academic affairs or the senior vice president for health sciences, as appropriate, and delivering a copy to the other party. The other party may file a response to the appeal with the vice president within five (5) Business Days of receipt of the appeal.
 2. In the case of an appeal, the cognizant senior vice president shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the cognizant senior vice president deems appropriate to arrive at a final decision. The cognizant senior vice president may also convene an ad hoc committee composed of Students and Faculty Members from outside the college or Department to determine if there were substantial defects that denied basic fairness and due process. After receiving the appeal, the cognizant senior vice president shall, within ten (10) Business Days, or within twenty (20) Business Days if an ad hoc committee is formed, take one of the following actions:
 - a. Accept the decision of the dean of the college or designee;
 - b. Return the report to the dean of the college, or designee, requesting clarification on specific matters, materials and issues, and forward to the

vice president a second report of the dean or designee decision relating to the specific matters referred by the vice president for further explanation; or

- c. Reject all or parts of the dean's, or designee's, decision, stating reasons and actions for imposing a greater or lesser sanction than determined by the dean.
3. Written Notification of the cognizant senior vice president's decision and the basis for that decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the dean within ten (10) Business Days after receipt of the appeal, or within twenty (20) Business Days after receipt of the appeal if an ad hoc committee is formed.
4. The decision of the cognizant senior vice president is final.
5. For a sanction of suspension or dismissal from the University or revocation of a degree or certificate imposed by the cognizant senior vice president, the appeal shall be made directly to the president of the University, who shall make a final decision on the appeal.

F. Academic Misconduct – Implementation of Sanction

1. At the conclusion of the appeals process, the chair of the Department or dean of the college considering the Academic Misconduct shall take appropriate action to implement the final decision. If the Student is found responsible for Academic Misconduct, the chair or dean shall notify, in writing, the Student's Department or Program of study of the violation, the proceedings, and the final decision.
2. If the sanction involves suspension or dismissal from a Program or from the University or revocation of a degree or certificate, the chair or dean shall also convey the decision to the Office of the Registrar for notation on the transcript as described in Policy 6-411.

3. See Section III.O provides further information about Sanctions of suspension, dismissal, or revocation of a degree or certificate.

G. Academic Misconduct – Other General Requirements

1. In cases where a Program does not report directly to an academic dean, the Program director will serve as Department chair, and the cognizant associate vice president will serve as dean for purposes of these proceedings. Any ambiguity concerning procedures set forth in this policy for courses offered in a Program (e.g. determination of the relevant Academic Appeals Committee) shall be resolved by the Program director, in consultation with the cognizant associate vice president, and in a manner that preserves the spirit and intent of this policy.
2. During the appeals process and at the time they are submitted, the following documents should be copied to the chair of the Department considering the Academic Misconduct: the first written complaint and recommendations, the first written appeal, all subsequent appeals, all responsive documents, and all written recommendations or decisions made at each level of the appeal.

H. Student Professional and Ethical Conduct – Standards of Professional Conduct

1. In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at the University, Students must adhere to the prescribed professional and ethical standards of the profession or discipline for which the Student is preparing, as adopted or recognized as authoritative by the relevant academic Program.
2. If a Student fails to learn and apply the applicable professional and ethical standards, an academic unit may impose an academic consequence on the Student. These academic consequences are considered Academic Actions, and the academic unit imposes these consequences through the academic unit's general process for imposing the Academic Actions. If a Student's violation of the professional and ethical standards is so egregious that it demonstrates the Student's unfitness for the discipline or profession for

which the Student is preparing, the academic unit shall consider the violation Professional Misconduct, address it through the process described in this policy, and may impose a sanction described in this policy.

I. Professional Misconduct

A Student who engages in Professional Misconduct may be subject to Academic Sanctions including but not limited to a grade reduction, failing grade, probation, suspension or dismissal from the Program or the University, revocation of a Student's degree or certificate, or comparable professional credentialing sanctions. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the Student is preparing.

1. Any person who observes or discovers that a Student has engaged in Professional Misconduct should file a written complaint with the office of the dean of the college within forty-five (45) Business Days of the date of discovery of the alleged violation.
2. Upon receipt of the complaint, the dean of the college shall notify the Department chair or Program director, and within a reasonable time discuss the alleged misconduct with the accused Student and give the Student an opportunity to respond. The dean of the college may interview the complaining party and any other persons believed to have pertinent factual knowledge of the allegations. The dean of the college may also review any other relevant evidence, including documentary evidence. The dean may delegate the above responsibilities to a designee, who will report their findings to the dean.
3. The dean of the college shall determine whether there is a reasonable basis to believe that the Student engaged in Professional Misconduct.
4. If the dean of the college determines that there is no reasonable basis to believe that the Student engaged in Professional Misconduct, the dean of the

college, or designee, shall, within twenty (20) Business Days of receipt of the complaint, notify the Student and the matter will be dismissed.

5. If the dean of the college determines that there is a reasonable basis for believing that the Student engaged in Professional Misconduct, the dean shall determine whether efforts at informal resolution are appropriate and, if so, shall take whatever steps are useful to that end within twenty (20) Business Days of receipt of the complaint. If an informal resolution is reached and the responding Student complies with the terms and conditions of the resolution, no further action against the Student will be taken and the matter will be closed.
6. If informal resolution is inappropriate, or if efforts at informal resolution are not successful, the dean of the college shall, within twenty (20) Business Days of receipt of the complaint, refer the complaint, including the dean's recommendation for Academic Sanctions, to the Academic Appeals Committee for proceedings in accordance with Section III. J, and so notify the Student in writing.

J. Professional Misconduct – Academic Appeals Committees

1. When addressing Professional Misconduct, an academic appeals committee shall include the membership and follow the procedures described in Section III.O. In addition, the Academic Appeals Committee shall follow the specific requirements related to Professional Misconduct described in this section.
2. Written Complaint and Recommendations. The written complaint and recommendations shall be delivered to the chair of the Committee, with a copy to the Student.
3. Response to Complaint and Recommendations. The Student responding to the complaint and recommendations may deliver their response to the chair of the Academic Appeals Committee, with a copy to the dean, no later than five (5) Business Days after receipt of the complaint and recommendations.

4. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the cognizant senior vice president within ten (10) Business Days after the conclusion of the hearing.
 5. When necessary to comply with accreditation or licensing standards, a Department may establish a Departmental Academic Appeals Committee in lieu of the college Academic Appeals Committee to hear allegations of Professional Misconduct. The Departmental committee shall be composed of two Faculty Members and two Students from the Department (or professional Program within the Department) and one Faculty Member from outside the Department. Hearings by the Departmental committee shall be conducted in accordance with the procedures established in Section III.O, for the college Academic Appeals Committee.
- K. Professional Misconduct – Review and Decision by Cognizant Senior Vice President
1. The cognizant senior vice president shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the vice president shall, within ten (10) Business Days, take one of the following actions:
 - a. Accept the Committee's findings and recommendations;
 - b. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the vice president a second report of its findings and recommendations relating to the specific matters referred by the vice president for further consideration; or
 - c. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The cognizant senior vice president may impose greater or lesser sanctions than recommended by the Committee.

2. Written Notification of the cognizant senior vice president's decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the president within ten (10) Business Days of receipt of the Committee's findings and recommendations.
3. The cognizant senior vice president's decision is final unless appealed to the president within ten (10) Business Days of receipt of the decision.

L. Professional Misconduct –Appeal to President

1. Within ten (10) Business Days of receipt of the cognizant senior vice president's decision, any party may appeal the decision by filing a written Notice of appeal with the president and delivering a copy to the other party. The other party may file a response to the appeal with the president within five (5) Business Days of receipt of the appeal. In the case of an appeal:
 2. The president shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the president deems appropriate to arrive at a final decision. The president may also convene an ad hoc committee composed of Students and Faculty Members from outside the college or Department to determine if there were substantial defects that denied basic fairness and due process. After considering the appeal, the president shall, within ten (10) Business Days, or within twenty (20) Business Days if an ad hoc committee is formed, take one of the following actions:
 - a. Accept the decision of the cognizant senior vice president;
 - b. Return the report to the cognizant senior vice president, requesting clarification on specific matters, materials, and issues, and forward to the president a second report of the vice president's decision relating to the specific matters referred by the president for further explanation; or
 - c. Reject all or parts of the vice president's decision, stating reasons and actions for imposing a greater or lesser sanction than determined by the vice president.

3. Written Notification of the president's decision and the basis for that decision shall be communicated to the Student, to the academic dean or dean's designee, to the vice president, and to the chair of the Academic Appeals Committee within ten (10) Business Days after receipt of the appeal, or within twenty (20) Business Days after receipt of the appeal if an ad hoc committee is formed.
4. The decision of the president is final.

M. Internal Reporting of Professional Misconduct

1. The dean shall take appropriate action to implement the final decision. If the Student is found responsible for Professional Misconduct, the dean shall notify, in writing, the Student's Department or Program of study of the violation, the proceedings, and the final decision. If the sanction involves suspension or dismissal from a Program or from the University or revocation of a degree or certificate, the dean shall also convey the decision to the Office of the Registrar for notation on the transcript as described in Policy 6-411.

N. Professional Misconduct – Administrative Suspension to Protect the University Community or the Public

1. The senior vice president for academic affairs (or designee) or the senior vice president for health sciences (or designee) may suspend a Student from the University who is the subject of a complaint of Professional Misconduct prior to an initial inquiry and hearing before the Academic Appeals Committee if such action appears necessary to protect the health or well-being of any member of the University community, any member of the public or to prevent serious disruption of the academic process. Prior to, contemporaneous with, or immediately after the suspension, the cognizant senior vice president shall give the Student written Notice of the suspension specifying the alleged misconduct and setting forth briefly the relevant facts and supporting evidence. The cognizant senior vice president shall then

provide the Student with an opportunity to meet with and present the Student's views and object to the suspension. This meeting shall take place prior to the suspension taking effect or as soon as possible thereafter. The cognizant senior vice president shall thereafter immediately refer the complaint to the appropriate University administrator for proceedings under the code, and the suspension will be in effect pending a final determination of the matter. The cognizant senior vice president shall notify other University administrators of the suspension as appropriate.

O. Sanctions of Suspension or Dismissal from a Program or from the University, or Revocation of a Degree or Certificate for Academic Misconduct or Professional Misconduct

1. The sanctions of suspension, dismissal, and revocation may be imposed:

a. for Academic Misconduct:

- i. if recommended by the Academic Appeals Committee to the dean;
- ii. if deemed appropriate by the dean notwithstanding the recommendation from the committee; or
- iii. by the cognizant vice president notwithstanding the decision (or recommendation) of the dean.

b. for Professional Misconduct

- i. if agreed upon in informal resolution between the responding Student and the dean of the college;
- ii. if recommended by the Academic Appeals Committee to the cognizant senior vice president;
- iii. by the cognizant senior vice president notwithstanding the recommendation from the committee; or
- iv. by the president notwithstanding the decision of the cognizant senior vice president.

2. A Student who has been suspended or dismissed from the University shall be denied all privileges accorded to a Student.
3. Suspension from a Program or from the University.
 - a. Suspension shall be for a minimum time of one semester following the semester the Student is found responsible for Academic Misconduct or Professional Misconduct.
 - b. The dean of the relevant college shall notify the Student in writing of the suspension, conditions for reinstatement, and of the obligation of the Student to petition for reinstatement.
 - c. Petitions for reinstatement shall be submitted to the relevant dean and shall explain how the conditions for reinstatement have been met.
 - d. The relevant dean shall consider the petition and shall issue a decision regarding the Student's reinstatement within fifteen (15) Business Days of receipt of the petition.
 - e. The relevant dean may grant conditional reinstatement contingent upon the Student meeting written requirements specified in the original sanction (e.g., minimum grade point average requirement, ineligibility to participate in specified Student activities or on specified Student committees).
 - f. The Notice of the dates for which the Student is suspended will remain on their transcript as described in Policy 6-411.
4. Dismissal from a Program or from the University.
 - a. Dismissals from a Program or from the University are final. A Student dismissed from a Program or from the University for Academic Misconduct or Professional Misconduct may not petition for reinstatement.

- b. Permanent records of dismissal shall be kept in the Office of the Registrar.
 - c. The dismissed Student's transcript will reflect the dismissal.
 - d. Dismissal should be reserved for only the most egregious of offenses.
5. Revocation of a Degree or Certificate.
- a. Decisions to revoke a degree or certificate are final.
 - b. Permanent records concerning the revocation of a degree or certificate shall be kept in the office of the registrar.
 - c. The revocation of a degree or certificate shall be noted on the Student's transcript.
 - d. Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

P. Academic Appeals Committees Membership and Procedures

- 1. The general requirements described in this section apply to all academic appeals committee responsibilities, including those related to appeals of Academic Actions and those related to Academic Misconduct and Professional Misconduct.
- 2. Makeup of the Committee. The dean of each college shall ensure that an Academic Appeals Committee is constituted according to college procedures, subject to the following parameters. Two Faculty Members shall come from the college. The Personnel and Elections Committee of the Academic Senate shall appoint one Faculty Member from outside the college. The Faculty Members shall be appointed to the Committee for staggered three-year terms. The dean shall appoint two undergraduate Student Members and two graduate Student Members who are either from the relevant Student Advisory Committee or listed as a major within the college. Undergraduate Student and graduate Student Members will be

appointed for staggered two-year terms. Colleges or Departments offering only graduate Programs may appoint only graduate Student Members. No more than one Faculty Member and two Committee Members in total may come from the same Department in a multi-Department college. The Members of the Committee who shall hear the case are the three Faculty Members and the two Students from the peer group of the Student who appeals an Academic Action or is accused of Academic Misconduct or Professional Misconduct (i.e., undergraduates or graduates). The dean shall designate one of the Faculty Members to serve as chair of the Committee. The Committee shall establish internal procedures consistent with this policy.

3. Conflicts of Interest. Upon written request of one of the parties or Committee Members, the dean may excuse any Member of the Committee if the dean determines that the Member has a conflict of interest. The dean shall select an appropriate replacement for the excused Member (i.e., Student or Faculty Member).
4. Scheduling Hearings Before the Committees. When a complaint and recommendations or an appeal, together with a response, are filed in a timely manner, the Committee chair shall schedule a hearing date if:
 - a. The documents raise material issues of disputed fact;
 - b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues;
 - c. For an appeal of an Academic Action, the Academic Action included dismissal from a Program; or
 - d. For responsibilities related to Academic Misconduct or professional and ethical misconduct, the possible sanctions against the Student may include dismissal from the University, dismissal from a Program, suspension from either for longer than ten (10) Business Days, or revocation of the Student's degree or certificate.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall within a reasonable time notify the Student and the Faculty Member (the parties), or for responsibilities related to Professional Misconduct, the Student and the dean of the college, in writing of this determination and convene a closed meeting of the Committee to consider the documentation submitted by the parties. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, or for responsibilities related to Professional Misconduct the cognizant senior vice president, within ten (10) Business Days after the Committee meeting.

5. Notice of Hearings Before Committees. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee Members, and the procedures outlined below at least fifteen (15) Business Days prior to the hearing.
6. Hearing Procedures. Hearings shall be conducted according to the following procedures:
 - a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the written complaint and recommendations or the written appeal, and the response.
 - b. At least five (5) Business Days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.
 - c. The parties have a right to be accompanied by any person as advisor, including legal counsel, ~~who~~. For a hearing for Professional Misconduct in which the alleged misconduct could result in imposition of a sanction of dismissal or a suspension greater than ten (10) days the Student may

have their advisor participate in and advocate on their behalf during the hearing. For all other Academic Appeals Committees proceedings and parties, an advisor will be permitted to attend, but not directly participate in, the proceedings.

- d. Hearings shall be closed to the public.
- e. All hearings, except Committee deliberations and voting, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions.
- f. The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) Members, including at least one (1) Student and the Faculty Member from outside the college. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three Members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee Members present at the hearing.
- g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's established internal procedures.
- h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.
- i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
- j. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee Members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.

- k. If either party presenting to the Academic Appeals Committee fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations on the basis of such testimony and evidence.

Q. Other General Requirements Related to Academic Misconduct and Professional and Ethical Misconduct

1. If the filing of a complaint or an appeal relating to Academic Misconduct or Professional Misconduct raises other issues concerning a behavior standards violation described in Policy 6-400 or another type of misconduct described in this policy, the cognizant senior vice president, or designee, the dean of Students, and the involved University administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.
 2. No University employee shall provide information to a person or entity concerning a Student's Academic Misconduct or Professional Misconduct without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (Utah Code Title 63G - Chapter 2). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the Student. In some circumstances, however, such as requests from other institutions where the Student seeks or intends to enroll, information may be provided without the consent of the Student but only after following appropriate procedures outlined in the statutes.
 3. Records of proceedings described in this policy shall be confidential to the extent permitted by law. Records of Academic Misconduct and Professional Misconduct shall be kept in the office of the registrar, and a copy may be maintained in other academic Departments as appropriate.
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Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Policies/ Rules. [*reserved*]
- B. Procedures, Guidelines, and Forms. [*reserved*]
- C. Other Related Resources. [*reserved*]

V. References

- A. Policy 6-400: Student Rights and Responsibilities
- B. Policy 7-001: Policy for Research Misconduct
- C. Utah Code Section 53B-27-302

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): Office for Faculty and Office for Faculty Health Sciences
- B. Policy Officer(s): Senior Vice President for Academic Affairs and Senior Vice President for Health Sciences

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

- A. Current version. Revision 0.
 - 1. Approved by -- Academic Senate April 11, 2023, and Board of Trustees June 13, 2023, with effective date of August 15, 2023.

2. Legislative History

3. Editorial Revisions

B. Previous versions.

C. Renumbering

1. The contents of this policy were moved from Policy 6-400 Sections V and VI effective August 15, 2023.