

ACADEMIC STANDARDS, INTEGRITY, AND PROCEDURES

Presented by:

Rick Brady, Assistant Attorney General

H. Bruce Marvin, Assistant Attorney General

WHAT ARE WE DOING HERE?

- What behavior are we addressing?
- Distinction between academic sanctions and student discipline
- Overview of applicable law and due process requirements
- Handling academic standards cases
- A model procedure for handling academic standards cases

WHAT BEHAVIOR ARE WE ADDRESSING?

Behavior that impacts an instructor's evaluation of a student's academic performance or the student's academic standing.

Examples are commonly known as:

- Cheating
- Plagiarism
- Fraudulent research
- Violations of academically imposed ethical standards

DISCIPLINE UNDER THE STUDENT CONDUCT CODE

Academic misconduct may be prosecuted and sanctioned as a Student Conduct Code violation

- Student Conduct Officer responsible for enforcement
- State law requires that College adopt student conduct code and procedures as a formal regulation
- Disciplinary sanctions are limited to those set forth in Code – verbal and written warnings, disciplinary probation, suspension, or dismissal
- Conditions designed to address problematic behavior may also be imposed

TWO PATHS

	Academic	Disciplinary
Sanctions	Reduced or failing grade, academic dismissal from course of program	Verbal warning up to dismissal, as specified in the student conduct code
Applicable Standards & Procedures	Syllabus, college grading policies, grade appeals process, honor code	College's student conduct code and procedures in Washington Administrative Code (WAC)
Enforced By	Instructor or department head	Student Conduct Officer
Reviewed on Appeal	Academic personnel (instructors, program chairs, deans, or committee comprised of academic personnel)	Student services administrator or committee comprised of students, administrators, and academic personnel

NELSON v. SPOKANE COMMUNITY COLLEGE

- Instructor finds that nursing student intentionally plagiarized an assignment.
- Instructor gives student a zero on the assignment and fails the student for the class.
- This was the second time the student had failed this class and, as a consequence, student was academically dismissed from the nursing program.
- On appeal, student argued that instructor lacked authority to impose the academic sanction because the College's student conduct code was the exclusive means for addressing academic misconduct.

NELSON v. SCC (CONT.)

- While acknowledging that other universities and colleges authorize academic misconduct to be addressed as both an academic and a student conduct issue, the Court focused on specific language in SCC's Student Conduct Code stating that academic misconduct "shall" be addressed through Student Conduct proceedings.
- The Court remanded the case back to the College to conduct student discipline hearing before the College's Student Conduct Committee.

NELSON TAKEAWAYS

- Student conduct codes should state that Instruction has separate authority to impose academic sanctions and that student conduct proceedings are not the exclusive means of addressing academic misconduct.
- Instruction should develop policies and procedures governing the imposition of academic sanctions for academic misconduct.
- Instruction and Student Services should establish protocols and guidelines on how to address and coordinate academic misconduct allegations.

SAMPLE STUDENT CONDUCT CODE LANGUAGE

The decision to bring a student conduct proceeding under this Code for academic dishonesty is at the sole discretion of the Student Conduct Officer. Nothing in this Code prohibits Instructors and/or Academic Divisions from imposing academic sanctions, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic sanctions for academic dishonesty can be found in the College's Academic Integrity Policy, the Instructor's course syllabus, and any applicable program handbook.

THE ACADEMIC SANCTIONING PROCESS

WHAT IS AN ACADEMIC SANCTION?

Academic sanctions are imposed by the instructor or the academic department. Examples include:

- Reduction in grade for an assignment or a class
- Failing grade for an assignment or class
- Placing a student on academic probation
- Dismissal from a program of study

Academic sanctions that result in a student's dismissal from a class or a course of study are of particular concern because they require a heightened level of due process.

INTEGRATED DOCUMENTS

- Academic Standards Policy and Procedure
- Institution Requirements
- Program Requirements
- Syllabus
 - Instructor's expectations and requirements regarding class attendance and performance, including grading policy,
 - Class hours, instructor's contact information, and office hours,
 - Books and other required materials,
 - Procedures for testing and evaluating student work,
 - The academic standards for the degree or certificate program which the course is offered,
 - List of the conduct demonstrates a lack of academic integrity (see Section 3 of Model Policy, and
 - A link to this or the then-current Academic Standards Policy and Procedure.
- Student Conduct Code
 - WAC 132B-120-040(19)(d)-(e) (Grays Harbor College); WAC 132F-121-120 (Seattle Colleges); WAC 132S-100-423(1) (Columbia Basin College); WAC 132V-121-070(10)(c)(ii) (Tacoma Community College); WAC 132W-115-070(1)(d) (Wenatchee Valley College); WAC 172-90-100(4)(a) (Eastern Washington University); WAC 504-26-415(1) (Washington State University)

ACADEMIC SANCTIONS – TWO CATEGORIES

- Non-terminal:
 - Written Academic Warning
 - Academic Reprimand
 - Academic Probation
 - Completion of a writing assignment, such as a reflective essay on a topic assigned by instructor
 - Failing or reduced grade for an assignment or test at issue
- Terminal:
 - Dismissal from a class
 - Academic suspension or dismissal from a Program

Academic misconduct may also be prosecuted and sanctioned as a Student Conduct Code violation

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DUE PROCESS – PROCEDURE AND SUBSTANCE

- Initial Meeting – Notice Form and IRF
- Appeals(s) – IRF

Oyama v. Univ. of Haw., 813 F.3d 850, 875 (9th Cir. 2015) “When considering cases that originate in an educational institution, the law distinguishes between academic dismissals and disciplinary dismissals.” *Hlavacek v. Boyle*, 665 F.3d 823, 826 (7th Cir. 2011). Academic dismissals do not require a hearing and “meet[] the requirements of procedural due process so long as the dismissal decision is ‘careful and deliberate.’” *Brown v. Li*, 308 F.3d 939, 954–55 (2017) (quoting *Bd. of Curators of Univ. of Mo. v. Horowitz*, 435 U.S. 78, 85, 98 S.Ct. 948, 55 L.Ed.2d 124 (1978)). Disciplinary dismissals, by contrast, may require more formal procedures. See *Horowitz*, 435 U.S. at 85–86 (citing *Goss v. Lopez*, 419 U.S. 565, 581, 584, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975)).

University students likely have some procedural due process rights in academic disciplinary proceedings. See, e.g., *Nash v. Auburn Univ.*, 812 F.2d 655, 660–61 (11th Cir. 1987); *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150, 157–59 (5th Cir. 1961). But there are “competing interests” in the educational context. *Goss*, 419 U.S. at 579. A “full-dress judicial hearing, with the right to cross-examine witnesses... might be detrimental to the college’s educational atmosphere and impractical to carry out.” *Dixon*, 294 F.2d at 159. The required process has therefore been described as the “rudimentary” minimums of “some kind of notice and... some kind of hearing.” *Goss*, 419 U.S. at 579.

Unlike other postsecondary institutions in Washington, SCC does not carve out a role for instructors or other faculty to handle academic dishonesty violations. *Contra* WAC 132B-120-040(19)(d)-(e) (Grays Harbor College); WAC 132F-121-120 (Seattle Colleges); WAC 132S-100-423(1) (Columbia Basin College); WAC 132V-121-070(10)(c)(ii) (Tacoma Community College); WAC 132W-115-070(1)(d) (Wenatchee Valley College); WAC 172-90-100(4)(a) (Eastern Washington University); WAC 504-26-415(1) (Washington State University). The definitional scheme set by the WAC does not allow SCC the discretion to circumvent student conduct protections by branding disciplinary action taken in response to plagiarism as academic legal authority for penalizing academic integrity violations such as plagiarism... No source other than the WACs governs imposition of sanctions for academic integrity violations at SCC. No separate statute or rule confers disciplinary power on instructors or department heads. Even the nursing student handbook and the Nursing 200 syllabus reference the WAC as the sole legal authority for penalizing academic integrity violations such as plagiarism. *Nelson v. Spokane Community College*, 14 Wn. App.2d 40, 469 P.3d 317 (2020).


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TWO FORMS

Notice Form

- Date and location of the meeting,
- Describes conduct at issue,
- States proposed academic sanction(s), and
- States student should come to meeting prepared to explain or deny the conduct identified by the instructor and bring and be prepared to share any evidence that refutes, contradicts, rebuts, or explains the allegations.

Incident Report Form

- Record of proceedings (who, what, where, when, why)
 - Findings and Conclusions
 - Sanctions
 - Appeal Rights and Procedure
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ACADEMIC APPEAL PANEL

- Interdisciplinary
- Union?
- Procedure – TBD (Implementation Guide)



