

Appalachian  
State University

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*Academic Integrity Code*

Adopted May 21, 2001  
Revised July 2015

The University reserves the right to change policies and procedures at any time during a student's term of enrollment. Each student is responsible for maintaining current knowledge of rules and regulations.

The most current Academic Integrity Code can be accessed at <http://academicintegrity.appstate.edu>.

# Table of Contents

Click on the item to be taken to that specific portion of the document.

	<i>Page</i>
<b>Academic Integrity Code .....</b>	<b>1</b>
Purpose and Goals .....	1
Article I – Definitions.....	1
Article II – Roles of the University Community .....	3
2.01 Faculty.....	3
2.02 Students.....	3
2.03 Administrators .....	4
Article III – The Honor Pledge.....	4
Article IV – Rights of Involved Parties .....	4
4.01 Rights of the Student .....	4
4.02 Rights of the Faculty Member.....	5
Article V – Prohibited Academic Conduct.....	5
5.01 Cheating.....	5
5.02 False Information .....	5
5.03 Misuse of Academic Materials.....	5
5.04 Multiple Submission.....	6
5.05 Plagiarism.....	6
Article VI – Process for Addressing Prohibited Conduct.....	6
6.01 Notification and Written Communication.....	6
6.02 Reporting Allegations .....	6
6.03 Standard of Proof.....	6
6.04 Presence of Support Individuals .....	6
6.05 Class Participation and Grading Pending Resolution.....	7
6.06 Informal Resolution .....	7
6.07 Formal Resolution .....	7
6.08 Resolution in the Absence of the Student .....	9
Article VII – Educational Sanctions.....	10
7.01 Sanctioning Options for Faculty Members (Informal Resolution).....	10
7.02 Sanctioning Options for the Board (Formal Resolution).....	10
7.03 Post-Enrollment and Post-Graduation Sanctions.....	11
7.04 Compelling Factors .....	11
Article VIII – Appeals .....	11

8.01 *Purpose and Grounds for Appeal* ..... 11  
8.02 *Filing an Appeal* ..... 11  
8.03 *Resolving an Appeal* ..... 12  
Article IX – Academic Misconduct Records ..... 12  
9.01 *Records Maintenance* ..... 12  
9.02 *Access and Confidentiality* ..... 12  
Article X – Review and Revision ..... 13  
10.01 *Annual Review* ..... 13  
10.02 *Changes Beyond the Annual Review* ..... 13  
Relevant Policies ..... 13

# **Appalachian State University Academic Integrity Code**

## **PURPOSE AND GOALS**

Appalachian State University is an academic community dedicated to teaching, scholarship, service, inclusion, and the holistic development of students. Academic integrity is a cornerstone value of the University's intellectual community. As a community of learners, we must create an atmosphere of honesty, fairness, trust, respect, and responsibility. Integrity is essential because it ensures that students fairly benefit from their educational experience and pursuits of knowledge. Violating the principles of academic integrity damages the reputation of the University and undermines its educational mission and goals. The University recognizes that academic dishonesty detracts from the value of an ASU degree and has influence beyond campus, such as graduate school, employment, and relationships with colleagues. Appalachian actively seeks to create a campus environment of ethical collaboration.

The Academic Integrity Code is the result of cooperation among Appalachian's faculty, students, and administrators, and promotes a collaborative campus dialogue about academic integrity.

The goals of the proceedings under the Academic Integrity Code:

- a. support and promote an ethical learning environment;
- b. create consistent standards for all members of the academic community;
- c. assist students in learning responsibility for one's own academic work;
- d. protect the academic environment of the University community; and
- e. clarify student values and how they relate to the behavior in question.

## **ARTICLE I – DEFINITIONS**

- 1.01 "Advisor" is a non-attorney advisor who may represent a student, at any point in the proceedings. The Advisor may fully participate only to the extent and in the same manner afforded to the student(s) or faculty member(s) they represent, provided that the Advisor may not provide testimony. The Advisor may not, in the sole discretion of the individual facilitating the meeting, delay, disrupt, or otherwise interfere with the proceedings.
- 1.01 "Board" is the Academic Integrity Board. Additional information about the makeup of boards can be found in Section 6.08 of this Code.
- 1.02 "Chair" is the Chair of the Academic Integrity Board. The Chair, selected from the board, shall be a faculty member, or full-time student in good disciplinary standing with a cumulative grade point average of 3.0 or above. The Chair must have served on the Board for at least one semester. Any of the duties assigned to the Chair in this Code may be delegated to the Vice Chair. All references to the Chair include any such designee.
- 1.03 "Chancellor" is the Chancellor of Appalachian State University. The Chancellor may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Chancellor include any such designee.
- 1.04 "Code" is the Appalachian State University Academic Integrity Code, unless the context specifically indicates otherwise.

- 1.05 “Day” is a business day in which the University is open.
- 1.06 “Director” is the Director of Student Conduct at Appalachian State University. The Director may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Director include any such designee. The Director is subject to the authority of the Vice Chancellor for Student Development and the Chancellor. The Director shall administer the provisions of this Code and perform the responsibilities given the position by this Code, oversee the day-to-day operations of the Office of Student Conduct, advise the Provost on changes to this Code, advise and train the Board, and advise all parties involved in a formal resolution.
- 1.07 “Faculty Member” is any individual hired by the University to teach in any capacity as defined by the University’s Faculty Handbook.
- 1.08 “FERPA” is the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g) and its implementing regulations (34 CRF Part 99), as amended.
- 1.09 “Intentionality” is deliberate and willful action.
- 1.10 “May” is used in the permissive sense.
- 1.11 “Member of the University Community” is any individual who is a student, faculty member, staff member, or other individual employed by or volunteering for the University.
- 1.12 “Provost” is the Provost and Executive Vice Chancellor of Appalachian State University. The Provost may delegate the authority to perform any of the duties assigned in this Code. All references to the Provost include any such designee.
- 1.13 “Shall” or “Will” is used in the imperative sense.
- 1.14 “Student” is any individual who, at the time of the incident, has accepted an offer of admission to the University; is taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies; or has a continuing relationship with the University until the degree is conferred. This includes, but is not limited to, new students at Orientation, individuals not currently enrolled but who are still seeking a degree from Appalachian State University, and any other individual enrolled in a credit earning course offered by Appalachian State University. For the purposes of this Code, an individual who allegedly provided false information or omitted information on an application and has participated in courses at the University shall be considered a student.
- 1.15 “They” and any of its inflected forms (e.g., them, their, themselves) is used in a generic sense, referring to either a singular or plural entity.
- 1.16 “University” is Appalachian State University, a constituent institution of The University of North Carolina, with its main campus located in Boone, North Carolina. This includes any officially designated location.
- 1.17 “University Official” is an employee of the University acting in the performance of their assigned duties, capacity, or authority. This includes any individual who is a student employee, faculty member, staff member, or other individual employed by or volunteering for the University.

- 1.18 “Vice Chair” is the Vice Chair of the Academic Integrity Board. The Vice Chair shall be a board member and must have served on the Board for at least one semester. Any of the duties assigned to the Chair in this Code may be delegated to the Vice Chair.
- 1.19 “Vice Chancellor for Student Development” is the Vice Chancellor for Student Development of Appalachian State University. The Vice Chancellor for Student Development may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Vice Chancellor for Student Development include any such designee.
- 1.20 Terms not specifically defined in this Code shall be defined by the Merriam-Webster’s Dictionary, located at <http://www.merriam-webster.com/dictionary>.

## **ARTICLE II – ROLES OF THE UNIVERSITY COMMUNITY**

All members of the University community are responsible for promoting an ethical learning environment.

### **2.01 Faculty**

Faculty members are responsible for educating students about academic integrity and are encouraged to limit opportunities for academic misconduct. Faculty members should:

- familiarize themselves with this Code;
- include a statement about this Code on syllabi;
- resolve alleged violations with following informal or formal resolution procedures as identified in this Code;
- provide a space for students to reaffirm the Honor Pledge on assignments, quizzes, and exams;
- consult with the Office of Student Conduct in all cases of academic dishonesty;
- volunteer through Faculty Senate to be an active member on the Board; and
- request programs through the Board.

Further, faculty members are encouraged to:

- lead discussions about academic integrity during class;
- create multiple versions of quizzes and exams;
- proctor quizzes and exams; and
- use current events to illustrate and discuss integrity issues in the classroom.

### **2.02 Students**

Students are responsible for upholding this Code and contributing to the University’s intellectual community. Students should:

- familiarize themselves with this Code;
- learn what constitutes violations of this Code;
- participate in discussions about academic integrity;
- challenge peers to uphold academy integrity;
- report all instances of academic misconduct to the appropriate faculty member or the Office of Student Conduct;
- avoid engaging in academic misconduct;
- participate in the Honor Pledge when a faculty member provides the opportunity; and
- request programs through the Board.

### 2.03 Administrators

The University's administration also provides support for this Code. Administrators should:

- familiarize themselves with this Code;
- create and encourage dialogue on academic integrity;
- report all instances of academic misconduct to the appropriate faculty member or the Office of Student Conduct; and
- request programs through or by the Board.

## **ARTICLE III – THE HONOR PLEDGE**

*“I pledge on my honor that I have not violated the Appalachian State University Academic Integrity Code.”*

The Honor Pledge is a cornerstone of the University's Academic Integrity Code and serves as a reminder of the University's commitment to academic integrity.

Students of the University agree to abide by the following standards as defined by this Code:

- Students will not lie, cheat, or steal to gain academic advantage.
- Students will oppose and report every instance of academic dishonesty.
- Students will not unfairly further their own academic performance.

Faculty members are encouraged to provide opportunities for students to reaffirm the Honor Pledge when submitting assignments, quizzes, or exams.

## **ARTICLE IV – RIGHTS OF INVOLVED PARTIES**

### 4.01 Rights of the Student

The student has the following rights:

- a. to be provided a fundamentally fair process;
- b. to be presumed not responsible for a violation of this Code until determined otherwise;
- c. to be given notice of any allegation(s) of academic misconduct;
- d. to review the information that will be presented in any resolution, provided that the information may be given to the student in a redacted format;
- e. to present relevant information on their behalf;
- f. to obtain support, advice, or assistance pursuant to relevant sections in Article VI of this Code;
- g. to be provided administrative assistance by the Office of Student Conduct;
- h. to have sanction(s) imposed on the basis of the guidelines set forth in this Code;
- i. to be informed of the final decision and results of a proceeding;
- j. to request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Appalachian State University Office of Disability Services;
- k. to know the identity of individuals speaking or providing written information for consideration at any hearing;
- l. to confront, in some manner, the allegations and information presented relevant to the formal charge(s) against them, which in all cases will be brought forward by the University;
- m. to request that a member of a Board be excluded from the hearing on the basis of a conflict of interest;
- n. to pose reasonable questions, verbally or in writing, to any witness appearing at a hearing;



- o. to have prior academic misconduct excluded from information presented during a Board's deliberation of findings for any charge(s);
- p. to appeal any decision of a Board, pursuant to Article VIII of this Code;
- q. to have supervised access to a recording of the hearing proceedings; and
- r. to have any academic misconduct records kept confidential, unless an exception is allowed or required by law.

#### 4.02 Rights of the Faculty Member

The faculty member has the following rights:

- a. to be provided a fundamentally fair process;
- b. to review the information that will be presented in any resolution, provided that the information may be given to the faculty member in a redacted format;
- c. to present relevant information on their behalf;
- d. to obtain support, advice, or assistance pursuant to relevant sections in Article VI of this Code;
- e. to be provided administrative assistance by the Office of Student Conduct;
- f. to have sanction(s) imposed on the basis of the guidelines set forth in this Code;
- g. to be informed of the final decision and results of a proceeding;
- h. to request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Appalachian State University Office of Disability Services;
- i. to know the identity of individuals speaking or providing written information for consideration at any hearing;
- j. to be provided the same opportunities as the student to address any University official involved with the resolution of the complaint, including being present during the findings stage of the hearing;
- k. to request that a member of a Board be excluded from the hearing on the basis of a conflict of interest; and
- l. to have supervised access to a recording of the hearing proceedings only to which the faculty member has an opportunity to participate.

## **ARTICLE V – PROHIBITED ACADEMIC CONDUCT**

Faculty should address incidents as possible Academic Integrity violations when, in their professional judgement, such violations were intentional on the part of the student. The following is a list of prohibited academic conduct.

#### 5.01 Cheating

Intentionally using, attempting to use, or giving unauthorized assistance or materials in an effort to gain academic advantage.

#### 5.02 False Information

Providing false academic information in any form, regardless of communication method (e.g., e-mail or other electronic communication), with the intent to deceive or mislead.

#### 5.03 Misuse of Academic Materials

Acquiring, stealing, damaging, or sharing academic materials, without a faculty member's or student's consent, for the purpose of gaining an academic advantage.

5.04 Multiple Submission

Submitting an assignment more than once, either from a current or prior course, without the consent of all involved faculty members.

5.05 Plagiarism

Presenting the words or ideas of another as one's own words or ideas.

## **ARTICLE VI – PROCESS FOR ADDRESSING PROHIBITED CONDUCT**

6.01 Notification and Written Communication

Pursuant to [Policy 915 – E-Mail as the Official Means of Communication](#), all forms of written communication shall be delivered via the student's official ASU e-mail. Special circumstances may require that written communication be through personal delivery or mail. Written communication shall be considered delivered on the date e-mailed, hand-delivered, or three (3) days after the communication is mailed.

6.02 Reporting Allegations

- a. Complaints of academic misconduct against a student should be reported to the appropriate faculty member or the Office of Student Conduct. The complaint should be submitted as promptly as feasible after the occurrence. A delay in reporting may be reasonable under some circumstances, as determined on a case-by-case basis. An unreasonable delay in reporting, however, is an appropriate consideration in evaluating the merits of a complaint.
- b. The faculty member will, in their professional judgment on the basis of the provided information and in consultation with the Office of Student Conduct, determine (a) if an alleged violation shall be pursued or dismissed and (b) the most appropriate means for addressing the alleged violation (e.g., informal resolution, formal resolution). This determination should be made within five (5) days after meeting with the student; however, a reasonable extension of this time limit is permissible.

6.03 Standard of Proof

The faculty member and the Academic Integrity Board must establish that the student is responsible for the alleged violation(s) by a preponderance of the evidence (i.e., that it is more likely than not that the student violated this Code). This determination must be based solely on the information presented, which may include, but is not limited to, pertinent records (e.g., assignment, syllabi), exhibits (e.g., photographs, audio/video information, social media information), and written/oral statements. Formal rules of evidence and procedure do not apply.

6.04 Presence of Support Individuals and Advisors

- a. At any point, the student and the faculty member have the right to be accompanied by up to two support individuals. These individuals are present to provide emotional support. The support individuals may not participate in the proceedings, address any participants, or, in the sole discretion of the individual facilitating the meeting (e.g., Chair), delay, disrupt, or otherwise interfere with the proceeding.
- b. At any point, the student and the faculty member have the right to be accompanied by an Advisor. The Advisor is a non-attorney advisor who may represent a student or faculty member, at any point in the proceedings. The Advisor may fully participate only to the extent and in the same manner afforded to the student(s) or faculty member(s) they represent, provided that the Advisor

may not provide testimony. The Advisor may not, in the sole discretion of the individual facilitating the meeting, delay, disrupt, or otherwise interfere with the proceedings.

#### 6.05 Class Participation and Grading Pending Resolution

- a. Pending the resolution of an alleged violation(s), the student should continue to participate in the course and complete any academic work.
- b. The faculty member is encouraged to assign a grade of Incomplete (“I”) if an alleged violation(s) has not been resolved and a grade is due for the course. Once the alleged violation(s) has been resolved, a grade may be assigned.
- c. A student is prohibited from withdrawing from a course in which an alleged violation(s) is pending. Should a student withdraw from the course prior to the alleged violation(s) being resolved, the grade of “W” will be considered temporary. If a student is found responsible for a violation(s), the course cannot be retroactively dropped.
- d. A student whose course grade is impacted due to being found responsible for a violation(s) cannot replace the assigned grade through the University’s Repeat Policy.

#### 6.06 Informal Resolution

- a. After consulting with the Office of Student Conduct, the faculty member may offer an informal resolution. An informal resolution cannot be offered to a student who has previously been found responsible for a violation of this Code.
- b. Before an informal resolution can be offered, the faculty member shall meet with the student to discuss the allegation(s) and to provide the student an opportunity to present relevant information related to the alleged violation(s).
- c. The faculty member or student may request mediation through the Office of Student Conduct, who shall serve as a neutral third party. In order for the mediation to be conducted, both the faculty member and student must agree to participate.
- d. During an informal resolution, the faculty member will, in their professional judgment on the basis of the provided information or in consultation with appropriate University officials (e.g., Office of Student Conduct, department Chair), propose findings regarding any alleged violation(s) and may specify any sanction(s) described in Section 7.01 this Code.
  1. If the student accepts the informal resolution, they waive their right to a formal resolution and accepts responsibility for the violation(s) and the sanction(s) imposed.
  2. If the student declines the informal resolution, the case will be referred to the Board for formal resolution.
  3. The student may be given up to three (3) days to review the informal resolution and decide if they would like to accept or decline the proposed findings and sanctions. The student is encouraged to seek the guidance of an advisor, trusted faculty member, family member, etc.
- e. The original signed resolution must be submitted to the Office of Student Conduct within five (5) days of the student’s decision.
- f. An informal resolution may not be appealed.

#### 6.07 Formal Resolution

- a. Unless an informal resolution is accepted, the faculty member shall refer the case to a Board for formal resolution. The faculty member may also refer any case directly to a Board prior to resolution.

- b. The faculty member shall submit all relevant information and any recommended sanction(s) to the Office of Student Conduct within five (5) days of referring the case.
- c. The Board charged with addressing the formal charges shall be the Academic Integrity Board.
  - 1. The Academic Integrity Board shall be composed of the following:
    - i. Students selected by an application and interview process overseen by the Office of Student Conduct. All student members shall be full-time students in good disciplinary standing with a cumulative grade point average of 3.0 or above; and
    - ii. Faculty members appointed by the Faculty Senate.
  - 2. One board member shall be selected as the Chair of the Board, and another board member shall be selected as the Vice Chair of the Board.
  - 3. All members shall serve one-year terms, which may be renewed upon approval through Faculty Senate and/or the Office of Student Conduct.
- d. Written notice of the hearing shall be provided to the student and the faculty member at least five (5) days prior to the hearing date. The notice will include the charge(s) and a brief narrative of the incident.
- e. The Director may postpone the hearing. Written notice of the new hearing date shall be given to the student and the faculty member.
- f. The student and the faculty member may each request one postponement of the hearing. This request must be made in writing to the Director at least two (2) days prior to the hearing. Postponements will generally be granted only in cases of serious student/faculty illness, family emergency, or when a student has a scheduled exam that directly conflicts with the scheduled time.
- g. The Board shall consist of five (5) members and the Chair. If members of the Academic Integrity Board are not available to serve in a hearing, previous members of the Academic Integrity Board or current members of the Student Conduct Board or University Conduct Board, defined by the Code of Student Conduct, may be utilized.
- h. The Chair is delegated the authority to conduct hearings in a manner designed to effectively and efficiently elicit information needed for the Board to make its decisions. This includes the authority to review the admissibility of any information, to question witnesses, to limit the length of testimony of any participant if the testimony appears to be repetitious or irrelevant, and to remove any participant who is unruly or disruptive. The Chair is charged with the responsibility to conduct the hearing in a manner that will:
  - 1. ensure a fundamentally fair process;
  - 2. protect the rights of the student and the faculty member; and
  - 3. ensure that participants are treated with respect.
- i. Prior to considering the charges, the Chair shall address:
  - 1. the procedures that the Board will follow;
  - 2. the hearing being closed to the public;
  - 3. the importance of confidentiality of the proceedings;
  - 4. the University's commitment to the principle of fundamental fairness;
  - 5. the presumption that the student is not responsible for a violation of this Code until determined otherwise; and
  - 6. whether any Board member wishes to recuse themselves due to a conflict with, bias about, or interest in the case.
- j. All hearings will be recorded, and the recordings will serve as the verbatim record. The University retains the sole right to record hearings. No other recordings may be made of the hearings.
- k. All hearings are closed to the public. The student and the faculty member have the right to appear with an advisor in addition to support individuals as described in Section 6.04 of this Code. The

student and the faculty member may confer with the advisor. The advisor may not participate in the proceedings, address any participants with exception of the person they are advising, or, in the sole discretion of the Chair, delay, disrupt, or otherwise interfere with the proceeding.

- l. The student and the faculty member may request that a member of the Board be excluded from the hearing. This request must be made immediately after the introduction of the Board and requires justification. Additionally, a Board member may recuse themselves if they believe there is a conflict with, bias about, or interest in the case. The Chair shall make the final decision whether to exclude any Board member; this decision cannot be appealed.
- m. The Board, student, and faculty member may ask reasonable questions of any witnesses appearing at the hearing, through the Chair. This is not intended to preclude the introduction of written statements, previously written memoranda, letters, or other written material. When practical, the opportunity for questioning should be afforded; however, other information may be introduced at a hearing even though the author is not present for questioning. Members of the Board shall attach whatever weight or significance to these documents or statements they deem appropriate.
- n. To determine findings for any alleged violation(s), a vote by the Board will be taken in a closed executive session and will be based solely on the information presented during the hearing. The Board shall base its determination on information that it finds to be reliable, including any assessment of the credibility of information. A vote of “responsible” by a simple majority of the members present, excluding the Chair, shall be required to find the student responsible for any violation(s).
- o. Information regarding any prior academic misconduct may not be introduced or considered in deliberations regarding findings of responsibility.
- p. If the student is found responsible, any information related to the student’s character, including prior academic misconduct, may be introduced and considered by the Board in determining a sanction. The faculty member may offer any recommended sanction(s). This recommendation is not binding on the Board, but will be given such weight as the Board deems appropriate.
- q. Decisions of the Board are final, unless the Board recommends Expulsion. In cases involving Expulsion, the recommendation will be forwarded as a recommendation to the Provost, who shall make the final administrative decision.
- r. A final decision must be made within ten (10) days of the date of the hearing. Notice of the decision must be delivered in writing to the student and the faculty member within five (5) days of the decision. The notice will include a brief summary of the information upon which the decision is based and shall specify any appeal rights.

#### 6.08 Resolution in the Absence of the Student

- a. *Informal Resolution* – If the student has been notified pursuant to this Code and fails to respond within five (5) days of the initial notice, the case shall be referred to the Office of Student Conduct.
  1. If the student fails to respond to the Office of Student Conduct within three (3) days of notice, the case shall be referred to the Board for formal resolution.
  2. In extenuating circumstances the timeline for response may be extended and can be determined on a case-by-case basis.
- b. *Formal Resolution* – If the student fails to attend their scheduled hearing, the Board shall adjudicate the case in their absence.
- c. The Office of Student Conduct may place a hold on the student’s account until such time as they confirm receipt of the written decision of any resolution.

## ARTICLE VII – EDUCATIONAL SANCTIONS

Sanctions are intended to educate students on the effects of their academic dishonesty and invoke change in future decision-making. A faculty member may implement any of the sanctions listed in Section 7.01 of this Code. The Board may implement any of the sanctions listed in this Article, pursuant to the guidelines set forth in this Code.

### 7.01 Sanctioning Options for Faculty Members (Informal Resolution)

- a. *Written Warning* – official documentation conveying to the student that their behavior was unacceptable and that any future violation of this Code may result in more severe action, including Academic Integrity Probation, Suspension, or Expulsion.
  1. It is the presumption that in any academic integrity violation a Written Warning would be provided.
- b. In addition to a Written Warning, the following may be imposed:
  1. resubmission of the assignment with or without academic penalty;
  2. reduced grade for the assignment;
  3. reduced grade for the course;
  4. grade of “F” or “U” for the assignment;
  5. grade of “F” or “U” for the course; and
  6. completion of the Academic Integrity Seminar (Online course that will require the student to pay an administrative fee).

### 7.02 Sanctioning Options for the Board (Formal Resolution)

Sanctions that may be imposed by the Board include the following and take into consideration the faculty member’s recommendation:

- a. *Written Warning* – official documentation conveying to the student that their behavior was unacceptable and that any future violation of this Code may result in more severe action, including Academic Integrity Probation, Suspension, or Expulsion.
- b. *Academic Integrity Probation* – pre-suspension period in which the student’s behavior is under University review, conveying that the behavior was unacceptable and that any future violation of this Code may result in more severe action, including Suspension or Expulsion.
  1. Academic Integrity Probation shall be imposed for a period no less than the remainder of the current semester up to the remainder of the student’s academic career.
- c. *Academic Integrity Suspension* – separation from the University for a period no less than the remainder of the current semester.
  1. Suspension may be effective immediately or deferred until the end of the current semester.
  2. A notation of Suspension shall be recorded on the student’s official University transcript maintained by the Registrar’s Office.
  3. The notation of Suspension shall be removed from the student’s transcript after they have completed the Suspension period. In the case of suspension for an indefinite period of time, the notation of Suspension shall be removed upon approval of the Director.
- d. *Academic Integrity Expulsion* – permanent separation from the University.
  1. Expulsion shall be effective immediately.
  2. Expulsion precludes enrollment and matriculation at any University of North Carolina constituent institution.
  3. A notation of Expulsion shall be recorded on the former student’s official University transcript maintained by the Registrar’s Office.



4. The former student may petition the Chancellor to rescind the Expulsion no earlier than two (2) years after the effective date of the Expulsion. The Chancellor's conclusion shall be based on the former student's petition and relevant documentation supporting or opposing the rescindment. If the Expulsion is rescinded, the Expulsion notation shall be removed from the former student's transcript, and they are no longer precluded from enrollment and matriculation at any University of North Carolina constituent institution on the basis of the Expulsion.
- e. *Additional Sanctions* – sanctions that may be given in addition to Section 7.01 and 7.02. of this Code include, but are not limited to:
  1. participation in educational programming or services (e.g., attending session(s) with the Math Lab, University Writing Center, Learning Assistance Program, academic advisor);
  2. conducting an interview with a mentor regarding integrity;
  3. completing community service with a non-profit agency;
  4. submitting a relevant reading or movie reflection;
  5. writing a personal autobiography;
  6. completing a reflection through written work or creative expression;
  7. reviewing of professional standards of the related or intended major;
  8. submitting a research paper; and
  9. other sanctions the Board determines appropriate.

#### 7.03 Post-Enrollment and Post-Graduation Sanctions

A student who has violated this Code, but who graduates before imposition of a sanction, is subject to (a) revocation of any degree awarded, (b) temporary or permanent withholding of the diploma or transcript for any degree, regardless of whether the degree has been awarded, or (c) having sanction(s) imposed as a condition of re-enrollment to the University.

#### 7.04 Compelling Factors

Compelling factors may be considered when determining sanctions and may include, but are not limited to, a student's demonstration of insight about their behavior, present demeanor and attitude, classification, prior academic misconduct, and the nature of the behavior.

## **ARTICLE VIII – APPEALS**

#### 8.01 Purpose and Grounds for Appeal

- a. The purpose of the appeal process is to provide the opportunity for questioning the appropriateness of actions resulting from a formal resolution. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level. Any sanction(s) imposed by the Board shall be in effect during the appeal process. In extenuating circumstances, the Director may delay imposition of the sanction(s) until a decision is made by the Provost.
- b. The student may appeal a decision based on the following grounds: (a) significant new information or (b) a violation of due process that would have impact on a Board's decision.

#### 8.02 Filing an Appeal

- a. Appeals must be submitted to the Director within five (5) days of the notice of the decision. In extenuating circumstances, an extension of time may be granted by the Director. A request for an extension of time must be made in writing and approved by the Director.
- b. The appeal must clearly state the grounds on which it is based and present specific reasons or justifications to support the appeal.

### 8.03 Resolving an Appeal

- a. The Provost shall rule on the appeal upon receipt and may issue one of the following decisions:
  1. uphold the finding(s) of responsibility and sanction(s);
  2. uphold the finding(s) of responsibility and reduce, but not eliminate, the sanction(s); or
  3. remand the case to the same or a new Board.
- b. A decision must be made within fifteen (15) days after the Provost receives the appeal. Notice of the decision must be delivered in writing to the student and the faculty member within five (5) days of the decision.
- c. The Provost's decision is final and cannot be appealed further.

## **ARTICLE IX – ACADEMIC MISCONDUCT RECORDS**

All academic misconduct records are the property of the University and are maintained by the Office of Student Conduct. Academic misconduct records may include, but are not limited to, complaints, correspondence, case summaries, written information, and audio recordings. Academic misconduct records include both electronic and paper records.

### 9.01 Records Maintenance

- a. Academic misconduct records where there is a finding of not responsible are maintained for a minimum of eight (8) years from the date of resolution. These records, however, are considered internal to the University and are not disclosed as part of a student's prior academic misconduct.
- b. Academic misconduct records where a finding of responsible was determined through an informal resolution are maintained for a minimum of eight (8) years from the date of resolution. These records shall be disclosed as part of the proceedings under this Code but are considered internal to the University.
- c. Academic misconduct records where a finding of responsible was determined through a formal resolution and the sanction is less than Suspension or Expulsion are maintained for a minimum of eight (8) years from the date of resolution. These records shall be disclosed as part of the proceedings under this Code and are part of a student's educational record.
- d. Academic misconduct records where the sanction is Suspension or Expulsion are maintained indefinitely.
- e. The University has the right to maintain any academic misconduct records in excess of the minimum period.

### 9.02 Access and Confidentiality

- a. A student may access copies of their academic misconduct record by contacting the Office of Student Conduct. Access to any academic misconduct record shall be pursuant to FERPA and applicable University policies.
- b. All academic misconduct records are confidential and shall not be released without the student's consent, except as otherwise provided by law. Pursuant to FERPA, the University may disclose academic misconduct records to University officials who have a legitimate educational interest. The University may also be required to produce academic misconduct records in accordance with a lawfully issued subpoena. Limits to re-disclosure shall be governed by appropriate federal law, including FERPA. Failure to maintain the confidentiality of any protected record shall constitute a violation of Section 4.08b. of the Code of Student Conduct.



## **ARTICLE X – REVIEW AND REVISION**

### 10.01 Annual Review

- a. Subject to the authority of the Provost, this Code shall be reviewed annually by the Board to determine appropriate revisions that are in the best interest of the University. These revisions shall be considered recommendations to the Provost.
- b. The Provost reserves the right to appoint other such committees or groups as they deem appropriate to advise them on changes or revisions to this Code.

### 10.02 Changes Beyond the Annual Review

The Provost reserves the right to review and amend this Code at any time.

## **RELEVANT POLICIES**

Appalachian State University Policy Manual

- [Policy 105.3 – Policy Statement on the Family Educational Rights and Privacy Act of 1974, as Amended](#)

Applicable Federal Laws and State General Statutes

- [U.S. Department of Education Information about the Family Educational Rights and Privacy Act of 1974](#)

# Office of Student Conduct



APPALACHIAN STATE UNIVERSITY

ASU Box 32084

320 Plemmons Student Union

Boone, NC 28608-2084

<http://academicintegrity.appstate.edu> ▪ 828-262-2704