

## APPENDIX D

### STUDENT RIGHTS AND RESPONSIBILITIES

The University has policies on student rights and conduct, which are contained in the "Student Conduct/Policies" section of the *Student Handbook*.  
<http://www.fiu.edu/~oabp/misconductWeb/unitinstructions.htm>

#### **Student rights**

Student rights include basic First Amendment rights (e.g., freedom of expression, right of assembly, freedom of association), the right to distribute literature on campus, the right to due process in any disciplinary proceeding, and the right to freedom from discrimination and sexual harassment.

Students are also protected from improper disclosure of their records. Personally identifiable information contained in student educational records can be released or open to inspection only to the student or the parents of dependent students (as defined by the IRS). If you are not sure whether to release information to a student's parent(s), call the Office of Academic Affairs for guidance at 305-348-2168.

Students are responsible for learning course content, but they have the right to take reasoned exception to the data or views offered in the classroom. They also have the right to expect that the course description will reflect actual course content, to receive a written syllabus for each course, either printed or online, and to be informed of the standards on which evaluation will be based.

#### **Standards of student conduct**

The University Standards of Student Conduct address three major areas of moral integrity - academic honesty, respect for the law, and respect for people. This code is described in detail in the *Student Handbook*. University policies outline acts of student misconduct, which are expressly prohibited and violate University rules and regulations. These include such actions as disruptive conduct, theft or unauthorized possession, vandalism, hazing, falsification of records, harassment, and assault.

Alleged violations of the conduct code must be referred to the Office of Judicial Affairs (305-348-2436), where they must be handled in accordance with University judicial procedures. Referrals may be made by faculty, staff, or students. Any person filing a charge must be willing to participate in a formal hearing on the matter; failure to do so may result in the charge(s) being dropped.

Once a student has been charged with a code violation, he/she has three options: 1) administrative disposition, whereby the student may accept responsibility and a sanction is imposed by the judicial administrator; 2) a formal

administrative hearing; 3) a formal hearing before the University Judicial Committee. The format for the formal hearings, the appeals procedures, and possible disciplinary sanctions are all outlined in the *Student Handbook*. Be sure to read this section. It is very important that you understand this process. <http://www.fiu.edu/%7Einfomall/text/geninfo/ethics.htm>

### **Academic misconduct**

Separate policies and procedures govern academic misconduct. Academic misconduct (i.e., academic dishonesty) includes but is not limited to: cheating, plagiarism, falsification of academic records, bribery to gain academic advantage, and misuse of computer services, including the unauthorized appropriation of another's program(s). Disciplinary penalties for academic misconduct range from counseling to expulsion from the University.

All teaching faculty encounter instances of academic misconduct; it is essential that you be familiar with the procedures for handling it. All students have the right to due process, no matter how flagrant their violations may seem to you. You do not have the right to summarily fail a student whom you suspect of cheating. Allegations of academic misconduct must be made in writing and must be sent to the Office of the Provost within 14 school days of the alleged occurrence or the date that the alleged violation was first discovered. Any faculty member, staff member, or student may file such a written petition, although a student complainant may first inform the appropriate faculty or staff member. Forms for filing a petition are available from the Academic Affairs Office (University Park 305-348-2168, Biscayne Bay Campus 305-919-5700). If you file a petition alleging academic misconduct, you must be willing to appear and testify at any hearing relating to the situation. <http://www.fiu.edu/~oabp/misconductweb/unitinstructions.htm>

After reviewing the petition, the Provost (or a designee) must recommend a course of action—that an informal resolution is attempted, that the complaint goes through the formal procedures, or that nothing is done. If Academic Affairs recommends an informal procedure, the faculty member must contact the student within five days, whereupon the faculty member and the student must discuss the problem and try to resolve it. At the request of either party, other witnesses may attend. The student is not required to make any statements at this informal meeting, and any statements that he/she does make are not admissible in later University proceedings.

Often at this informal stage, a student will agree to disciplinary action, recognizing that if the case goes into the formal procedure, the disciplinary action might be more severe. A faculty member who is not clear on what constitutes appropriate disciplinary action should talk to his/her chair, dean, or director. If the faculty member and student agree on what action will be taken, they sign a "consent agreement," which is written in conjunction with the Academic Affairs Office. The student and faculty member each receive a copy of the agreement

and a copy is sent to the student's advisor with instructions to place it in the student's record. The student can request that the agreement and all documents pertaining to it be removed from his/her file upon graduation or two years after the matter has been resolved, whichever is later. **There are strict time-lines throughout this informal procedure. Failure to meet these deadlines or other violations of procedure might cost the University the right to discipline a student that you have caught "red-handed."** This is only a summary of the procedures for informal resolution. Many details are missing, so be sure to read the full text of the policy.

Should informal resolution fail or should the Office of Academic Affairs recommend that informal resolution not be attempted, Academic Affairs must initiate formal resolution procedures. These procedures will not be outlined here. It is imperative, however, that you thoroughly understand both the informal and formal academic misconduct procedures. Read the "Academic Misconduct" section in the *Student Handbook* before a problem arises. To receive a current copy of the *Student Handbook*, call the Office of Student Affairs (University Park 305-348-3068, Biscayne Bay Campus 305-919-5700).

The following is a synopsis of **PLAGIARISM**

**Definition:** "to present, as one's own, the work, writing, words, or computer information of someone else or make use of the following:

- Part or all of a spoken, or computer generated assignment copied or accessed from another person's work
- Part or all of an assignment copied, paraphrased, or accessed from a book, magazine, pamphlet, computer disk or mainframe account without given a correct reference or citing the source
- Ideas or other's materials without citing a correct reference or the source.

Students can be an accomplice to plagiarism and equally liable if they

- Allow access to their computer accounts, disks, writings, ideas, or other types of work to be copied and submitted as the work of someone else
- Prepare an assignment for another student and permit it to be submitted as the other student's work
- Contribute to a file of essays and allow for them to be copied and submitted as other's work (p. 1, <http://w3.fiu.edu/enc/Plagiarism.htm>).

Above statements found on the FIU webpage listed above and adapted from Michigan State University publications, 1987

## **Procedures to Follow When Plagiarism Occurs**

Please refer to the Academic Misconduct Code, Code of Academic Integrity found at <http://www.fu.edu/~oabp/misconduct/1acmisconductproc.htm>. The Code is also found in the *Florida International University, Student Handbook*, pp. 39 – 44.

The following is a review of procedures to follow if faculty discovers instances of plagiarism.

1. Meet with the student to inform him or her of the allegation(s), provide evidence, and allow student due process to respond prior to either entering into an Informal Resolution or filing the Complaint Form Alleging Academic Misconduct with the Vice Provost for Academic Affairs.
2. An informal resolution outside of the formal hearing procedures should normally occur within 14 calendar days following the date of the act or omission, or the date which the faculty became aware of the act or omission. The purpose of the informal meeting is for the faculty to determine whether there is sufficient evidence to file formal charges of misconduct, reach an informal resolution, or take no further action.
3. Prior to meeting informally with the student(s), the faculty should contact the Office of the Vice Provost for Academic Affairs to determine whether the student(s) has a prior record of misconduct. If the student has a prior record, then an Informal Resolution cannot take place and the faculty must file a formal complaint.
4. The faculty' immediate supervisor should be present at an informal meeting. If an informal resolution is reached, the student(s), faculty, and the immediate supervisor will sign a Consent Agreement form which must be filed with Vice Provost for Academic Affairs no later than 7 calendar days following the informal meeting. The form should contain the terms and conditions of the agreement and any sanctions imposed. The student has 3 business days to cancel the agreement in writing or it becomes binding.
5. If an informal agreement is not reached, the faculty then will take no further action or file the Complaint Form Alleging Academic Misconduct with the Office of Academic Affairs no later than 7 calendar days following the meeting.
6. Academic Affairs will review the Complaint and determine whether there is sufficient evidence to conduct a formal hearing. Academic Affairs will notify the student(s) of its determination. The student(s) then has 7 calendar days to respond in writing indicating whether he or she chooses to have the case resolved by Administrative Disposition or by a hearing of the University Academic

Conduct Review Board. If the student does not respond in a timely fashion, he or she will be considered to have waived his or her rights to a Board hearing, and an Administrative Disposition meeting will be arranged (within 30 calendar days).

7. In an Administrative Disposition meeting, the administrator may question both parties. Witnesses may be brought in and the meeting is tape recorded. The administrator determines the decision which may be appealed by the student(s).

8. The student must request in writing for the Board to hear his or her case. Please refer to the web site cited above or to the *FIU Student Handbook* for further information about the hearing procedures.

#### The Turn-It-In Program:

The Turn-It-In software program is a paper review Internet service that can flag any papers containing plagiarism. The University, in an effort to minimize plagiarism on campus, is running a pilot program and is using faculty volunteers. The program requires that faculty have their students mail electronic versions of assignments directly to Turnitn.com. The University is currently piloting the software to determine whether to purchase it for faculty use.