

# MAINE COMMUNITY COLLEGE SYSTEM

ALL NEW

ACADEMIC AFFAIRS

Section 311

Page 1 of 3

**SUBJECT: STUDENT GRADE APPEALS AND ACADEMIC MISCONDUCT**

**PURPOSE: To establish certain procedures for grade appeals and academic misconduct.**

## **A. Introduction**

MCCS standards of academic integrity require that each college have a process to address a student's legitimate challenge to, or a college's other concerns with, the propriety of a grade assigned by an instructor. Such standards also require application of a consistent process in determining allegations of student academic misconduct. The purpose of this policy is to help ensure that these standards are met.

## **B. Grade Appeals**

An instructor has the authority to assign the grade that the instructor reasonably determines the student has earned. Each college shall also establish a procedure that allows students to appeal the instructor's grade to the department chair and/or the college's chief academic officer. Under that appeal procedure, each decision-maker shall give due regard to the instructor's professional judgment. The chief academic officer shall have the final authority to enter the grade on the college's official transcript for that student.

## **C. Academic Misconduct**

MCCS standards of academic integrity prohibit conduct that constitutes academic misconduct, and conduct that intentionally or knowingly helps or attempts to help another to commit an act of academic misconduct. For purposes of this policy, "academic misconduct" is defined as cheating or dishonesty of any kind in the performance of academic work, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, or the fabrication of information. Common examples of academic misconduct include, but are not limited to, the following.

### **1. Cheating**

Cheating is intentional use or attempted use of unauthorized materials, information or study aids in any academic exercise; copying from another student's work; submitting work for an in-class examination that has been prepared in advance; representing material prepared by another as one's own work; violating rules governing the administration of examinations; or violating any rules relating to academic conduct of a course or program.

## **2. Plagiarism**

Plagiarism is the intentional representation of the words, problem/design solutions, concepts, processes, procedures, compositions, ideas or sequence of ideas of another's as one's own. It includes failing to attribute to the actual author any quotations, paraphrases or the author's ideas.

## **3. Fabrication**

Fabrication is intentional and unauthorized falsification or invention of any data, information or citation in academic work.

## **4. Forgery**

Forgery includes the falsification or alteration of an allegedly genuine document, or forging a signature on any academic document or record. For purposes of this paragraph, an academic document or record may include a transcript, add-drop form, request for advanced standing, or request to register for a course.

## **D. Procedures to Address Allegations of Academic Misconduct**

To address allegations of academic misconduct, each college shall proceed as follows.

### **1. Instructor's Authority**

The instructor shall have the authority to review the alleged misconduct and determine the grade that the student should receive for the assignment and/or the course and, if appropriate, any other assignment that the student should be required to complete, for the test, paper, or other work found to constitute academic misconduct. The instructor may consult with the department chair and/or the college's chief academic officer prior to making such decisions. The instructor's authority shall include the authority to assign a failing grade for the course.

### **2. Appeal of the Instructor's Decision**

In those instances when a student seeks to challenge an instructor's determinations made in subsection D.1 above, the college shall use its grade appeal process authorized by section B above.

### **3. Sanctions Beyond those Imposed by the Instructor**

In those instances when a college seeks to apply sanctions in addition to an instructor's determinations made in subsection D.1 above, such as probation, suspension or expulsion, the college shall use procedures of the MCCS Student Code of Conduct, provided that the college's chief academic officer or other person(s) designated by the college president shall participate in reviewing the allegations and investigative findings:

in determining whether such findings constitute academic misconduct; and in recommending the propriety and/or level of such sanctions.

REFERENCES: 20-A MRSA §12706(1), §12715.

---

REPLACES:

DATE EFFECTIVE: \_\_, 2009

## **MAINE COMMUNITY COLLEGE SYSTEM**

**ALL NEW**

**ACADEMIC AFFAIRS**

**Section 312**

**Page 1 of 3**

**SUBJECT: STUDENT ISSUES ARISING AT CLINICAL AFFILIATES**

**PURPOSE: To establish procedures for certain student issues arising at clinical affiliates.**

### **A. Introduction**

MCCS standards of academic integrity and the colleges' typical clinical affiliation agreements both require each college to address promptly an allegation that a student participating in a clinical affiliation has engaged in significant clinical deficiency and/or misconduct. The purpose of this policy is to establish a consistent procedure for responding to such issues.

### **B. Definitions**

For purposes of this policy, "significant clinical deficiency and/or misconduct:"

1. is defined as an allegation of deficient performance, academic misconduct, behavioral misconduct or violation of a program or affiliate rule that, if found to be credible, would result either directly (i.e., by expulsion from the clinical site) or indirectly (i.e., by effect of a grade reduction) in the student failing that clinical course prior to completing the course; and
2. does not include determinations made in the normal grade assessment process at the end of semester that a student has performed unsatisfactorily. Challenges to those determinations shall be made by a college's grade appeal process, and not by the appeal process set forth in Section C.2.b below.

### **C. Decisions by a Clinical Affiliate**

A clinical affiliate typically retains the interim authority to remove a student from a clinical affiliate's site while a review and determination is made of allegations that a student participating in a clinical affiliation has engaged in significant clinical deficiency and/or misconduct. A clinical affiliate also typically retains the final authority to permanently exclude a student from its premises upon the affiliate's own determination, by the processes it deems fit, of allegations that a student has engaged in such acts. While a college may be consulted at either stage, the clinical affiliate typically retains exclusive authority to take such actions. As a result, these decisions are not subject to appeal by a student.

#### **D. Decisions by a College**

When notified that a student may have engaged in a significant clinical deficiency and/or misconduct, and the clinical affiliate has not itself acted to remove the student, a college shall use the following procedure.

##### **1. Review, Interim Action and Recommendation by Faculty Member**

The faculty member assigned to oversee the student's participation at a clinical affiliate shall investigate as promptly as possible allegations that a student may have engaged in a significant clinical deficiency and/or misconduct. In doing so, the faculty member **shall**:

- a. inform the student of the alleged deficiency and/or misconduct and the rule(s) that have been violated thereby;
- b. provide the student an opportunity be interviewed; and
- c. report the faculty member's findings and recommend any additional action to the department chair.

In doing so, the faculty member **may**:

- a. consult on any aspect of the investigation with the department chair, department colleagues and the academic dean; and
- b. after consulting with the department chair and/or chief academic officer, remove a student from a clinical affiliate while the investigation is pending.

##### **2. Decision by the Department Chair**

Upon receipt of the faculty member's recommendations, the department chair, or other person designated by the chief academic officer, **shall** as promptly as possible:

- a. consider any information that the faculty member believes is relevant and reliable;
- b. find the facts, identify the rule(s) violated if any, and impose an appropriate sanction, up to and including removing and/or excluding a student from the clinical affiliate; prohibiting placing the student at an alternative affiliate; and failing the student for the course. Additional sanctions must be entered by application of the MCCS Student Code of Conduct. Such sanctions shall take effect immediately unless otherwise specified; and

- c. notify the student and college's chief academic officer of the department chair's decision, and notify the student of the student's right to appeal to the college's chief academic officer.

In doing so, the department chair **may**:

- a. re-interview the student; and
- b. consult on any aspect of the investigation with the clinical affiliate, department colleagues and the chief academic officer.

### **3. Appeal to the Chief Academic Officer**

A student may appeal the decision of the department chair to the college's chief academic officer or other person designated by the chief academic officer ("chief academic officer") as follows. A written appeal must be submitted to the chief academic officer within two (2) school days following the day that the faculty member's decision is received, and must state specifically the grounds for appeal. A person who fails to file a proper and timely appeal may be deemed to have waived this right to appeal.

After receiving an appeal, a hearing shall be held as soon as practical. The chief academic officer shall preside; the faculty member and/or department chair will present the allegations and findings regarding the student; the student will have an opportunity to respond; and the student, faculty member and/or department chair shall each have a closing opportunity to summarize his or her position.

All or a portion of the hearing may, at the discretion of the chief academic officer, be closed to persons other than those recognized by the chief academic officer. If a student does not attend the hearing, the chief academic officer may commence the hearing without the student or continue the hearing to a later time or date. The student may be assisted by a person during the hearing and that person may advise, but not speak on behalf of, the student. Only the chief academic officer may pose questions to the witnesses or parties. The chief academic officer is not bound by court rules of evidence or procedure.

### **4. Decision by the Chief Academic Officer**

In making a decision, the chief academic officer is not bound by the faculty member's or department chair's findings, recommendations, decisions or sanctions. The chief academic officer **shall**:

- a. render a decision as promptly as possible
- b. impose any appropriate sanction up to and including removing and/or excluding a student from the clinical affiliate; prohibiting placing the student at an alternative affiliate; and/or failing or dismissing the student

from the course. Additional sanctions must be entered by application of the MCCS Student Code of Conduct. Sanctions imposed by the chief academic officer take effect immediately unless otherwise specified.

- c. notify the student, faculty member and department chair of the chief academic officer's decision; and
- d. notify the college's Dean of Students and/or Disciplinary Officer of that decision in those cases where the student's misconduct at a clinical affiliate appears to violate the MCCS Student Code of Conduct.

In doing so, the chief academic officer **may** consult on any aspect of the investigation with the clinical affiliate and the college president.

#### **5. Notice and Receipt of Notice under this Procedure**

A college may provide a notice under the above procedure to a student either in person, by telephone conversation to the student's most recent electronic, campus or U.S. mail address on file at the college. A student will be deemed to have received such notice immediately when informed in person or in a telephone conversation; within 24 hours when notified by electronic or campus mail; and within 72 hours of the date of mailing when notified by U.S. mail. In all instances, a student has an affirmative duty to remain in contact with the college while a matter is pending under this procedure, and failure to do so may be construed as a waiver of rights accorded by this policy.

#### **E. Coordination with Student Code of Conduct Proceedings**

In addition to the above procedures, students whose misconduct at a clinical affiliate violates the MCCS Student Code of Conduct may also be subject to procedures and sanctions of that Code.

REFERENCES: 20-A MRSA §12706(1), §12715.

---

REPLACES:

DATE EFFECTIVE: , 2008