We are committed to honesty, fairness, trust, respect, and taking responsibility for our actions.

The Office of Student Rights & Responsibilities (SRR) is charged with ensuring that the individual rights of students are upheld throughout the university community, while common standards for personal behavior are evidenced by all who enjoy USD affiliation. In addition to administering due process and adjudicating or otherwise resolving allegations of misconduct, the SRR Director can assist with procedural matters related to the Student Code of Conduct such as giving guidance regarding the referral process and resolution options, as well as in identifying available resources to support student success.

- SRR is committed to fostering an environment of engaged citizenship.
- Accordingly, reasoned and civil discourse, integrity and intellectual honesty, and the recognition of the rights of all are encouraged.
- SRR aids in cultivating a campus-wide ethic of accountability through its conduct processes.

Much of SRR’s activity is related to South Dakota Board of Regents (SDBOR) Policy 3:4, the Student Code of Conduct and to SDBOR Policy 2:33, Student Academic Misconduct. Sections of SDBOR Policy 2:33 and SDBOR Policy 3:4 addressing proscribed conduct with particular classroom relevance are provided below.

**Academic Misconduct (defined as Cheating or Plagiarism)**

The term “Cheating” includes, but is not limited to, the following:

1. Using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another’s quiz, test, examination, or other assignment or allowing another to copy from one’s own quiz, test, examination, or other assignment;
2. Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
3. Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the Institutional faculty or staff;
4. Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;
5. Falsifying or misrepresenting data or results from a laboratory or experiment; or 6. Engaging in other behavior that a reasonable person would consider to be cheating.

The term “Plagiarism” includes, but is not limited to, the following:

1. Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;
2. Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
3. Engaging in other behavior that a reasonable person would consider plagiarism.

**Dishonesty (separate from Academic Misconduct)**

Furnishing false information or false representations to any Institutional Official, instructor, or office.

**Disruption, Obstruction, or Interference with Institutional Activities**

Classroom disruption, which is behavior that a Reasonable Person would view as significantly or repeatedly interfering with the instructor’s ability to teach the class or the ability of other Students to benefit from the instructional program.

**Threat of Harm or Actual Harm...**

Violence, which includes, but is not limited to, using or threatening to use physical force on or towards another person without that person’s permission, except in reasonable self-defense. The use of physical force includes both using one’s own body parts as well as using other items.
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Referrals to SRR: Written allegations of misconduct may be made by faculty, staff and students (the use of USD email for these purposes is permissible). For instances of suspected academic dishonesty, please adhere to the process guidelines on the academic misconduct disposition form (snippet on page 2). Referrals will result in:

1. **Notification of Charges:** Referrals will be reviewed and investigation/follow-up will occur as necessary prior to the assignation of charge(s). A letter will go to the student at his or her USD email address. It will include notice of the charge(s) along with the relevant policy and will inform the student of basic process, as well as when they are expected at an intake/consultation meeting.

2. **Informal or Formal Resolution:** Informal resolution may occur during the initial intake/consultation meeting or a student may opt for a formal hearing process. Often, a student will waive his or her right to a formal proceeding at that initial meeting and will accept responsibility for the misconduct as well as for fulfilling subsequent sanctioning obligations.

3. **Sanctioning:** If a student accepts responsibility for, or is found responsible for a code of conduct violation, sanctioning will follow. Faculty/IOR will be informed of the disciplinary outcome for the student; determinations are made upon consideration of student history (any previous violation/s and status), egregiousness of the offense, the academic consequence or outcome, balancing individual circumstances with community standards, etc.

**SDBOR Policy 2:9** (governing academic appeals) may also be relevant consequent to academic outcomes for dishonesty and/or referrals for academic dishonesty. Policy 2:9 delineates the timeline and process for students to appeal final grades or other academic decisions with similar finality that a student believes to be unfair. Students may appeal academic decisions resulting from academic dishonesty only when they have opted to pursue formal hearing. Thus, in these instances, academic dishonesty may have both a conduct-related outcome, subject to Policy 3:4 and its appeal rights, and an academic outcome, appealable under Policy 2:9.

**Resources:**
- Classroom Management: [http://www.usd.edu/~/media/files/policies/1018-class-management.ashx?la=en](http://www.usd.edu/~/media/files/policies/1018-class-management.ashx?la=en)

**Concerning Behavior:** Behavioral Intervention Team (BIT) referral → email DeanofStudents@usd.edu or call 605/677-5331

**Disturbing Behavior:** Threat Assessment Review Team (TART) → call UPD at 605/677-5342

**Emergency:** Call 9-911 from campus phones or 911 from off-campus and cell phones
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**BOR Policy 2:33**

**Student Academic Misconduct**

**Faculty Member alleges that a Student has cheated or plagiarized**

1. Informal resolution is reached either where:

   - The Student and the Faculty Member agree that there was no Academic Misconduct.

   5.A

   - The Student:
     - admits the misconduct,
     - agrees to the academic consequence, and
     - signs a form documenting the Student’s agreement.

   5.B

2. Faculty Member informs Student Conduct Officer (SCO)

3. Faculty Member to meet with the Student to discuss the allegations and attempt informal resolution. Faculty may request assistance/presence of SCO at this meeting.

4. If informal resolution is reached, the Faculty Member must inform the SCO.

5. If the informal resolution included the Student admitting to the Academic Misconduct, the Faculty Member must provide the signed form to the SCO.

6. If informal resolution under 2:33 is not reached:

   - The Faculty Member should inform the SCO that informal resolution was not reached and allegation will need to be addressed through BOR 3:4.

7. By agreeing to informal resolution and signing the form, the Student waives the right to appeal both the fact that the student engaged in the misconduct and the academic consequence.

8. If informal resolution is not reached under 3:4, a formal hearing will be conducted.

9. Once the formal hearing under BOR Policy 3:4 is concluded, the Faculty Member will receive a copy of the Student conduct decision outlining the facts found to have occurred.

10. A student may appeal the academic consequence imposed by the Faculty Member pursuant to BOR Policy 2:9.

11. If it was determined that a violation of the Student Code for Academic Misconduct occurred, the Faculty Member may impose academic consequences for the misconduct.

12. The Student may appeal the determination that the Student engaged in the misconduct and any conduct sanctions pursuant to BOR Policy 3:4 utilizing the appeals process outlined in that policy.
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Map of BOR Policy 3:4

Student Conduct Code

Allegation directed to the Student Conduct Officer (SCO)

1. If the SCO determines that the allegation, if true, would violate the Student Code, the SCO will conduct an informal preliminary investigation to determine whether the allegation is credible.

YES 8

NO 6

Parties mutually agree to a full resolution acceptable to SCO

Informally resolved if:

13.5

Respondent waives a formal hearing by admitting to the misconduct and accepting the proposed sanctions (not available for alleged Human Rights Violations)

Where some matters are resolved, any unresolved matters proceed to a formal hearing

Informal Resolution:

SCO determines whether resolution can be resolved informally:

13

Formal Hearing:

Matters not resolved informally proceed to formal resolution.

17

For allegations of Academic Misconduct, the SCP must include at least 1 faculty member/administrator on hearing panel

19

Hearing guidelines:

- Conducted in private (witnesses other than C/R only there when presenting their info)
- Chair has authority to (1) exclude anyone who interferes, (2) determine if info, materials, documents and statements are relevant and accepted for consideration
- The R is presumed to not have violated the Student Code
- If either party wants the SCP to review any materials or documents or wants to present any witnesses at the hearing, these materials, documents, witness lists must be submitted to Chair by the following deadlines: at least 24 hours in advance for all matters except allegations of Human Rights Violations, which must be submitted 72 hours in advance. Both parties will receive copies of documents (provided by SCP)
- C/R have right to be assisted by Advisor(s). Advisor(s) limited to speaking to advise
- SCO record and maintain audio of hearing

Hearing order:

- Each participant identifies self by name/role
- Chair reminds R of rights, materials received prior to hearing, and alleged behavior that would violate code
- Chair provides Opportunity to:
  1. present additional relevant facts
  2. present/question any witnesses, allow SCP opportunity to question witnesses, allow R to submit written questions for witnesses
- Chair provides R opportunity to:
  1. present additional relevant facts
  2. present/question any witnesses, allow SCP opportunity to question witnesses, allow C to submit written questions for witnesses
- SCP may ask questions of the C/R
- SCP to meet in closed session to discuss and make its recommendations

Decision:

- SCP determines if the R more-likely-than-not violated Student Code
- SCP prepares written findings to support determination (includes factual finding and application of facts to the Student Code), if violation, should include recommended sanctions
- SCP will forward findings, conclusions, and any recommended sanctions to Chair. Chair has sole discretion to adopt or reject
- Chair issues findings, conclusions and any sanctions (including effective date)
- Chair’s written findings, conclusions, and sanctions will be provided to the R. The same will be provided to the C when permitted by law.

Decision Cont:

- In matters of Academic Misconduct, the Chair’s written findings, conclusions, and any conduct sanctions shall also be provided to the Faculty Member.
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Academic Misconduct Disposition Form

This form documents discussion between an instructor and a student concerning allegations of Student Academic Misconduct and either the resulting disposition of the allegations between the instructor and student, or a referral for disposition of allegations under Student Code of Conduct processes. In both resolved and unresolved instances, all steps must be completed.

I. Instructor documentation and description of alleged academic misconduct (include specific details and attach any supporting documentation or materials):

Student Name ___________________________ Student ID Number ___________________________ Student’s Email Address ___________________________

Instructor of Record ___________________________ Instructor’s Email Address ___________________________

Course Prefix, #, and Delivery
(face-to-face or online) ____________ Course Title ___________________________ Term/Semester ___________________________

Description of alleged academic misconduct:

II. Initial discussion regarding alleged academic misconduct (attempt to resolve): The instructor should meet with the student in a timely fashion (upon discovery of a potential issue) and attempt to resolve the matter with the student. If the student does not respond to instructor requests to meet, the instructor should forward the matter for disposition under the Student Code of Conduct (see IV.B. below).

III. Instructor description of the intended academic consequences (impact on assignment grade, course grade, etc.):

IV. Disposition is either achieved or not achieved:

☐ A. Disposition achieved (check and sign below). Academic misconduct is established by the instructor and the student agrees that it has occurred. Disposition of this instance of academic misconduct is final. The matter will be forwarded to the Office of Student Rights & Responsibilities for conduct sanctioning. When informal disposition is achieved, the academic consequences may not be appealed under the Student Appeals for Academic Affairs policy.

☐ B. Disposition is not achieved (check and sign below). The student does not agree that academic misconduct occurred; or the student does not respond to instructor requests to meet for discussion; or the student does not return the form by the specified deadline [student signature is not obtained in these circumstances]. The instructor shall immediately seek disposition under the Student Code of Conduct through the Office of Student Rights & Responsibilities, in accordance with which, the intended academic consequences will be included as part of the referral. Should a determination of academic misconduct be made, the academic consequence will be imposed, along with appropriate conduct sanctions.

Student Signature and Date ___________________________ Instructor of Record Signature and Date ___________________________

V. Administrative follow-up:

A. A copy of this form must go to the student, the instructor, and the Office of Student Rights & Responsibilities at SRR@usd.edu.

B. In cases involving graduate or professional students, a copy must also go to the Dean of the Graduate School, the Sanford School of Medicine, or the School of Law.