

- Colleges should adopt the “PEN” (Pending) grade to facilitate the implementation of the Procedures for Imposition of Sanctions. This grade already exists in the University’s Glossary of Grades.
- Colleges may wish to consider issuing a Student Guide to Academic Integrity. An excellent example is a document that students at Baruch College developed called “Student Guide to Academic Integrity at Baruch College”. The Guide is in its final stages of approval.
- Each college should consider joining the Center for Academic Integrity.
- Colleges should consider subscribing to an electronic plagiarism detection service. Any college that does subscribe must notify every student each semester of the fact that such a service is available for use by the faculty.
- Colleges should consider establishing an Academic Integrity Committee, to serve in lieu of grade appeals committees in cases of academic dishonesty, which would hear and decide contested grade reductions that faculty members award because of student’s violations of the Academic Integrity Policy and collect and maintain files of Faculty Report forms of suspected and adjudicated violations of the Academic Integrity Policy.
- Establish a mechanism for preventing students from dropping a class in order to avoid an investigation and/or imposition of a sanction for a violation of academic integrity.

### III. Procedures For Imposition Of Sanctions For Violations Of Cuny Policy On Academic Integrity

#### A. Introduction

As a legal matter, in disciplining students for violations of policies of academic integrity, CUNY, as a public institution, must conform to the principles of due process mandated by the Fourteenth Amendment to the United States Constitution – generally speaking, to provide notice of the charges and some opportunity to be heard. In the context of court-litigated violations, questions as to how much and what kind of process was “due” turn on the court’s judgment whether the decision on culpability was “disciplinary” (a question of fact) or “academic” (a question of the instructor’s expert judgment). This distinction has proved difficult to apply on campus. Accordingly, these procedures provide for alternative approaches depending on the severity of the sanction(s) being sought. If the instructor desires solely an “academic” sanction, that is, a grade reduction, less process is due than if a “disciplinary” sanction, such as suspension or expulsion, is sought.

A faculty member who suspects that a student has committed a violation of the CUNY or the college Academic Integrity Policy shall review with the student the facts and circumstances of the suspected violation whenever possible. The decision whether to seek an academic sanction only, rather than a disciplinary sanction or both types of sanctions, will rest with the faculty member in the first instance, but the

college retains the right to bring disciplinary charges against the student. Among the factors the college should consider in determining whether to seek a disciplinary sanction are whether the student has committed one or more prior violations of the Academic Integrity Policy and mitigating circumstances if any. It is strongly recommended that very instance of suspected violation should be reported to the Academic Integrity Official on a form provided by the college as described in the third Recommendation for Promoting Academic Integrity, above. Among other things, this reporting will allow the college to determine whether it wishes to seek a disciplinary sanction even where the instructor may not wish to do so.

#### B. Procedures In Cases Where The Instructor Seeks An Academic Sanction Only

##### 1. Student Accepts Guilt And Does Not Contest The Academic Sanction

If the faculty member wishes to seek only an academic Academic Integrity Policy, the nature of the infraction, and the sanction imposed or action taken.

##### 2. By the Academic Integrity Official To the Faculty Member

Where a matter proceeds to the Faculty-Student Disciplinary Committee, the Academic Integrity Official shall promptly report its resolution to the faculty member and file a record of the resolution in the student’s confidential academic integrity file, unless, as indicated above, the suspected violation was held to be unfounded, in which case all reporting forms concerning that suspected violation shall be destroyed.

## S. The City University of New York Computer User Responsibilities

NOTE: The City University of New York Computer User Responsibilities is a statement originally prepared by the University’s Computer Policy Committee. It underwent review by the University Faculty Senate and the CUNY Office of the Vice Chancellor for Legal Affairs.

The computer resources\*\* of The City University of New York must be used in a manner that is consistent with the University’s educational purposes and environment. All users of computer resources are expected to act in a spirit of mutual respect and cooperation, and to adhere to the regulations for their use set forth in this document. As a user of CUNY computer resources:

- You must have a valid authorized account to use computer resources that require one and may use only those computer resources that are specifically authorized. You may use your account only in accordance with its authorized purposes and may not use an unau-

- thorized account for any purpose.
- You are responsible for the safeguarding of your computer account. For a mainframe computer account, you should change your password frequently and should not disclose it to anyone. You should take all necessary precautions in protecting the account, no matter what type of computer resources you are using.
  - You may not circumvent system protection facilities.
  - You may not knowingly use any system to produce system failure or degraded performance.
  - You may not engage in unauthorized duplication, alteration or destruction of data, programs or software. You may not transmit or disclose data, programs or software belonging to others and may not duplicate copyrighted material.
  - You may not engage in abusive or improper use of computer hardware. This includes, but is not limited to, tampering with equipment, unauthorized attempts at repairing equipment and unauthorized removal of equipment components.
  - You may not use computer resources for private purposes, including, but not limited to, the use of computer resources for profitmaking or illegal purposes.
  - You may not use computer resources to engage in abuse of computer personnel or other users. Such abuse includes the sending of abusive, anonymous, or unsolicited messages within CUNY or beyond via network facilities.
  - The use of college computer resources may be subject to college regulations, and you are expected to be familiar with those regulations.
  - These regulations and college regulations are subject to revision. You are expected to be familiar with any revisions in regulations.

The University reserves the right to monitor, under appropriate conditions, all data contained in the system to protect the integrity of the system and to insure compliance with regulations.

Any user who is found to be in violation of these rules shall be subject to the following:

- Suspension and/or termination of computer privileges;
- Disciplinary action by appropriate college and/or University officials;
- Referral to law enforcement authorities for criminal prosecution;
- Other legal action, including action to recover civil damages and penalties.

\*\* "Computer Resources" is an inclusive term referring to any and all computing/information technology: hardware, software and access. Hardware includes, but is not limited to, terminals, personal computers, workstations, printers, mice, monitors, cabling, peripheral devices. Software includes, but is not limited to, mainframe shared software, networked software, and stand-alone software residing on personal computers. Access includes, but is not limited to, accounts on timesharing systems as well as access to stand-alone per-

sonal computing systems and other relevant technology.  
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This statement is also available on CUNYVM as a file: ETHICS POLICY Y. If you have any questions about the statement please contact the CUNY Help Desk at 212-541-0981 or via e-mail: ctrcu@cunyvm.cuny.edu.

## T. Rules And Regulations For The Maintenance Of Public Order Pursuant To Article 129-a Of The Education Law

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy. Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the University has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Higher Education provide that:

"THE PRESIDENT. The president, with respect to his educational unit, shall:

- a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction;
- b. Be the advisor and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;
- c. Exercise general superintendence over the concerns, officers, employees, and students of his educational unit."

### 1. RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of