

**Faculty Senate
2009/2010
University of Montana Western
Minutes for 5/3/2010 meeting
3:30PM-5PM
LIBRARY CONFERENCE ROOM**

1. Call to order—Sean Eudaily, Mike Morrow, Sheila Roberts, Shauna Basile, Megan Chilson, Eric Wright, Bethany Blankenship, Delena Norris-Tull, Chicky Wines, Brent McCabe

Additional faculty present: Cecil Jones, Fred Chilson, Margareta Knopik, Gay Brewer, Bert Brewer, Kevin Rompala, Dick Storey, Julie Bullard, Judy Ulrich, Christian Gilde

2. Reading and approval of minutes from 4/5/2010 and 4/19/2010—Delena moved to approve, Eric seconded, minutes approved.
3. Old business
4. New business
 - announcement of new Senators for 2010/2011—Kevin Rompala will replace Eric Wright, Di Francis will replace Bethany Blankenship; replacements expected for HPSS and Science
 - election of new officers for 2010/2011—Sheila moved to elect new officers in the fall, Eric seconded, motion approved.
 - discuss curriculum proposals 33, 35, 54-56, BOR09-1-7; email vote for 33, 35, 54-56
 - ASUMW proposal for changes to the academic integrity policy—see Appendix A; the Chancellor is willing not to change the current policy over the summer and is amenable to adding new language to the student handbook for the spring semester (2011) if needed; the subcommittee is charged with reviewing the ASUMW proposal and reporting back to Senate next fall; the proposal will also be discussed by departments
 - summary of year's activities
 - a. Discussed faculty driven activities for fall faculty workshops
 - b. Bylaw change to have ASUMW nominate up to 8 students for service on Faculty Senate committees for approval by Faculty Senate
 - c. Reviewed process for marketing material production and distribution
 - d. Reviewed a number of curriculum proposals
 - e. Assisted with budget discussions to deal with cuts

- f. Assisted with the development of BA/BS modifications to a number of degrees
 - g. Reviewed Faculty Senate role in committee affairs
 - h. Addressed committee memberships that were not in compliance with Faculty Senate bylaws
 - i. Formed a working group to review and adjust academic dishonesty policies
 - j. Passed a request for the establishment of an Equine Studies Department
 - k. Reviewed and approved academic calendars
 - l. Discussed and approved the establishment of a UMW Regent's Professor rank
 - m. Amended the process of curriculum review to allow for new degree proposals to bypass the All Chairs committee
 - n. Addressed the need for the coordination of study abroad trips
 - o. Coordinated discussions between Academic Standards Committee and Student Enrollment and Attendance Committee
 - p. Discussed changes to textbook procedures at the campus bookstore
 - q. Discussed the development of an online-only class schedule and catalog
5. Good of the order
6. Adjournment. Everyone made like Michael Jackson and beat it.

Appendix A

University of Montana Western
Student Code of Conduct, Academic Disciplinary Policy
“ASUMW Proposed Changes (based on UMM Policy)”

Summary: These changes would: **#1)** Transfer full authority to manage cases of alleged academic misconduct to the Office of the Provost; **#2)** adopt UM-Missoula’s policy of assigning a “N” grade to a student while an allegation of academic misconduct is being investigated and adjudicated, no final penalty (academic or otherwise) will take effect until a final resolution of the charge(s) or until the deadline for appeal has passed; and **#3)** the policy closes the loophole for students who drop a course after an allegation of academic misconduct, by classing those students with cases alleged at or after the conclusion of a course.

V. DISCIPLINARY PROCEDURES

The focus of inquiry in disciplinary proceedings is to determine if a violation of the Standards of Student Conduct has occurred and, if so, to decide an appropriate academic penalty and/or University sanction. Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in judicial proceedings. However, the accused student must receive due process, and the University has the burden of proof to establish a violation by clear and convincing evidence. It is assumed unless shown otherwise that the faculty and Academic Deans make impartial judgments concerning academic misconduct and fairly impose an appropriate academic penalty and/or University sanction. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the University.

The adjudication of any alleged academic misconduct must be initiated within two years of discovery.

The following procedures apply in adjudicating charges of academic misconduct:

A. Academic Disciplinary Procedures

1. Investigation by the Course Instructor.¹

a. Misconduct alleged during the term of the course: When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within five (5) working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting. (See Student Rights Section). The role of legal counsel, if any, at this stage should be restricted to consultation with the student. At this meeting the course instructor will:

- (1) Inform the student of the alleged academic misconduct and present the evidence supporting the allegation.
- (2) Inform the student of the Student Conduct Code rules of procedure.
- (3) Allow the student an opportunity to respond to the charge(s) and evidence. The student is not required to respond.
- (4) Discuss the academic penalty and possible University sanctions, and allow the student to respond.

b. Misconduct alleged at or after the conclusion of course, or after a student has withdrawn from the course: When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor at or after the conclusion of the course, or after a student has withdrawn from a course, the course instructor notifies the student in writing by first class mail or personal delivery. The instructor takes steps (1) through (4) above in writing. Additionally, the instructor informs the student that an "N" grade will be given for the course or the assigned grade will be revoked until there is a final resolution of the charge(s). See appendix Form 1 for form of notice.

c. Consultation with the Provost: The course instructor should consult with the Provost in order to determine whether any record of prior academic misconduct on file in the Office of the Provost specially warrants a recommendation that the University sanction the student. The course instructor may make such a recommendation to the Provost, based on the severity of the alleged offense or prior record of misconduct.

d. Resolution of the charge by the course instructor:

¹*When an allegation of academic misconduct is made against a student not enrolled (or no longer enrolled) in the course, the instructor refers the allegation to the Provost for investigation and appropriate action.*

(1) If he or she concludes the student engaged in academic misconduct, the instructor informs the student of the academic penalty to be imposed. The academic penalty does not take effect until the final resolution of the charge(s), or until the deadline for an appeal has passed. An "N" grade may be assigned in the interim.

(2) If a University sanction is recommended, the course instructor notifies the student that the case will be transferred to the Provost.

(3) The course instructor informs the student of the appeal procedure in the Student Conduct Code.

(4) If a University sanction is recommended, or if the student appeals, the course instructor will prepare a written summary, including a concise statement of the act of academic misconduct and the evidence for the Provost, with a copy to the student, and the student's advisor. A copy of this written summary is placed in the student's disciplinary file maintained by the Office of the Provost. The student also may provide a written statement to be placed in the file. The written summary may also be prepared by the instructor and included in the student's file in cases where the student accepts the academic penalty.

e. Resolution of the charge by the instructor when the student does not appear for the investigative meeting: If the student does not appear for the investigative meeting with the course instructor, the course instructor informs the student in writing by first class mail or personal delivery of:

(1) The academic penalty recommended. The academic penalty is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "N" grade is assigned.

(2) The transfer of the case to the Provost if a University sanction is recommended.

(3) The Student Conduct Code rules of procedure and appeal. (A copy of this Code will suffice.)

(4) The fact that a written summary of the case has been sent to the student, the student's advisor, the Provost, with a copy placed in the student's academic disciplinary file maintained by the Office of the Provost. The student also may provide a written statement to be placed in the file.

2. Sanction Imposed by the University.

a. Investigation by the Provost: After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor, the Provost reviews the student's academic disciplinary record maintained by the Office of the Provost, reviews the evidence, and interviews individually or together the instructor, the accused student and possible witnesses. Before the interview, the accused student is informed that he, or she, may bring a person of choice and that he, or she, also has the right to have legal counsel present during the interview. The student must notify the Provost at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.

b. Resolution of the charge(s) by the Provost:

(1) If the Provost decides not to impose a University sanction, the Provost notifies and provides written justification of the decision to the student, course instructor, and the student's advisor. The decision of the Provost not to impose a University sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor.

(2) If the Provost decides to impose a University sanction, the Provost informs the course instructor and the student's advisor, and the student is notified in writing by first class mail or personal delivery. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Academic Dean will present the recommendation to the Chancellor for review and approval prior to notifying the student. The notice to the student includes:

- (a) a statement of the specific academic misconduct committed;
- (b) a concise summary of the facts upon which the charge is based;
- (c) a statement of the University sanction; and
- (d) a statement of the appeal procedure.

(3) If, within ten (10) working days, the student does not appeal the decision to impose the University sanction, the allegation in the notice of University sanction will be accepted. The Provost will instruct the appropriate University officials to implement the sanction. A written summary of the case will be placed in the student's academic disciplinary file maintained by the Office of the Provost.

(4) No University sanction or academic penalty is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed.

3. Student Appeal of the Academic Penalty and/or University Sanction.

If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the University Court. If the instructor does not accept the University sanction, the instructor may appeal to the University Court. A request for appeal with supporting evidence must be presented in writing to the Provost within ten (10) working days after the student is informed by the instructor of the imposed academic penalty or within ten (10) working days after the student and/or the instructor receiving the notice of a University sanction, whichever occurs later.