

POLICIES

ACADEMIC MISCONDUCT

A university is a community of scholars dedicated to the free inquiry of knowledge and truth. It follows as a basic tenet that scholars will conduct themselves with integrity in academic pursuits. In instances where academic standards may have been compromised, Clemson University has a responsibility to protect this process and to respond appropriately and expeditiously to charges of academic misconduct.

Academic misconduct is any act of academic dishonesty or violation of academic integrity. It specifically includes submission of fraudulent admission credentials, falsification of data in research, and plagiarism in theses, dissertations or other final projects. (See *Academic Integrity* on page 28.)

ACADEMIC MISCONDUCT FOR FORMER GRADUATE STUDENTS

It is possible that an act of academic misconduct will remain undiscovered until after a degree is awarded. In such a case, Clemson University reserves the right to revoke any degree based on new revelations about scholarly issues including, but not restricted to, admission credentials, all forms of coursework, research, theses, dissertations, or other final projects.

I. Submission of Fraudulent Admissions Credentials

Submission of fraudulent admissions credentials in the student's application or any other documents submitted for admission to Clemson University may result in initiation of action under the Policy and Procedure on Revocation of Academic Degrees as stated on page 34.

II. Academic Dishonesty in Coursework

A. In the event that the act is alleged to have occurred within the context of a course and is consistent with the general definition of academic misconduct presented above, the procedures for violations of academic integrity will apply except for academic misconduct listed in III below.

B. If the resulting penalty is either the assignment of a grade of *D* or *F* in a required graduate course, or the issuance of any grade that causes the student not to possess a cumulative *B* average in both graduate courses and in all courses, action under the Policy and Procedures on Revocation of Academic Degrees may be initiated.

III. Falsification of Data and Plagiarism in Theses, Dissertations, or Other Final Projects

Data falsification, plagiarism and other serious acts of academic misconduct in a thesis, dissertation, or other final project will result in initiation of action under the Policy and Procedure on Revocation of Academic Degrees.

ACADEMIC RESEARCH

Policy on Research Ethics

I. Preamble

Research institutions have a critical responsibility to provide an environment that promotes integrity, while at the same time encouraging openness and creativity among scholars. Care must be taken to ensure that honest error and ambiguities of interpretation of scholarly activities are distinguishable from outright misconduct. To address all allegations of fraud or misconduct, definitions, policies, and procedures must be in place to facilitate and guide such processes.

This policy is applicable to all researchers associated with Clemson University, including faculty, students, and staff. If charges are brought against nonfaculty members of Clemson University, appropriate substitutions should be made for the role of the Faculty Senate officers and dean. If charges are brought against a former student that could result in the student's degree being revoked, those charges should be processed through the University's Policy and Procedure on Revocation of Academic Degrees rather than through this policy.

II. Definitions

A. Research: Research is used in a general sense (as opposed to scientific research) to yield a policy applicable to all academic disciplines in the University.

B. Misconduct: Dishonest deviation from accepted practices in conducting research activities; fraudulent failure to comply with university, regulatory, and funding agencies requirements affecting specific aspects of the conduct of research. This definition includes

Falsification of data—ranging from falsification or intentional misrepresentation of methods, materials, or results to selective reporting of findings, such as the purposeful omission of conflicting data with the intent to manipulate the results;

Plagiarism—representation of borrowed work as one's own;

Misappropriation of others' ideas—the unauthorized and intentionally dishonest use of privileged information (such as that which might be gained during peer, paper, or grant reviews), however obtained; malicious and public misrepresentation of a colleague's ethical research behavior; conflicts of interest that could influence the researcher's decisions or conclusions or which could provide unfair gain to the researcher; other misuse of position as researcher for personal gain; exploitation (such as failure to credit work, misrepresentation of a research relationship, etc.) of students, or other persons, for research purposes.

This definition does not include non-fraudulent failure or inadequacy of performance, incompetence, or honest error; non-fraudulent breaches of contracts; employment discrimination, sexual harassment, violation of human subjects policy or animal welfare policy; or other forms of misconduct that are the concerns of different, distinctive administrative policies.

C. Inquiry: Expeditious gathering and review of information to determine if an investigation is warranted. This is not a formal hearing, but a process designed to separate frivolous, unjustified, or mistaken allegation from facts regarding the incident.

D. Investigation: A formal examination and evaluation of all relevant facts to determine if an instance of misconduct has occurred.

E. Disposition: The Committee of Investigation shall determine only whether a breach of ethics has occurred and will not make recommendations relative to the nature or severity of the action to be taken.

If the investigation committee finds that the complaint was intentionally dishonest and malicious, the committee can recommend action against the accuser.

In the event that allegations are not confirmed, the institution shall make full efforts to restore the reputation of the accused; the accused's recommendations to accomplish this should be accommodated insofar as is possible.

III. Procedures

A. Overall Structure: An allegation or complaint involving the possibility of misconduct can be raised by anyone. The allegation should be made in writing to the Faculty Senate president in a confidential manner. Accusations must be signed.

Charges must be filed within seven years of the date on which the event in question occurred. If the date of limitation is in question, the Faculty Senate president, the chair of the Faculty Senate Research Committee, and the vice president for research shall determine whether the given event occurred within the specified time limit.

The Faculty Senate president and the chair of the Faculty Senate Research Committee should accept the accusation only after they are satisfied that its substance complies with this policy's definition of "misconduct." At this time, and at their discretion, they may consult with the vice president for research relative to the alleged research ethics violation.

A meeting should be scheduled to occur within 20 calendar days following acceptance of the accusation for the accused to appear before the president of the Faculty Senate and the chair of the Faculty Senate Research Committee for the purpose of hearing the charge(s) and being informed of who authored the charges. The accused will be asked to plead "guilty" or "not guilty" to each charge. If the accused pleads "guilty," the president of the Faculty Senate will report the facts to the vice president for research, who will, within 90 calendar days, prepare a report for the provost.

If the accused pleads "not guilty," or if the accused refuses to respond, an inquiry, the first step of the review process, should result. The vice president for research should be notified of the inquiry. In the inquiry state, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken allegations. The vice president for research will inform the accuser of the disposition at the conclusion of the investigation stage.

During the initial meeting with the accused for the purpose of presenting charges, only the Faculty Senate president, the chair of the Faculty Senate Research Committee, and the accused with his/her

lawyer, if desired, may be present. During hearings by the Committee of Inquiry or the Committee of Investigation, only duly appointed members of the given committee and the committee's invited witnesses with his/her lawyer, if desired, may be present.

B. Inquiry: The vice president for research and the Faculty Senate president will appoint, within ten calendar days of a response of "not guilty" to charges by the accused, a Committee of Inquiry of three faculty members with one individual appointed as chair.

For any specific allegation or set of allegations, the Committee of Inquiry will determine if an investigation is warranted. The Committee of Inquiry will submit a written report to the vice president for research and the Faculty Senate president within 30 calendar days of the formation of the Committee of Inquiry.

C. Investigation: If the Committee of Inquiry so recommends, the vice president for research and the Faculty Senate president will appoint within 20 calendar days a Committee of Investigation consisting of five faculty members, other than those serving on the Committee of Inquiry, to conduct a full investigation.

The Committee of Investigation, meeting in closed sessions, will review all materials, question relevant parties, and allow for all parties to present their views separately (without the presence of the other parties) to the committee.

The Committee of Investigation will prepare, within 90 calendar days, a report indicating whether ethics violations have occurred; the report may include estimation of one or more of the following:

- the scope of the intentional dishonesty perpetrated by the accused
- the degree of gain that might accrue to the accused because of the unethical behavior
- the seriousness of harm intentionally perpetrated against other individuals

The estimation shall be used in determining disciplinary action against the accused. In less serious cases, action may include a verbal reprimand or, if conditions warrant, a letter in the offender's personal file. In more serious cases, action might include such sanctions as additional supervision of research activity, loss of merit pay, or recommendation against promotion. In only the most serious cases should dismissal be considered.

The report will be submitted to the vice president for research and the Faculty Senate president, who will forward the report to the provost.

The provost will review the report and render a decision within 15 calendar days. Any recommendation that may constitute disciplinary action against a faculty member will be referred by the provost to the appropriate dean or other administrator as determined by the provost. The dean or administrator will decide the appropriate action within 15 calendar days.

If disciplinary action taken against a faculty member constitutes a grievable action under either Faculty Grievance Procedure I or Faculty Grievance Procedure II, the faculty member may file a grievance

in accordance with the appropriate procedure. Disciplinary action against other individuals associated with the University are subject to applicable grievance procedures.

D. Guiding Principles: Maximize confidentiality and protect the reputations for both the accused and accuser during the full process.

Assure the respondent a fair hearing and access to reports.

Minimize the number of individuals involved in the inquiry and investigation phases.

Individuals chosen to assist in the inquiry process should have no real or apparent conflicts of interest bearing on the case in question. They should be unbiased and have appropriate background for judging the issues being raised.

Consultation of University legal counsel is probably necessary.

Appropriate funding agencies should be fully informed in writing at both the outset and conclusion of an investigation.

All detailed documentation of the committees of Inquiry and Investigation shall be maintained by the Office of the Vice President for Research for at least three (3) years and must, upon request, be provided to authorized personnel.

Appropriate interim administrative actions will be taken by the vice president for research at the outset of the inquiry stage to protect supporting funds and to ensure that the purposes of the project are being met.

Executive Interpretation

Definitions

II.B. The Research Ethics Policy clearly restricts action to matters of research ethics; it does not address such things as simple ineptitude, nonfraudulent breach of contract or malpractice covered by existing policy. (See exclusions under section II.)

Note the following:

The definition includes malicious and public (suggesting that neither maliciousness nor publicness, alone, is sufficient) misuse of the research ethics policy itself (reference section II.E.).

Exploitation of others includes misuse of colleagues, such as intentional and malicious failure to credit the work of another, deliberately misleading other individuals to obtain research goals, etc. It does not include benign activity that seems to, or may actually, exploit.

This policy should not be construed to include any activity that is benign in intent (not malicious, deliberately misleading, etc.).

II.E. It is the responsibility of University faculty to protect its research integrity by condemning unethical research activity, by investigating credible charges of unethical research brought against the faculty's peers, by taking steps to restore the reputations of peers that are charged unjustly or in error, by assessing the damage done by an unethical peer if appropriate (See section III.C.), and by seeking sanction through University administrative au-

thorities against those who violate ethical research practices. Appropriate administrative personnel alone have the authority to deprive one of property or liberty interests (within legal constraints). Consequently we feel that the assessment and pursuit of sanctions against an individual should not be a matter addressed by this policy.

III.A. Charges which do not fall within the purview of this policy (See section II.B.) should not be forwarded to a Committee of Inquiry. The processes of Inquiry and Investigation threaten an academician's most cherished professional possession—his/her reputation. That reputation should not be threatened without clear cause, thus charges that do not involve "Research Ethics" as defined by this document should be pursued through other channels. For these reasons, the president of the Faculty Senate and the chair of the Faculty Senate Research Committee, upon receipt of the charges, should confirm that the charges comply in substance with this policy's definitions before any action is initiated. This is not to say that the president of the Faculty Senate and the chair of the Faculty Senate Research Committee should judge the legitimacy of the charges or the facts of the case.

Because the vice president for research has an overall view of University policy and activities that may be valuable at this stage of the process, the president of the Faculty Senate and the chair of the Faculty Senate Research Committee, at their discretion, may consult with the vice president for research prior to rendering a decision about whether the charges should go forward under this policy.

It is in the interest of the accused and the University to provide an opportunity to the accused to abbreviate the procedures outlined in this policy. Specifically, the accused need not be subjected to the trauma of a peer investigation if indeed he/she would prefer to admit guilt and be subjected to appropriate administrative sanction.

III.B. A Committee of Inquiry is responsible for determining whether the facts in the case are contentious (sufficient uncertainty exists to prevent a determination of innocence without extensive investigation) or that there is a probability that the accused's position is or is not credible.

A driving concern of the Committee of Inquiry is the protection of all involved and particularly that of the accused. Toward this end, a Committee of Inquiry should balance the need for information upon which to make a decision against the need for confidentiality, with the balance in favor of confidentiality. The merit of charges cannot always be made on the strength of charges alone; thus, to adequately protect the accused against a potentially damaging investigation, the committee may need to expand its inquiry beyond the charges and accompanying documentation. At the same time, it must be realized that the likelihood of trauma and damage to reputation increases as the scope of an inquiry grows. The pertinent question is, how far should a Committee of Inquiry go to protect an unjustly charged individual against a more extensive investigation given the need to limit the scope of knowledge about the charges? The answer is that the Committee of Inquiry should limit its efforts to the

minimum needed to establish that the facts in the case are contentious or that there is a probability that the accused's position is or is not credible. Certainly the accused should have the opportunity to respond to the charges before the Committee of Inquiry.

The Committee of Inquiry may need to seek clarification from the accuser and may even need to resolve doubts by seeking evidence from another source. At all times, however, the Committee of Inquiry should seek to confine the extent of knowledge about the charges leveled and, consequently, should cease its inquiry as soon as it can conclude that the charges may or may not be grounded (not that the charges are or are not true). Strategies may include strictly limiting the number of individuals approached about the matter, limiting witnesses to individuals who have prior knowledge of the charges or soliciting documentation from involved parties.

In addition to determining probability of ethics violation, the Committee of Inquiry should clarify the charges brought against the accused. This involves throwing out charges that are frivolous or ungrounded and identifying those charges that may be grounded.

A subsequent Committee of Investigation, because its investigation is more thorough, need not, of necessity, be bound to the scope defined by the Committee of Inquiry but should give credence to its recommendations.

III.C. The Committee of Investigation is responsible for determining whether an ethics violation has occurred relative to the situation addressed by the charges. Such violation need not be limited to the specific charges, but should be related to the incidents addressed by those charges. The person who brings charges may be aware of only some of the ethical violations associated with a given incident; thus, an investigation needs the freedom to note problems relative to that incident which it may uncover during the course of investigating the charges.

The Committee of Investigation, like its predecessor, is concerned with protecting the integrity of the parties involved. Consequently, it too should balance the need for information upon which to make a decision against the need for confidentiality. In this case, however, the balance should favor the gathering of information. It is more important that this committee be correct in its decision than it is to limit the scope of knowledge about the investigation. The committee should, of course, cease operation when it has enough information to make a just decision, but should not jeopardize justice in the name of confidentiality.

ENGLISH FLUENCY

Clemson University has established a policy to assure that all instructional activities are conducted by individuals possessing appropriate proficiency in written and oral use of the English language. Instructional activities include lectures, recitation or discussion sessions, and laboratories. The individuals to be certified include full-time and part-time faculty, graduate teachers of record, graduate teaching assistants, and graduate laboratory assistants for whom English is not the first language.

A student who experiences difficulty with an instructor's written or oral English and who wishes to seek relief must do so prior to the seventh meeting of a 50-minute class and prior to the fifth meeting of a 90-minute class in regular semesters. In the five-week summer sessions, relief must be sought prior to the third class meeting.

The procedure is summarized as follows:

a. The student must quickly bring the problem to the attention of the instructor's department chair either directly or through a faculty member such as the student's advisor. That department chair will assess the complaint and, if deemed valid, offer an appropriate remedy within two days.

b. A student who is not satisfied with the department chair's decision or the relief suggested, may appeal within two days to a five-member hearing panel comprised of three faculty members and two students appointed by the Senior Vice Provost and Dean of Undergraduate Studies.

Students with questions should contact the Associate Dean for Curriculum, E-103B Martin Hall.

EQUAL OPPORTUNITY/ AFFIRMATIVE ACTION

Clemson University, in compliance with Titles VI and VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, and Sections 503 and 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of race, color, national origin, religion, sex, or disability in any of its policies, procedures, or practices; nor does the University, in compliance with the Age Discrimination in Employment Act of 1967, as amended, and Section 402 of the Vietnam Era Veterans Readjustment Act of 1974, discriminate against any employees or applicants for employment on the basis of their age or because they are disabled veterans or veterans of the Vietnam era. Clemson University conducts its programs and activities involving admission, access, treatment, employment, teaching, research, and public service in a nondiscriminatory manner as prescribed by Federal laws and regulations.

In conformance with University policy and pursuant to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Act of 1974, Clemson University is an Affirmative Action/Equal Opportunity Employer.

Inquiries concerning the above may be addressed to the following:

Executive Secretary, Clemson University Board of Trustees, 201 Sikes Hall, Clemson University, Clemson SC 29634

Director, Office for Access and Equity, 207 Holtzendorff, Clemson University, Clemson SC 29634

Director, Office for Civil Rights, Department of Education, Washington DC 20201.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords eligible students certain rights with respect to their education records. They are as follows:

1. The right to inspect and review the student's education records (provided the student has not waived this right) within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request identifying the record(s) they wish to inspect.

The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. To challenge the accuracy of an education record, the student should write to the registrar or other University official responsible for the record and clearly identify the part of the record he/she wants changed and specify why it is inaccurate or misleading. If the University official decides not to amend the record as requested by the student, the University official will notify his/her vice president. The vice president will then notify the student of his/her right to a hearing regarding the request for an amendment. Additional information regarding the hearing procedures will be provided to the student when notified of his/her right to a hearing.

Note: The challenge of a student under this paragraph is limited to information which relates directly to the student and which the student asserts is inaccurate or misleading. With regard to a student's grade, this right does not permit the student to contest a grade on the grounds that a higher grade is deserved, but only to show that the grade has been inaccurately recorded.

3. The right to consent to the disclosure of personally-identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interest. A school official is a person employed by the University; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his/her tasks. A school official has a legitimate educational

interest if the official needs to review an education record in order to fulfill his/her professional responsibilities.

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to refuse to permit the designation of any or all of the following categories of personally-identifiable information as directory information, which is not subject to the above restrictions on disclosure: student's full name, home address and telephone number, campus address and telephone number, campus e-mail address, state of residence, date and place of birth, marital status, academic class, class schedule and class roster, name of advisor, major field of study, including the college, division, department, or program in which the student is enrolled, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance and graduation, degrees and honors and awards received including selection to a dean's list or honorary organization and the grade-point average of students selected, and the most previous educational institution attended. Photographic, video, or electronic images of students taken and maintained by the University are also considered directory information.

Directory information may be disclosed by the University for any purpose, at its discretion. Any student wishing to exercise his/her right to refuse to permit the designation of any or all of the above categories as directory information must give written notification to the Registration Services Office (E-206 Martin Hall) by the last day to register for the enrollment period concerned as published in the Clemson University calendar.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Clemson University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is Family Policy Compliance Office, U.S. Department of Education, 600 Independence Ave. SW, Washington DC 20202-4605.

FAMILY PERSONAL PRIVACY ACT

The South Carolina Family Personal Privacy Act (SC Code 30-2-10 et. seq.) defines personal information as "...information that identifies or describes an individual including, but not limited to, an individual's photograph or digitized image, social security number, date of birth, driver's identification number, name, home address, home telephone number, medical or disability information, education level, financial status, bank account(s) number(s), account or identification number issued by and/or used by any federal or state governmental agency or private financial institution, employment history, height, weight, race, other physical details, signature, biometric identifiers, and any credit records or reports."

Some of the information in documents which students provide to Clemson University may be personal information as defined above. Pursuant to Section 30-2-40 B, students are advised that this

information may be subject to public scrutiny or release. They are also advised that personally-identifiable information contained in these educational records falls under the federal Family Educational Rights and Privacy Act of 1974, as amended (FERPA). If students elect to opt out of the release of directory information under FERPA, the University will not release any personal information except as otherwise required or authorized by law.

GRIEVANCES

Office of the Ombudsman

The ombudsman is an independent, confidential resource who provides assistance to faculty, graduate students, and postdoctoral students in resolving problems, complaints, and conflicts when normal procedures have not worked satisfactorily. The Ombudsman's Office serves as a central information source on policies, procedures, and regulations affecting faculty, graduate students, and postdoctoral students. The office refers individuals to persons able to resolve problems or handle appeals at the lowest possible level. Where appropriate, the ombudsman can facilitate communication or mediate between parties.

The ombudsman strives to ensure that faculty, graduate students, and postdoctoral students receive fair and equitable treatment within the University system. He/she provides an independent point of view in an informal and confidential environment. The ombudsman will not identify the student or discuss the student's personal concerns with anyone without the student's permission. Private confidential meetings can be arranged at the student's convenience. All communications will be treated with strict confidentiality, to the extent permitted by law.

The ombudsman works toward resolutions based on principles of fairness. He is neither an advocate for faculty, administration, or students, nor an agent of the University.

The Office of the Ombudsman is available to assist faculty members, graduate students, and postdoctoral students who

- need guidance in resolving a problem or concern relating to the University
- need information about policies or procedures;
- need someone to mediate between individuals or within the University
- feel the University has made an error in a particular case
- feel they have been victims of harassment or discrimination
- are unsure about which University policies, procedure, or regulations apply to a situation
- have specific academic problems that cannot be resolved by following regular University procedures
- feel they have been unfairly treated
- have a problem that requires someone to negotiate a solution or to help facilitate communication between parties
- feel that a University policy, procedure, or regulation has been applied unfairly or erroneously

Additional information is available at virtual.clemson.edu/groups/FacOmbudsman/.

Academic Grievance Committee

The Graduate Student Academic Grievance Committee hears all grievances involving the following:

- grievances of a personal or professional nature involving an individual student and a faculty member
- a claim by a student that the final grade in a course was inequitably awarded
- cases involving graduate student employment
- graduate student academic dishonesty. In all unresolved cases, the committee makes its recommendations to the president through the provost

All proceedings of the committee are confidential.

Membership of this committee consists of the following: five faculty members involved in graduate education (one from each college) elected by the collegiate faculty for three-year terms, two graduate students nominated annually by the Clemson Graduate Student Government (CGSG) and appointed by the provost, and one representative of the Graduate School serving in a nonvoting, advisory role. Each year the chair is elected from among the continuing faculty members. The terms of appointment begin with each fall registration.

Rules and Procedures

Current procedures are available from the Graduate School.

HARASSMENT

In general, harassment is unwelcome verbal or physical contact, based upon race, color, religion, sexual orientation, gender, national origin, age, disability, status as a military veteran, or protected activity (i.e., opposition to prohibited discrimination or participation in the statutory complaint process), that unreasonably interferes with the person's work or educational performance or creates an intimidating or hostile work or educational environment. Examples may include, but are not limited to, epithets, slurs, jokes, or other verbal, graphic, or physical contact.

The entire text of the University's policy on harassment can be obtained from the Office of Access and Equity, 207 Holtzendorff, (864) 656-3181 or at virtual.clemson.edu/groups/access/.

INFORMATION RESOURCES FOR STUDENTS

Clemson University computing resources are the property of Clemson University, to be used for University-related business. Students have no expectation of privacy when utilizing University computing resources, even if the use is for personal purposes. The University reserves the right to inspect, without notice, the contents of computer files, regardless of medium, the contents of electronic mailboxes, and computer conferencing systems, systems output, such as printouts, and to monitor network communication when

1. it is considered reasonably necessary to maintain or protect the integrity, security, or functionality of University or other computer resources or to protect the University from liability;
2. there is reasonable cause to believe that the users have violated this policy or otherwise misused computing resources;
3. an account appears to be engaged in unusual or unusually excessive activity;
4. it is otherwise required or permitted by law.

Use of University computing resources, including network facilities, account numbers, data storage media, printers, plotters, microcomputer systems, and software for computing activities other than those authorized by the University is strictly prohibited. Unauthorized use of such resources is regarded as a criminal act in the nature of theft, and violators are subject to suspension, expulsion, and civil and criminal prosecution.

The following are examples of misuse of computing resources:

1. unauthorized duplication, distribution, or alteration of any licensed software. This includes software licensed by the University and licensed software accessed using the computing networks;
2. attempting to gain unauthorized access to any computing resource or data, at Clemson or anywhere on the Internet, or attempting to disrupt the normal operation of any computing resource or network;
3. attempting to use another student's or employee's computer account or data without their permission;
4. using the University electronic mail system to attack other computer systems, falsify the identity of the source of electronic mail messages; sending harassing, obscene, or other threatening electronic mail; attempting to read, delete, copy, or modify the electronic mail of others without their authorization; sending, without official University authorization, "for-profit" messages, chain letters, or other unsolicited "junk" mail;
5. knowingly infecting any computing resource with a software virus;
6. tampering with the University computer network or building wiring or installing any type of electronic equipment or software that could be used to capture or change information intended for someone else;
7. participating in a "denial of service" attack on any other computer, whether on or off campus;
8. using University computing or network resources for personal gain or illegal activities such as theft, fraud, copyright infringement, sound or video recording piracy, or distribution of child pornography or obscenities.

Any suspected violations of this policy or any other misuse of computer resources by students should be referred to the Office of Student Judicial Services. That office will investigate the allegations and take appropriate disciplinary action. Violations of law related to misuse of computing resources may be referred to the appropriate law enforcement agency.

Notwithstanding the above, the Division of Computing and Information Technology may temporarily suspend, block, or restrict access to an account, independent of University disciplinary procedures, when it appears reasonably necessary to do so in order to protect the integrity, security, or functionality of University or other computer resources, to protect the University from liability, or where the emotional or physical well-being of any person is immediately threatened. When DCIT unilaterally takes such action, it will immediately notify the account holder of its actions and the reason therefore in writing. The account holder may appeal the action taken by DCIT in writing to the vice provost of the Division of Computing and Information Technology.

Access will be restored to the account holder whenever the appropriate investigatory unit of the University determines that the protection of the integrity, security, or functionality of University or other computing resources has been restored and the safety and well being of all individuals can reasonably be assured, unless access is to remain suspended as a result of formal disciplinary action imposed through the Office of Student Judicial Services.

PATENTS AND COPYRIGHTS

All students enrolling in Clemson University do so with full understanding that

1. The University has full ownership rights in any inventions, discoveries, developments, and/or improvements, whether or not patentable (inventions), which are conceived, developed, or reduced to practice or caused to be conceived, developed, or reduced to practice by graduate students during the course of their research activities conducted as part of any Graduate School curriculum. Any such invention will be handled by the University in the same manner as set forth in the *Faculty Manual of Clemson University*, the pertinent provision for which appears as Part IXB entitled "Patent Policy."
2. Copyright ownership of any research work will be determined by University policy and by policies of organizations responsible for publishing or distributing copyrighted material.
3. The initial right of students in copyright of ownership is subject to interests retained by Clemson University. The rights retained by Clemson University may be subject to interests of third parties.

Copies of the policies on patents and copyrights are available in the individual departments and colleges and in the Graduate School Office.

REVOCATION OF ACADEMIC DEGREES

Preamble

Academic institutions have a critical responsibility to provide an environment that promotes integrity, while at the same time encouraging openness and creativity among scholars. Care must be taken to ensure that honest error and ambiguities of interpretation of scholarly activities are distinguishable from outright misconduct. This policy is applicable to

fraudulent or other misconduct in obtaining an academic degree which is so egregious that a mechanism for revoking an academic degree, either graduate or undergraduate, must be undertaken. The Clemson University Board of Trustees has the sole authority to revoke any degree previously awarded.

Definitions

As used herein, the following terms shall apply:

A. When the degree holder was an undergraduate student:

1. "Dean" shall mean the dean of the academic college where student was enrolled.
2. "Committee of Investigation and Recommendation" shall be composed of the members of the standing University undergraduate Continuing Enrollment Appeals Committee. An undergraduate student will be appointed to the Committee of Investigation and Recommendation by the President of the Student Body within ten (10) calendar days of notification by the President of the Faculty Senate. Any member of the Continuing Enrollment Appeals Committee who is a faculty member in the department which awarded the degree involved shall not be a member of the Committee of Investigation and Recommendation for that particular investigation. If there are fewer than three (3) non-disqualified faculty members, the President of the Faculty Senate shall appoint additional faculty members to bring the number of faculty committee members up to three.

3. If the President of the Faculty Senate is from the same department that awarded the degree involved, the President-Elect of the Faculty Senate shall appoint the additional member.

B. When the degree holder was a graduate student:

1. "Dean" shall mean the Dean of the Graduate School.
2. "Committee of Investigation and Recommendation" shall be composed of the members of the standing University Graduate Admissions and Continuing Enrollment Appeals Committee, except for the Associate Dean of the Graduate School who shall not be a member of the Committee of Investigation and Recommendation. A graduate student will be appointed to the Committee of Investigations and Recommendation by the President of Graduate Student Government within ten (10) calendar days of notification by the President of the Faculty Senate. Any member of the Graduate Admissions and Continuing Enrollment Appeals Committee who is a faculty member in the department which awarded the degree involved shall not be a member of the Committee of Investigation and Recommendation for that particular investigation. If there are fewer than three (3) non-disqualified faculty members, the President of the Faculty Senate shall appoint additional faculty members to bring the number of faculty committee members up to three (3). If the President of the Faculty Senate is from the same department that awarded the degree involved, the President-Elect of the Faculty Senate shall appoint the additional member.

Complaint

An allegation or complaint involving the possibility of misconduct can be raised by anyone. The allegation should be made in writing to the dean.

Initial Review

The Dean will conduct the initial review to determine whether or not the allegation has merit. The Dean may discuss the matter with the former student's advisory committee (if any) and other faculty as appropriate. The Dean may also contact persons outside the University who may be able to provide factual information on the alleged misconduct or who may otherwise have expertise concerning issues involved in the alleged misconduct. If the Dean determines that the allegation has no merit, he/she will terminate the investigation. If the Dean determines that serious academic misconduct is suspected, the Dean will notify the President of the Faculty Senate in writing in a confidential manner. The Dean shall also notify the Vice President for Academic Affairs and Provost of the charge but will not discuss any details of the charge.

Committee of Inquiry

The President of the Faculty Senate shall, within ten calendar days of receipt of the notification from the dean, appoint three (3) faculty members to the Committee of Inquiry and notify the President of Graduate Student Government or the President of the Student Body, as appropriate, who shall appoint a graduate or undergraduate student, as appropriate, to the Committee of Inquiry within ten (10) calendar days of notification. The President of the Faculty Senate shall also notify the degree holder of the formation of a Committee of Inquiry.

If the Faculty Senate President is from the same department that awarded the degree involved, the President-Elect of the Faculty Senate shall appoint the Committee of Inquiry. The faculty members will be appointed from departments which did not award the degree involved. The Committee will elect its chairman from the faculty members on the Committee.

For each allegation, the Committee of Inquiry will review the complaint and any other information provided by the dean and determine whether there is sufficient evidence to warrant a formal charge of academic misconduct and further investigation under this policy. While the Committee of Inquiry shall not make a recommendation as to whether a degree should be revoked, the purpose is to provide a review to separate frivolous, unjustified, or mistaken allegations from those requiring a more detailed and formal investigation. The Committee of Inquiry will review the evidence and must determine that the alleged misconduct more probably than not occurred in order for the committee to recommend a formal charge and further investigation.

Within thirty (30) calendar days of the formation of the Committee of Inquiry, the Committee of Inquiry will submit a written report to the President of the Faculty Senate. If the Committee of Inquiry's report finds that the investigation should not proceed, the President of the Faculty Senate shall terminate the investigation and notify the appropriate persons. If the Committee of Inquiry's report finds that a formal charge and further investigation are warranted, the President of the Faculty Senate shall, within ten

(10) calendar days of receipt of the report of the Committee of Inquiry, send a copy of that report to the Dean and to the Committee of Investigation and Recommendation. The President of the Faculty Senate shall also immediately notify the President of Graduate Student Government or President of the Student Body (whichever is appropriate) that a student representative needs to be appointed to the Committee of Investigation and Recommendation. The President of the Faculty Senate shall also notify the Vice President for Academic Affairs and Provost of the Committee of Inquiry's recommendation. No details of the charge will be discussed. *Note:* A majority vote of the Committee of Inquiry is necessary to recommend that a formal charge and further investigation are warranted. A tie vote means that the investigation is terminated as stated herein.

Notification to Degree Holder

The Dean shall issue in writing, within ten (10) calendar days of receipt of the report of the Committee of Inquiry, a formal charge of academic misconduct to the degree holder. This written notice shall detail the factual allegations for the charge and the evidence supporting the charge. This written notice shall also inform the degree holder that if the charges are substantiated, the degree holder's degree could be revoked. This written notice shall also inform the degree holder of his/her right to appear at a hearing as stated in this policy. The Dean shall also send with this notice a copy of this Policy and Procedure on Revocation of Academic Degrees to the degree holder. This notice shall be delivered to the accused in person or sent by certified mail, return receipt requested.

Committee of Investigation and Recommendation

The Committee of Investigation and Recommendation shall extend to the degree holder due process which shall, at a minimum, include the following:

1. notice of the nature of the complaint;
2. notice of the evidence supporting the complaint;
3. notice of the hearing;
4. the opportunity to present evidence, including testimony;
5. the opportunity to hear the testimony against the degree holder;
6. the opportunity to ask questions of all witnesses;
7. the opportunity to have an attorney or advisor present at the hearing; however, the role of the attorney or advisor shall be solely to assist the party, and the attorney or advisor shall not be permitted to participate actively in the proceedings.

The degree holder shall not be entitled to know the identity of the person(s) who originally made the complaint unless that person agrees that his/her identity can be revealed.

The chair of the Committee of Investigation and Recommendation shall inform the degree holder of the time and date of the hearing.

The Dean or his/her designee shall present the accusation against the degree holder at the hearing and may have one additional representative present during the hearing. Under this section the term "Dean" is understood to include the Dean's designee, if such a designation is made.

The degree holder and the Dean may submit written materials to the Committee of Investigation and Recommendation prior to the hearing. The chair of the Committee of Investigation and Recommendation shall make available the materials received to the other party and to all committee members. The hearing before the Committee of Investigation and Recommendation shall be held no sooner than thirty (30) calendar days and no later than ninety (90) calendar days after receipt of the report of the Committee of Inquiry unless the degree holder and the Dean agree to a different date. All matters pertaining to the hearing shall be kept as confidential as possible and the hearing shall be closed to the public. A verbatim record of the hearing will be taken and a type-written copy thereof transcribed and made a part of the hearing record. The degree holder and the Dean shall be responsible for having any witnesses they wish to testify in attendance at the hearing. Witnesses will be present only while testifying.

The chair of the Committee of Investigation and Recommendation shall take whatever action is necessary during the hearing to ensure a fair, orderly, and expeditious hearing. No formal rules of evidence will be followed. If any objection is made to any evidence being offered, the decision of the majority of the committee shall govern. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

The degree holder and the Dean shall be permitted to offer evidence and witnesses pertinent to the issues.

The Dean shall present the case against the accused first. The accused shall then present his/her response.

The chair will allow each party to ask questions of the other party and will allow each party to ask questions of the other party's witnesses at the appropriate time during the hearing as determined by the chair. Members of the committee may ask questions of any party or any witness at any time during the hearing.

Within fifteen (15) calendar days of the conclusion of the hearing, the Committee of Investigation and Recommendation shall submit a written report to the Vice President for Academic Affairs and Provost. The report shall contain findings and a recommendation as to whether the degree holder's degree should be revoked. The Committee of Investigation and Recommendation must find clear and convincing evidence that serious academic misconduct has been committed in order to recommend the revocation of the degree holder's degree. If the Committee of Investigation and Recommendation does not find clear and convincing evidence of serious academic misconduct, the Committee of Investigation and Recommendation cannot recommend revocation of the degree holder's degree and the matter shall be closed. *Note:* A majority vote of the Committee of Investigation and Recommendation is necessary to recommend the revocation of a degree holder's degree. This means that a tie vote will result in the matter being closed.

At the same time that the report is sent to the Vice President for Academic Affairs and Provost, the chair of the Committee of Investigation and Recommendation shall send a copy of the report to the degree holder, the Dean, and other appropriate persons involved in the process.

If the Committee of Investigation and Recommendation recommends that the degree holder's degree be revoked, the chair shall also send a complete copy of the hearing record to the Vice President for Academic Affairs and Provost. The hearing record shall consist of the transcript of the hearing and all documents that were submitted to the committee. The chair of the Committee of Investigation and Recommendation shall label which documents were submitted by each party when forwarding this information to the Vice President for Academic Affairs and Provost.

If the Committee of Investigation and Recommendation recommends that the degree holder's degree be revoked, the chair shall also send a copy of the transcript of the hearing to the degree holder and the Dean at the same time that it is sent to the Vice President for Academic Affairs and Provost.

Vice President for Academic Affairs and Provost

If the Committee of Investigation and Recommendation recommends that the degree be revoked, the Vice President for Academic Affairs and Provost shall review the hearing record and the report of the Committee of Investigation and Recommendation. If the Vice President for Academic Affairs and Provost decides that the degree holder's degree should not be revoked, he/she shall notify the degree holder, the Dean, the Committee of Investigation and Recommendation, and other appropriate persons involved in the process, in writing, within twenty-one (21) calendar days of receipt of the transcript of the hearing; and the matter shall be closed. If the Vice President for Academic Affairs and Provost decides to recommend that the degree holder's degree should be revoked, the Vice President for Academic Affairs and Provost shall send that recommendation in writing to the President of the University within twenty-one (21) calendar days of receipt of the transcript of the hearing. The Vice President for Academic Affairs and Provost shall send to the President, along with his/her recommendation, the Committee of Investigation and Recommendation's report and the hearing record. The Vice President for Academic Affairs and Provost shall send a copy of his/her recommendation to the degree holder, the Dean, the Committee of Investigation and Recommendation, and other appropriate persons involved in the process.

If the Vice President for Academic Affairs and Provost is disqualified from reviewing the case, the Dean of Undergraduate Studies shall be substituted for the Vice President for Academic Affairs and Provost.

President

If the Vice President for Academic Affairs and Provost recommends to the President that the degree holder's degree should be revoked, the President shall transmit that recommendation along with the report of the Committee of Investigation and Recommendation and the hearing record to the Executive Secretary of the Board of Trustees within thirty (30) calendar days of receipt. If the President wishes to make a recommendation, he/she shall review the recommendation of the Vice President for Academic Affairs and Provost, the report of the Committee of Investigation and Recommendation, and the hearing record and forward his recommendation to the Executive Secretary of the Board of Trustees within thirty (30) calendar days of receiving the recommendation of the Vice President for Academic Affairs and Provost.

Board of Trustees

The Executive Secretary of the Board of Trustees shall send to all trustees the hearing record, the recommendation of the Vice President for Academic Affairs and Provost, the report of the Committee of Investigation and Recommendation, and the recommendation of the President, if any. A majority vote by the Board of Trustees, at a duly constituted Board meeting, is required to revoke an academic degree. The decision of the Board of Trustees shall be final.

Guiding Principles

All actions taken by committees shall be effective by a majority vote.

All investigations, hearings, and actions shall be kept as confidential as possible except for notice of any revocation approved by the Board of Trustees.

A decision not to proceed at any stage of the proceedings set forth in this policy does not necessarily mean that the original complaint was groundless.

For good cause shown, at the request of either party and the approval of the other, the Vice President for Academic Affairs and Provost shall extend any time limit set forth in this policy. Any such time extension shall be communicated in writing to all appropriate parties.

Administrative Action if Degree is Revoked

If a degree is revoked by the Board of Trustees, the former student's transcript will be modified to reflect that the degree was revoked, and the former student will be informed of the revocation and requested to return the diploma. If the former student was enrolled in a program requiring a thesis or dissertation, all bound copies will be removed from the Clemson University Library. In addition, for doctoral students, University Microfilms, Inc. will be notified and requested to take appropriate action.

Students whose degrees have been revoked may be eligible to reapply for admission according to normal University procedures and policies in effect at the time of reapplication.