

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0184

HOUSE BILL NO. 1018

Introduced by: The Committee on Education at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to grant the Board of Regents exclusive jurisdiction to
2 investigate civil claims or controversies involving charges of academic misconduct by its
3 employees and to adjudicate contested cases involving such matters.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 13-49 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The Board of Regents has exclusive jurisdiction to investigate any civil claim or controversy
8 involving charges of academic misconduct by any employee and to adjudicate any contested case
9 involving such matters. The Board of Regents shall develop procedures for the investigation and
10 hearing by competent authority of charges of academic misconduct brought against any person
11 under its employ. The procedures shall provide for a hearing to be conducted in conformity with
12 the requirements of chapter 1-26, and any decision reached by the board pursuant to the
13 procedures is subject to appeal to circuit court as provided in chapter 1-26. No provisions of
14 chapter 3-18 apply to the development or operation of the procedures provided for in this Act.
15 However, any person charged with academic misconduct may be represented by a bargaining



1 agent to the extent permitted under chapter 3-18.

2 Section 2. That chapter 13-49 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 For purposes of this Act, the term, academic misconduct, includes the fabrication or
5 falsification of data, research procedures, or data analysis; destruction of data for fraudulent
6 purposes; plagiarism; abuse of confidentiality; other fraudulent actions in proposing, conducting,
7 reporting, or reviewing research; other fraudulent activity, including inappropriate accusation of
8 misconduct; failure to report known or suspected misconduct; withholding or destruction of
9 information relevant to a claim of misconduct and retaliation of any kind against any person who
10 reported or provided information about suspected or alleged misconduct and who has not acted
11 in bad faith; interference with the investigation of alleged academic misconduct; other practices
12 that seriously deviate from those that are commonly accepted within the scientific community;
13 any other conduct that the Board of Regents may determine should be treated as academic
14 misconduct in order to comply with requirements for investigator integrity established by federal
15 or other granting agencies; and any conduct related to academic misconduct, if the academic
16 misconduct does not include honest errors and ambiguous interpretations inherent in the
17 scientific and scholarly process that are normally corrected by further research.