

## Senate Policy

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### Academic Misconduct Policy

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#### Description:

This policy seeks to demonstrate OCAD University's commitment to the principles of academic integrity and to establish a fair procedure for resolving complaints of academic misconduct.

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#### Approvals:

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**Approval Authority:** Senate

**Signature:** Keith Rushton, Chair

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#### Policy:

OCAD University Statement on Academic Integrity

OCAD University is a community of knowledge-making and creativity. It encourages students to push the boundaries of their abilities, to experiment, take risks and seek innovation. OCAD University also recognizes that the pursuits of knowledge and creativity are iterative and collaborative, and that academic and creative work involves building upon, responding to and interacting with the contributions of others. All members of the university, including faculty, students and staff, therefore share an equal responsibility to recognize and uphold the principles of academic integrity.

With respect to individual work, academic integrity means being respectful and transparent in the way that we use and respond to the contributions of others, and that we obtain and share information responsibly. Academic integrity requires that we engage in free discussion of others' work and explicitly acknowledge how that work informs our own. In practical terms, this means knowing and applying in visual, written and other academic work the conventions for using and documenting visual and textual sources in ways specific to disciplinary and professional conventions in order to demonstrate the relationship between our own work and that of others. Academic integrity also requires that we do not aid or abet others in disregarding or violating the principles of academic integrity.

With respect to the university community, academic integrity means not only upholding the integrity of knowledge-making and creativity, but also providing opportunities to advance and extend our understanding of these pursuits within the university and society at large. OCAD University recognizes that the principles of academic integrity are culturally and contextually specific, and that those entering into the university community require time and instruction to learn how to apply disciplinary and professional conventions to their work.

Faculty and staff therefore have a responsibility to develop pedagogy and resources at all levels to support students in their development of knowledge, skills and attitudes consistent with academic integrity. In practical terms, this responsibility requires that faculty and staff be explicit and transparent with respect to the disciplinary and professional conventions required for using and documenting visual and textual sources for all forms of academic work, including written, visual and other work (e.g., in their course outlines and assignments).

Students have a similar responsibility as learners to develop the knowledge, skills and attitudes consistent with academic integrity and apply these to their academic work as appropriate to their level of study.

In addition to disciplinary and professional conventions, OCAD University recognizes that all academic work must comply with Canadian copyright law and the provisions for fair dealing provided with respect to scholarly, educational and creative pursuits.

## A. Definition of Academic Misconduct

Academic misconduct is broadly understood to mean behaviour that interferes with or attempts to interfere with the integrity of the learning environment. Such behaviour, including any violation of the *Canadian Copyright Act*, RSC 1985, c C42, has the potential effect of unfairly promoting or enhancing one's academic standing or grade, or of assisting another student in the pursuit of such an outcome.

Academic misconduct describes actions that fall into two broad areas:

### 1) Plagiarism

Plagiarism is the intentional misuse or misrepresentation of another's work (source or sources) as one's own. It occurs when a student:

a) takes and uses a source or sources in whole or in part, including writings, images, designs, textual or visual concepts, inventions, data, ideas, arguments, productions, code or calculations and offers them as their own work without appropriate attribution or credit;

or

b) supplies another student with written, visual or other material production, in whole or in part, for submission or representation as their own.

This applies to all forms of student work, including but not limited to: design projects, art projects, computer reports and software, literary compositions, academic essays, diagrams, performances, installations, constructions, photographs, films and audio or video recordings.

In some areas of art and design, appropriation of images or text may be an intentional strategy, but at no time may these images or text be represented as the student's original work.

### 2) Other forms of academic misconduct include, but are not limited to:

- copying another student's work during a test or examination or in studio;
- submitting an answer to an examination question prepared outside the examination room without authorization;
- possessing unauthorized aids at an examination site;
- having someone else take one's examinations;
- altering one's work without permission after it has been assessed, i.e., for the purpose of contesting the original assessment;
- knowingly allowing one's work to be copied during a test/examination, in studio or otherwise;

- collaborating on take-home exams or other assignments without permission;
- improperly obtaining through purchase, theft, bribery, collusion or otherwise an examination, test paper, essay, artwork, design or other materials;
- allowing others to revise, correct or otherwise edit take-home exams, essays and other assignments without the instructor's permission;
- signing in another student on an attendance sheet; and
- submitting the same work or major portions thereof to satisfy the requirements of more than one course without permission from instructors of the courses;
- breach of an agreement — verbal or written — that pertains to a specific course (e.g., inappropriate use of photography, model policies).

## **B. Responsibilities**

Students must assume responsibility for maintaining academic integrity in all work submitted for credit and in any other work assigned by the instructor of the course. Students have a responsibility to learn how to use the conventions for using and documenting visual and textual sources within a given disciplinary context.

OCAD University recognizes that students may make unintentional mistakes in the process of learning the culturally and contextually specific practices of their disciplines and professions. Nevertheless, a claim of not knowing about this policy or not understanding what constitutes plagiarism does not preclude academic misconduct. The procedures for implementation of the policy described below include provisions for determining what a student at any given level should reasonably be expected to know and be able to demonstrate with respect to academic conduct, irrespective of intentionality.

Faculty members have both the prerogative and the responsibility to define the parameters of all graded assignments and learning activities in their courses. Faculty members and staff are responsible for preventing, detecting and responding to instances of academic misconduct. Dissemination of the Academic Misconduct Policy to faculty, staff and students will ensure that all members of the community are informed about academic integrity. If faculty members have evidence of academic misconduct, they are expected to report such evidence promptly. In situations of suspected academic misconduct, all communication between faculty and administration, and from faculty and administration to students, must be made in writing. For the purposes of the policy, "in writing" will refer to the official mode of communication by the university.

## **C. Sanctions for Academic Misconduct**

A confirmed instance of academic misconduct will result in a sanction. Sanctions that may be imposed for academic misconduct include:

- 1) mandatory attendance at a non-credit workshop on academic integrity, source use and citation;
- 2) revision or recompletion of the assignment;
- 3) grade of zero on an assignment;
- 4) grade of zero on an assignment and an additional reduction in the final grade equivalent to the value of the assignment (e.g., if this assignment is worth 5% of the final grade, the sanction would result in the loss of 5% of the final grade, or zero on the assignment, plus an additional 5% reduction of the final grade);
- 5) grade of zero in a course;
- 6) disciplinary probation;
- 7) suspension from the university for a minimum of one semester; and/or
- 8) expulsion from the university.

More than one of the above sanctions may be imposed simultaneously.

In the event that academic misconduct is confirmed following the conferral of a degree, the university reserves the right to invalidate or revoke the degree.

*Please refer to the Appendix for examples of academic misconduct and recommended sanctions. The Dean retains the discretion to impose an appropriate sanction on a case-by-case basis.*

#### **D. Procedures for Dealing with Allegations of Academic Misconduct**

##### Step 1: Instructors/Faculty Members

Faculty members who have reason to suspect academic misconduct on the part of a student or students have both the authority and responsibility to address the situation, as follows:

- a. In a test or examination situation, where an instructor has reason to believe that a student has committed academic misconduct, the instructor may take immediate steps, including but not limited to: the removal of unauthorized materials, the recording of names of potential witnesses, and the immediate reporting of the matter to the Dean of the Faculty offering the course. In such situations, the matter will be immediately escalated to Step 2 below.

- b. In situations where an instructor has grounds to suspect that a student has committed academic misconduct, the instructor shall promptly inform in writing the Dean responsible for the course who will report it to the University Registrar so that a hold may be placed on the student's record preventing them from withdrawing from the course. The student's academic record will be reviewed to identify any previous academic misconduct. If academic misconduct is suspected prior to the official final deadline to withdraw from courses, the student will not be permitted to withdraw from the course in question pending the outcome of the investigation into the academic misconduct. A student suspected of academic misconduct may submit a request for course withdrawal to the Office of the Registrar before the final deadline for withdrawal. The request will be held pending the outcome of the investigation.
- c. The instructor will inform the student in writing (within seven days or as soon as practicable) and invite the student to discuss the matter. If the student fails within seven days to respond to the invitation for discussion, the instructor will promptly (within seven days) advise the Dean responsible for the course of the allegations of academic misconduct. A student who declines two proposed dates for discussion will be considered to be non-responsive. In such situations, the case will be escalated to Step 2 below.
- d. In the discussion between the instructor and the student,
  - i. The instructor will explain the nature of the allegation, permit the student to review any materials relied upon in making the allegation and invite the student to respond.
  - ii. The instructor will assess whether academic misconduct has occurred.

If after discussion with the student the instructor is satisfied that no academic misconduct has been committed, the instructor shall so inform the student in writing and no further action shall be taken in the matter unless additional evidence comes to light. The instructor shall also inform the Dean, who shall inform the University Registrar, that no academic misconduct has been committed and the hold on the student's record will be removed.

- iii. The instructor will assess whether the student is non-culpable.

If the instructor suspects that academic misconduct has occurred, the instructor will assess, based on situational factors (such as, for example, level of study, language ability or evidence of the student's attempt to document sources), whether the student is non-culpable through inexperience or lack of knowledge (see Appendix). The instructor shall also inform the Dean, who shall inform the University

Registrar, that non-culpable academic misconduct has been committed.

The instructor will determine the appropriate remedial learning activities (see Appendix). The Dean must also inform the student in writing of the Academic Misconduct policy and that the student may not be deemed non-culpable in second and subsequent instances of suspected academic misconduct. Once the student has completed the remedial learning activities the hold on the student's record will be removed. If the student declines to complete the remedial learning activities, only then will the case be escalated to Step 2 below. Second and subsequent cases of suspected academic misconduct will be escalated to Step 2 below.

- e. Course withdrawal requests submitted prior to the final deadline to withdraw from courses will be processed if the student is found not to have committed academic misconduct or has been deemed non-culpable for academic misconduct. Students who have made such requests will have 5 days from the date of being informed by the Dean of this decision to revoke their withdrawal request.

#### Step 2: Meeting with Dean

- a. After the Dean has been advised of the allegations by the instructor, the Dean shall notify the student in writing, providing the student with particulars of the allegations and a copy of the Academic Misconduct Policy, and advising the student of the date, time, and place for a meeting with the Dean in order to afford the student an opportunity to respond. The Dean may also request that the instructor be present at the meeting. At the meeting the Dean will:
  - i. review the procedures for dealing with allegations of plagiarism or cheating as outlined in the Academic Misconduct Policy, including the student's right to appeal;
  - ii. explain the nature of the allegation and permit the student to review any materials relied upon in support of the allegation;
  - iii. outline the range of sanctions recommended in cases of academic misconduct, including the sanction recommended in the present case, should the allegation be upheld; and
  - iv. provide the student with the opportunity to respond to the allegation and to the recommended sanction.

The Dean may request any additional information the Dean deems necessary including interviewing witnesses and receiving written or oral submissions.

The student will be advised of all relevant information and afforded a full opportunity to respond.

- b. The Dean will review the relevant information including the findings of the instructor and the response of the student and decide whether or not academic misconduct occurred.
- c. If academic misconduct is found to have occurred, the Dean will impose the sanction the Dean considers appropriate and shall inform the student in writing of this decision with reasons, normally no later than five business days after reaching the decision.
- d. If, after reviewing the matter, the Dean decides that no academic misconduct has been committed and that no further action in the matter is required, the student shall be so informed in writing, normally within five business days of reaching a decision.
- e. If the student fails to respond within seven days to the Dean's written request or to appear at the meeting with the Dean, the Dean may proceed with the investigation in the student's absence, including the imposition of a sanction. A student who declines two proposed dates for the meeting with the Dean will be considered to be non-responsive.
- f. The Dean may delegate any duties or powers under this Policy.

### Step 3: Hearing of the Senate Student Appeals Committee

- a. The student may appeal the decision of the Dean responsible for the course by letter of appeal to the Senate Student Appeals Committee (also referred to as the "Committee"). In the letter, the student shall set out the grounds for the appeal and shall set out, in summary form, the reasons for the appeal within 10 business days of the notification of the decision by the Dean.

All parties involved shall be notified of the date, time, and location of the hearing and shall receive all relevant documents. The notice shall be in writing and shall be provided as far in advance of the hearing as possible.

If the student fails to appear before the Committee, the Committee may proceed with the hearing in the student's absence, including the imposition of a sanction.

- b. The parties to the hearing are the student, the Dean and any other person deemed to be a party by the Senate Student Appeals Committee.
- c. The Senate Student Appeals Committee shall be constituted as outlined under Senate By-Law 6.2.7.1.



Every reasonable effort will be made to have all members of the Senate Student Appeals Committee present for an appeal, but a majority of the voting members of the Committee represent a quorum and may hear an appeal. No member of the Committee shall hear an appeal where there is a pre-existing bias or an apprehension of bias of that Committee member towards a party to the hearing or an issue in the hearing.

- d. Chair of the Committee may delegate a member of the Committee to conduct a pre-hearing and may require the parties to participate in a prehearing. The purpose of the pre-hearing is to consider:
  - i. The simplification of any or all of the issues;
  - ii. The settlement or resolution of the appeal;
  - iii. Whether there are facts or evidence that can be agreed upon;
  - iv. The length of the hearing and number of witnesses;
  - v. Production and disclosure of documents; and
  - vi. Any other matter that may assist in the fair and expeditious disposition of the hearing.

The member of the Committee who presides at the pre-hearing may make such orders considered necessary or advisable with respect to the conduct of the hearing.

The member of the Committee who presides at a pre-hearing shall not participate or preside at the hearing unless the parties consent.

- e. The student bears the onus of proof and shall proceed first in the calling and examination of witnesses and presentation of evidence and submissions, and the Dean shall be the second to do so, unless the parties agree otherwise.
- f. The following procedures apply to hearings of the Senate Student Appeals Committee:
  - i. The hearing shall be held in camera.
  - ii. Either party may be represented by another person, including legal counsel, during the hearing.
  - iii. The Committee may retain legal counsel to advise or assist it during the course of the hearing. Legal counsel for the Committee may also

assist the Committee in preparing reasons following the hearing but any decision shall be made by the Committee.

- iv. The parties shall be allowed to call, examine and cross-examine witnesses and present evidence, including written or documentary evidence, and argument.
  - v. Each party shall be allowed an opportunity to make an opening and a closing statement.
  - vi. The Committee may ask questions of all parties and witnesses, call additional witnesses, or require the production of any written or documentary evidence.
  - vii. Any procedural issue that arises in the course of a hearing, including issues respecting adjournments and the terms of such adjournments, will be considered by the Committee, but the decision of the Chair is final with respect to any such procedural issues.
  - viii. Both the student and the Dean shall leave the hearing room at the conclusion of the hearing.
  - ix. The Committee shall deliberate in camera and reach a decision by majority vote. The Committee may uphold the decision and sanction determined by the Dean; impose a lesser sanction; or grant the appeal of the student.
- g. The Committee's decision is final.
  - h. The Committee has the power to reserve its decision.
  - i. The decision of the Committee shall be in writing and signed by the chair of the Committee. When requested by a party, the Committee shall give written reasons.
  - j. Copies of the decision, along with its reasons, if requested, shall be sent to all parties to the hearing who took part in the proceeding at their respective address last known to the university.

#### **E. Delays and Time Limits**

Time limits may be extended by the mutual consent of the student and Dean at the appropriate step or by the Senate Student Appeals Committee if it is satisfied neither the student's nor the Dean's position has been substantially prejudiced by the delay. The failure to meet a time limit prescribed by this Policy does not render any sanction

void but the Senate Student Appeals Committee may consider any failure to meet such a time limit in considering an appropriate disposition of a matter.

## **F. Recording of Academic Misconduct**

Findings of academic misconduct will be recorded in the student's file in the Office of the Registrar and otherwise as noted below until graduation. If the Senate Student Appeals Committee overturns a decision, all records pertaining to the matter will be removed from the student's file by the Office of the Registrar.

The mechanisms for recording violations will conform to the following principles:

1. All records are confidential. They will be made available to appropriate parties only when a given case of academic misconduct has been established or as otherwise required by law.
2. Every confirmed finding of academic misconduct, regardless of severity, will be recorded in the official academic file of the student.
3. A file of hard copies of plagiarized assignments and other documentation of academic misconduct will be maintained in each Faculty Office.
4. The student's transcript shall reflect sanctions of suspension and expulsion from the university.

## **G. Reporting of Academic Misconduct to Senate**

At least once per academic year, the University Registrar shall prepare and present a report to the Senate Academic Standards Committee regarding the number, nature and level of academic misconduct cases recorded in student files during that year, as well as a summary of sanctions imposed.

*NB: This policy is based on the OCAD Code of Student Conduct (1992/rev.1996/updated 1998 and 2004). Portions of this policy have been adapted from the Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students (2004).*

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### **Appendix:**

#### **Levels of Academic Misconduct and Recommended Sanctions**

##### Academic Misconduct and Sanctions

Academic misconduct at OCAD University is classified into five levels according to severity or degree. For each level a corresponding set of sanctions is recommended. Deans and the Senate Student Appeals Committee are not bound by these recommendations, which are intended as general guidelines for the university community. OCAD University recognizes that the principles of academic integrity are culturally and contextually specific, and that those entering into the university community require time to learn and apply disciplinary and professional conventions to their work. Culpability in situations of academic misconduct may therefore be assessed differentially for those with more and less experience as members of the university community. Academic misconduct by upper-year students will presumably be penalized more severely than misconduct by first semester first-year students. Examples are cited below for each level of academic misconduct. These examples, too, are intended to be illustrative and are not to be considered all-inclusive.

#### A. Non-culpable Academic Misconduct

In situations of inexperience or lack of knowledge of the principles of academic integrity on the part of a student, they may be deemed non-culpable as a result. Situational factors that may determine whether or not a student is culpable include but are not limited to:

- Level of study;
- Linguistic, cultural or contextual knowledge relating to or affecting visual, written and all other work;
- Misunderstanding or misapplying the conventions for using and documenting visual and textual sources in specific disciplinary or professional contexts;
- Demonstrable misunderstanding of the requirements of an assignment;
- Miscommunication by the instructor leading to lack of clear guidelines, instruction or resources.

Course instructors shall consult with the Dean of the Faculty in which the course was offered in order to determine culpability. If the student is found to be nonculpable, the Dean of the Faculty and the course instructor will provide opportunities for student learning by requiring one or more of the following:

- Mandatory attendance in a non-credit workshop or seminar on academic integrity, source use and citation.
- Revision and resubmission of the work in question (strongly recommended).

These requirements shall be understood as constituting remedial learning activities rather than sanctions. Records of students who commit academic misconduct that is deemed non-culpable will be maintained in the respective Dean's Office and the student's file in the Office of the Registrar until graduation.

Students may be deemed non-culpable only in the first instance of academic misconduct. Second and subsequent instances of academic misconduct will be

deemed Level One and higher, as appropriate.

## B. Level One Academic Misconduct

Level One Academic Misconduct involves situations in which the misconduct is not extensive and/or occurs on a minor assignment. The following are examples:

- Failure to acknowledge working with another student on a studio project or other homework assignment unless the instructor explicitly authorizes such work.
- Asking another student to make corrections or alterations to improve an assignment, unless explicitly authorized by the instructor, for example, in collaborative, group or peer-based activities or assignments.
- Failure to cite or give proper acknowledgment to textual, visual or any other sources in an *extremely limited section* of an assignment.

A mandatory sanction for Level One misconduct is participation in a non-credit workshop or seminar on academic integrity, source use or citation. Additional sanctions for Level One misconduct are listed below. One or more of these may be chosen

- Revision and resubmission of the assignment in question with a reduction in the grade received for the revised or resubmitted assignment such that the grade is lower than that of comparable work by students who did not commit academic misconduct.
- A make-up assignment on a relevant topic.
- A reduction in the grade of the assignment.

A reduction in the grade of the assignment Records of students who commit Level One Academic Misconduct will be maintained in the respective Dean's Office and the student's file in the Office of the Registrar until graduation.

## C. Level Two Academic Misconduct

Level Two Academic Misconduct is characterized by dishonesty of a more serious nature or which affects a more significant aspect or portion of the course work. The following are examples:

- Quoting directly or paraphrasing, to a moderate extent, without acknowledging the textual source.
- Copying visual imagery, forms, designs, concepts or other artistic representations without acknowledging the source, unless explicitly authorized by the instructor or in the case of demonstrably intentional appropriation.

- Submitting the same work or major portions thereof to satisfy the requirements of more than one course without permission from the instructors of the courses.
- Receiving assistance from others, such as research, writing, technical art/design production, statistical, computer programming, field data collection, language translation or other help that constitutes an essential element in the undertaking, without acknowledging such assistance in a paper, examination or project.
- Collaborating on a take-home exam without explicit permission from the instructor.

The recommended sanction for Level Two Academic Misconduct is disciplinary probation. Other sanctions that may be chosen by the Dean include:

- Mandatory attendance in a non-credit workshop or seminar on academic integrity, source use or citation.
- A grade of zero on the assignment.
- A grade of zero on the assignment and an additional reduction in the final course grade equivalent to the value of the assignment (e.g., if this assignment is worth 5% of the final grade, the sanction would result in the loss of 5% of the final grade, or zero on the assignment, plus an additional 5% reduction of the final grade).

Notation of disciplinary probation will be placed on the student's transcript and will remain for the period in which the sanction is in force. Records of students who commit Level Two misconduct will be maintained in the respective Dean's Office and in the Office of the Registrar until graduation.

#### D. Level Three Academic Misconduct

Level Three Academic Misconduct entails dishonesty that affects a major or essential portion of work done to meet course requirements and/or involves premeditation, or is preceded by one or more violations at Levels Two or Three.

Examples include:

- Plagiarizing major portions of a written or visual assignment.
- Presenting the work of another as one's own.
- Using a purchased writing assignment, essay or other materials.
- Removing posted or reserved material, or preventing other students from having access to it.
- Fabricating data or inventing or deliberately altering material (for example, citing sources that do not exist).
- Using unethical or improper means of acquiring data.
- Copying on examinations.
- Acting to facilitate copying during an exam.

- Using prohibited materials, e.g., books, notes, calculators, or other electronic devices during an examination.
- Collaborating before an exam to develop methods of exchanging information and implementation thereof.
- Altering examinations for the purposes of regrading.
- Acquiring or distributing an examination from unauthorized sources prior to the examination.

The normal sanction to be sought for all Level Three violations or repeated violations is a minimum of one semester suspension from the university and a failing grade for the course. The Dean of the Faculty imposes this sanction. Records of students who commit Level Three misconduct will be maintained in the respective Dean's Office and in the Office of the Registrar until graduation.

#### E. Level Four Academic Misconduct

Level Four Academic Misconduct represents the most serious breaches of academic integrity.

Examples of Level Four misconduct include:

- All academic misconduct committed after return from suspension for previous academic misconduct.
- Academic misconduct constituting criminal activity (such as forging a grade form, stealing an examination from a professor or from a university office or falsifying a transcript).
- Having a substitute take an examination or taking an examination for someone else.
- Fabrication of evidence, falsification of data, quoting directly or paraphrasing without acknowledging the source, and/or presenting the ideas or technical work of another as one's own in a senior thesis, within a master's thesis or doctoral dissertation, in scholarly articles submitted to refereed journals, or in other work represented as one's own as a graduate student.
- Sabotaging another student's work through actions designed to prevent the student from successfully completing an assignment.
- Willful violation of a canon of the ethical code of the profession for which a graduate student is preparing.

The normal sanction for all Level Four misconduct and a repeat infraction at Level Three is permanent expulsion from the university. Notation of "academic disciplinary separation" will be placed on a student's transcript and remain permanently.