

Academic Council Policy

Academic Misconduct Policy for Undergraduate and Graduate Students

#1014

Description: This policy seeks to demonstrate the University's concern with academic dishonesty and to guarantee a fair procedure for resolving complaints of academic misconduct.

Approvals:

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Signature: Keith Rushton

Preamble: Academic Integrity

The Ontario College of Art and Design prides itself on fostering and encouraging creativity and innovation. OCAD encourages its students to push the boundaries of their creativity, to take risks and seek innovation. OCAD believes that all creative pursuits require students to hold themselves to the highest standards of ethical conduct, honesty and academic integrity.

Academic freedom is a fundamental right in any institution of higher learning. Honesty and integrity are necessary preconditions of this freedom. Academic integrity requires that all academic work be wholly the product of an identified individual or individuals. Ethical conduct is the obligation of every member of the University community and breaches of academic integrity constitute serious offences.

Maintenance of the standards of academic honesty and the successful administration of this policy depend on the mutual cooperation of faculty and students. Dissemination of the Academic Misconduct Policy to all faculty, staff, and students will ensure that all members of the community are informed about academic integrity.

Faculty cooperation is essential for successful application of the procedures defined by the Academic Misconduct Policy. Faculty members can help promote academic integrity by making clear on their syllabi the standards for academic integrity in assignments, creative production, collaborative student efforts, research papers, examinations, and the like. Efforts should be made to detect and to prevent cheating and plagiarism in all academic assignments. If faculty members have evidence of academic misconduct, they are expected to report such evidence promptly.

Faculty members have both the prerogative and the responsibility to define the parameters of all graded assignments and learning activities in their courses. The provisions of this policy are intended to support a culture of integrity, not constrain desirable collaborative behaviour.

Students must assume responsibility for maintaining honesty in all work submitted for credit and in any other work designated by the instructor of the course.

This policy seeks to demonstrate the University's concern with academic dishonesty and to guarantee a fair procedure for resolving complaints of academic misconduct.

A. Definition of Academic Misconduct

Academic misconduct – commonly called cheating -- 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*, 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 misrepresentation of another's work as one's own. It occurs when a student:

- a) takes and uses another person's work in whole or in part, including that person's writings, inventions, data, ideas, arguments, calculations, images, designs, or productions and offers them as his/her 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 his/her 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, audio tapes, and videotapes.

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.

Students have the responsibility to learn how to use the conventions of appropriate documentation and, if in doubt, are encouraged to consult with the instructor of the course, the Library, or the Writing & Learning Centre (WLC) for clarification. First-year writing courses and LS One include instruction on plagiarism and proper documentation; all course syllabi include a paragraph about plagiarism and provide students with the URL to this policy on the OCAD web site. The OCAD Style Guide was developed to present the most commonly used conventions in OCAD courses and is available on the WLC Web site; most courses with MyCourses web sites provide the OCAD Style Guide and this policy in downloadable form. A claim of not knowing about this policy or not understanding what constitutes plagiarism is not a plausible excuse for academic misconduct.

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

- copying another student's work during a test or examination;
- 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 or otherwise;
- collaborating on take-home exams or other assignments without permission;
- improperly obtaining through theft, bribery, collusion or otherwise an examination or test paper or other materials;
- signing in another student on an attendance sheet; and
- submitting any work for evaluation that has previously been submitted in another course, without the faculty member's prior approval

B. Penalties for Academic Misconduct

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

- 1) grade of zero on an assignment, which constitutes a warning;
- 2) grade of zero in a course;
- 3) disciplinary probation;
- 4) suspension from the University for a minimum of one semester; and/or
- 5) expulsion from the University.

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

In the event a serious breach of academic integrity is confirmed following the conferral of a degree, the University reserves the right to revoke the degree.

Please refer to the Appendix for examples of academic misconduct and typical penalties. The Dean, the Vice-President Academic, and/or the Student Appeals Committee, as the case may be, retain the discretion to impose an appropriate penalty on a case-by-case basis.

C. 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:

1. In a test or examination situation, where an instructor has reason to believe that a student has committed academic misconduct, s/he 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.
2. In other situations where an instructor has grounds to suspect that a student has committed academic misconduct, e.g., plagiarized an essay or assignment, the instructor shall promptly inform the student (within seven days or as soon as practicable) and invite the student to discuss the matter.

3. If after such discussion, the instructor is satisfied that no academic misconduct has been committed, s/he shall so inform the student and no further action shall be taken in the matter unless additional evidence comes to light.
4. If the student fails to respond to the invitation for discussion or if after such discussion the instructor believes that academic misconduct has been committed by the student, the instructor will promptly (within seven days) advise the Dean or designate of the Faculty offering the course of the allegations of academic misconduct.

Step 2: Meeting with Dean

1. After the Dean has been advised of the allegations by the instructor, the Dean shall notify the student in writing, provide him or her with particulars of the allegations and a copy of the Academic Misconduct Policy, and advise the student of a date, time, and place for a meeting with the Dean, the student, and the instructor in order to afford the student an opportunity to respond. At the meeting the Dean will:
 - (a) 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;
 - (b) explain the nature of the allegation and permit the student to review any materials relied upon in support of the allegation;
 - (c) outline the range of penalties recommended in cases of academic misconduct, including the penalty recommended in the present case, should the allegation be upheld; and
 - (d) provide the student with the opportunity to respond to the allegation and to the recommended penalty.

The Dean may request any additional information that s/he 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.

2. The Dean will review the relevant information including the response of the student and decide whether or not an offence of academic misconduct occurred.
3. If an offence of academic misconduct is found to have occurred, the Dean will impose the penalty that s/he considers appropriate and shall inform the student of his/her decision with written reasons, normally within five working days.
4. In a case of a finding of misconduct, which, in the opinion of the Dean, warrants suspension or expulsion, the Dean may only recommend the imposition of such penalty and the matter must proceed to Step 3.
5. 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 working days.
6. If the student fails to respond to the Dean's request or to appear at the meeting with the instructor and the Dean, the Dean may proceed with his/her investigation in the student's absence, including the imposition of a penalty.
7. The Dean may delegate any of his or her duties or powers under this Policy.

Step 3: Submission to the Vice-President, Academic

1. If the student is not satisfied with the decision of the Dean, or denies the allegation, and/or does not accept the penalty imposed by the Dean, the student may, within 10 working days, make a written submission to the Vice-President, Academic.
2. The Vice-President, Academic will review the matter and will either confirm, reverse, or revise the decision of the Dean. The student and the Dean shall be informed of the decision in writing with reasons, normally within 10 working days.
3. In a case of a finding of misconduct which, in the opinion of the Dean, warrants suspension or expulsion, and where the Dean has referred the matter pursuant to Section C of Step 2, the Vice-President, Academic will review the matter and make a decision respecting any appropriate penalty. The student and the Dean shall be informed of the decision in writing with reasons, normally within 10 working days.

Step 4: Hearing of the Student Appeals Committee

1. The student may appeal the decision of the Vice-President, Academic by letter of appeal to the Student Appeals Committee (also referred to as the "Committee"), with a copy to the Vice-President, Academic, within 10 working days after the date of the written decision of the Vice-President, Academic. In his or her letter, the student shall set out the grounds for the appeal and shall set out, in summary form, the reasons for the appeal.

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.

The filing of an appeal does not stay the decision of the Vice-President, Academic.

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 penalty.

2. The parties to the hearing are the student, the Dean and any other person deemed to be a party by the Student Appeals Committee.
3. The Student Appeals Committee shall be composed of:
 - a) two Deans/Assistant Deans;
 - b) two students;
 - c) two faculty members, one of whom serves as Chair; and
 - d) the Director, Student Services, or the Registrar.

Where possible, the composition of the Student Appeals Committee should be representative of the OCAD community. Every reasonable effort will be made to have all members of the Student Appeals Committee present for an appeal, but a majority of the 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.

The Secretary to the Committee shall be the Student Services Administrator.

4. The 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 pre-hearing. The purpose of the pre-hearing is to consider:

- a) The simplification of any or all of the issues;
- b) The settlement or resolution of the appeal;
- c) Whether there are facts or evidence that can be agreed upon;
- d) The length of the hearing and number of witnesses;
- e) Production and disclosure of documents; and
- f) 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 as he or she considers 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.

5. 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.
6. The following procedures apply to hearings of the Student Appeals Committee:
 - a) The hearing shall be held *in camera*.
 - b) Either party may be represented by another person, including legal counsel, during the hearing.
 - c) 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.
 - d) The parties shall be allowed to call, examine and cross-examine witnesses and present evidence, including written or documentary evidence, and argument.
 - e) Each party shall be allowed an opportunity to make an opening and a closing statement.
 - f) The Committee may ask questions of all parties and witnesses, call additional witnesses, or require the production of any written or documentary evidence.
 - g) 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.
 - h) Both the student and the Dean shall leave the hearing room at the conclusion of the hearing.
 - i) The Committee shall deliberate *in camera* and reach a decision by majority vote. The Committee may grant any remedy it sees fit, including upholding the decision and penalty determined by the Vice-President, Academic; imposing a lesser penalty; or granting the appeal of the student. The Committee will not normally increase the penalty imposed by Vice-President, Academic.
7. The Committee's decision is final.

8. The Committee has the power to reserve its decision.
9. 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.
10. 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.
11. Penalties for academic misconduct will be implemented by the Vice-President, Academic.

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 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 penalty void but the Vice-President, Academic or the Student Appeals Committee, as the case may be, may consider any failure to meet such a time limit in considering an appropriate disposition of a matter.

D. Recording of Academic Offences

Findings of academic misconduct will be recorded in the student's file in the Office of the Registrar and otherwise as noted below. If the Vice-President, Academic or the Student Appeals Committee, as the case may be, 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 papers and other documentation of academic misconduct will be maintained in each Faculty Office.
4. The student's transcript shall reflect penalties of suspension and expulsion from the University, as well as those embedded in the final grade for the relevant course(s).

E. Reporting of Academic Offences to Academic Council

At least once per academic year, the Registrar shall prepare and present a report to Academic Council regarding the number and type of academic offences committed and recorded in student files during that year, as well as a summary of penalties imposed.

NB: This policy is based on the OCAD Code of Student Conduct (1992/rev.1996/updated 1998 and 2004). The preamble on Academic Integrity is borrowed from the Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students (2004).

Appendix:

Examples of Academic Misconduct and Typical Penalties

[Adapted from the *Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students (2004)*¹]

Academic Misconduct Offences and Sanctions

Any violation of academic honesty is a serious offence and is therefore subject to an appropriate penalty. Violations at OCAD are classified into four levels according to the nature of the infraction. For each level of violation a corresponding set of sanctions is recommended. Deans, the Vice-President, Academic, and the Student Appeals Committee are not bound by these illustrations, which are intended as general guidelines for the academic community. Since adherence to a code of conduct can be seen as a function of socialization into the group whose norms are reflected in such a code, culpability may be assessed differentially for those with more and less experience as members of the academic community; thus, violations of academic integrity by graduate students will presumably be penalized more severely than violations by first semester first year students. Examples are cited below for each level of violation. These examples, too, are illustrations and are not to be considered all-inclusive.

A. Level One Violations

Level One violations are those that occur because of inexperience or lack of knowledge of principles of academic integrity on the part of persons committing the violation. These violations are likely to involve a small fraction of the total course work, are not extensive, and/or occur 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.
- Failure to footnote or give proper acknowledgment in an *extremely limited section* of an assignment.

Recommended sanctions for level one violations are listed below; one or more of these may be chosen in each case:

- Required attendance in a non-credit workshop or seminar on ethics or related subjects.
- An assigned paper or research project on a relevant topic.
- A make-up assignment at a more difficult level than the original assignment.
- A recommendation to the instructor that no credit be given for the original assignment.

Records of students who commit Level One offences will be maintained in the respective Dean's Office and the student's file in the Office of the Registrar until graduation.

B. Level Two Violations

Level Two violations are those characterized by dishonesty of a more serious nature or which affect a more significant aspect or portion of the course work.

¹ <http://www.camden.rutgers.edu/RUCAM/info/Academic-Integrity-Policy.html>

The following are examples:

- Quoting directly or paraphrasing, to a moderate extent, without acknowledging the source.
- Submitting the same work or major portions thereof to satisfy the requirements of more than one course without permission from the instructor.
- Receiving assistance from others, such as research, statistical, computer programming, field data collection help, or technical art/design production help that constitutes an essential element in the undertaking, without acknowledging such assistance in a paper, examination, or project.

The recommended sanction for Level Two violations is disciplinary probation. In cases of academic dishonesty involving assignments done outside of the classroom, the Dean may in addition recommend a failing grade for the assignment involved and the grade in the course will be determined in the normal manner. However, cheating on a take-home final examination would normally carry a recommended penalty that the faculty member fails the student in the course, as well as disciplinary probation.

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 offences will be maintained in the respective Dean's Office and in the Office of the Registrar until graduation.

C. Level Three Violations

Level Three violations include 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 one and two.

Examples include:

- Plagiarizing major portions of a written assignment.
- Presenting the work of another as one's own.
- Using a purchased term paper 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 of Level One and Two offences is a minimum of a one semester suspension from the University and a failing grade for the course.

D. Level Four Violations

Level Four violations represent the most serious breaches of intellectual honesty.

Examples of Level Four violations include:

- All academic integrity infractions committed after return from suspension for a previous academic integrity violation.
- Infractions of academic integrity resembling criminal activity (such as forging a grade form, stealing an examination from a professor or from a university office; buying an examination; 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.
- Wilful 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 violations 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.