

Policy and Procedures for addressing Academic Integrity Violations 101 –

What you need to know to promote and support a fair process!



Office of the Ombudsperson University of Victoria

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SUMMARY OF TOPICS

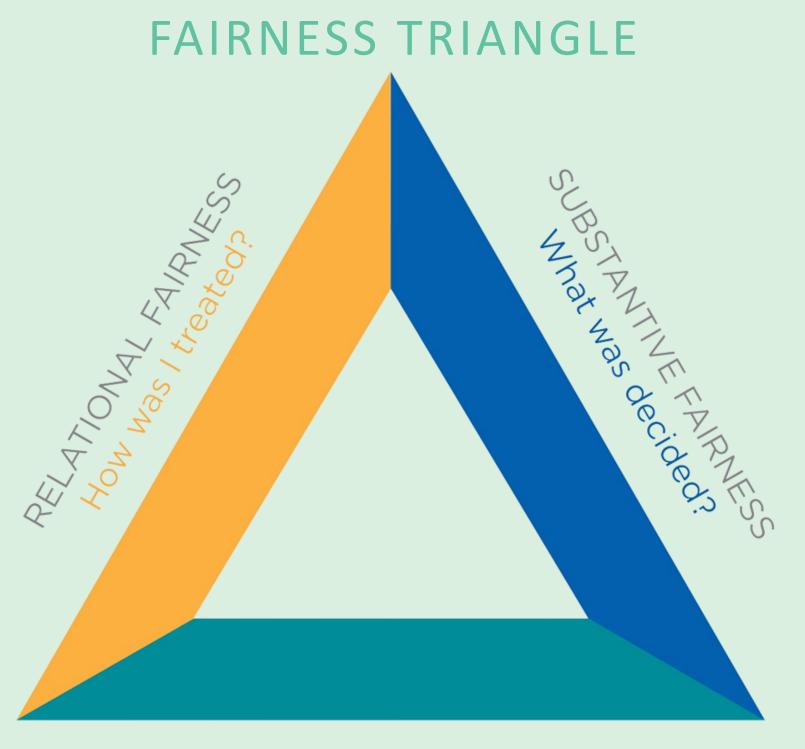
MAIN POINTS COVERED

Principles of Fairness
Essential Aspects of Procedural Fairness
Academic Integrity Policy
Procedures For Dealing With violations of Academic Integrity

As an academic, what do you have? You have the quality of your work and the integrity with which you do it.

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PRINCIPLES OF FAIRNESS



PROCEDURAL FAIRNESS How was it decided?

THE FAIRNESS TRIANGLE

ELEMENTS OF RELATIONAL FAIRNESS

- Being approachable
- Listening
- Respecting confidentiality
- •Making information clear and easily available
- Providing accessible problem-solving options
- •Being clear about what you can and cannot do
- •Offering an apology if a mistake is made
- •Was communication respectful, timely and responsive?



ELEMENTS OF SUBSTANTIVE FAIRNESS

- Having appropriate authority to make a decis
- •Ensuring that decisions are based on relevant information
- •Was the applicable policy or law followed?
- •Was the decision reasonable in the circumstances?

ELEMENTS OF PROCEDURAL FAIRNESS

PROCEDURAL FAIRNESS
How was it decided?

- •Providing notice that a decision is to be made and sufficient information for an affected person to know what is required or what is at stake.
- •Providing an appropriate forum for an affected person to present his or her views and to be heard.
- •Being impartial and unbiased.
- •Making a decision in a reasonable time.
- •Providing clear and appropriate reasons for decisions.



ESSENTIALS OF PROCEDURAL FAIRNESS



IMPARTIAL DECISION MAKER

Decision maker should be unbiased and must not have prejudged the case.



NOTICE

Provide reasonable notice of potential decision, as well as information about the decision-making criteria and process.

OPPORTUNITY TO BE HEARD

Provide opportunity for person affected by decision to make submissions and have their views considered..



SSENTIALS OF PROCEDURAL FAIRNESS

TIMELY DECISION

Make decisions within timeframe specified by policy or law, and communicate decision without delay.

CLEAR AND MEANINGFUL REASONS

Provide a clear explanation of the reasons for the decision.

APPEAL OR REVIEW PROCEDURE EXPLAINED

Provide information about how to access any appeal or review procedure and specify time.





ALLEGATIONS

Policy: Alleged violations must be documented by the instructor, who must inform the Chair

Instructors are responsible for:

- Understanding the various forms of academic integrity violations i.e. aiding others to cheat, plagiarism, falsifying materials etc.
- · Provide clear and concise documentation to the Chair.
 - In most cases, this does not require engaging with the student, but if contacting the student is necessary to collect information, it should be done in a non-accusatory manner.

ALLEGATIONS

Policy:

The Chair shall inform the student in writing of the nature of the allegation to respond to the allegation. The Chair shall then inform the student in writing of the allegation and give the student a reasonable opportunity to respond to the allegation.

Normally, this shall involve a meeting between the instructor, the Chair, the student and, if the student requests in advance, another party chosen by the student to act as the student's adviser.

ALLEGATIONS

The Chair/Director is responsible for:

- Providing students reasonable notice about the allegation, which includes providing the student a copy or summary of the documentation collected by the instructor. If the information includes private info about other students, the information can be redacted.
- Normally arranging a meeting (Chair, instructor, student), a student can ask in advance to have another party attend the meeting with them to act as an adviser. The adviser is there for the purpose of advising the student but not necessarily to act on their behalf.

IMPORTANT - Students need to be informed that they are allowed to bring another party with them to attend the meeting to act as an adviser.



The purpose of the meeting is to review the information with the student, allow them to respond to the allegation and clarify and collect any additional information that is relevant to the matter at hand. It is important to conduct the meeting in an unbiased manner.

DETERMINING ALLEGATIONS

Policy:

The Chair shall make a determination as to whether compelling information exists to support the allegation.

The Chair is responsible for:

- Determining whether the student violated the academic integrity policy.
- Determining the appropriate penalty for first time offenses.

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DETERMINING ALLEGATIONS The state of the st

- Making a decision first requires the decision maker to review all of the information and determine
 which information is relevant and compelling. The line of reasoning used to determine whether
 information is compelling is the reasonable person test.
- The reasonable person is a hypothetical person used as a legal standard to determine whether the conduct of the parties in a case was proper in the circumstances. It is the standard of conduct adopted by person of ordinary intelligence and prudence (www.courthouselibrary.ca)
- R v S (RD), [1997] 3 SCR 484: The majority further noted that good judges are sensitive, compassionate, and have a wealth of personal and professional experience. The court recognized that relying on the broader social context ensures that the law develops to reflect social realities.

DETERMINING ALLEGATIONS

STANDARD OF TRUTH - BALANCE OF PROBABLITIES

- Another aspect of determining a decision is how much weight and attention should be given to the information at hand.
- The standard used in administrative decision processes to determine the weight given to the evidence is: the balance of probabilities test.
- Saying something is proven on a balance of probabilities means that it is more likely than not to have occurred. It means that it is probable, i.e., the probability that some event happens is more than 50%. So mathematically proof on a balance of probabilities is 50.1% likelihood of something having occurred.
- Simply a balancing of both sides seeing which side has the stronger proof.

DETERMINING ALLEGATIONS

Throughout this process, Chairs or delegated decision makers are to be unbiased or impartial.

To be unbiased means:

The person making decisions must not have any personal interest in the decision being made, and must not have predetermined the matter prior to hearing from the parties involved in the matter.

TIMELY DECISIONS

Be conscious of making a decision in a reasonable amount of time and also be aware to when a decision is delivered.

CLEAR WRITTEN REASONS

Your decisions should demonstrate that you reviewed all the information and identified what information is relevant to the matter and applied them to the rules of the policy. Avoid using "legalese" language.

IDENTIFY THE ISSUE TO BE ADDRESSED

Example: The issue to be addressed is whether the student plagiarized their essay assignment?

IDENTIFY AND ANALYZE THE RELEVANT EVIDENCE

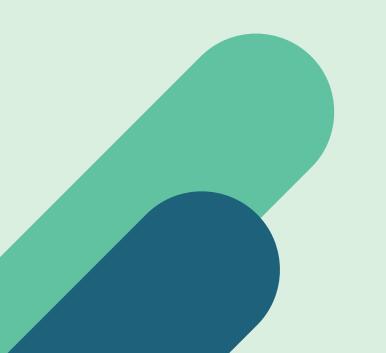
Conclude with deciding whether the information was compelling based on the balance of probabilities.

IDENTIFY THE RELEVANT POLICIES AND DEMONSTRA THE PROCEDURES WERE FOLLOWED

Student was notified, provided information about allegation, afforded the opportunity to respond and bring an adviser to the meeting.

INCLUDE INFORMATION ABOUT APPEAL PROCESS

Include appeal information that highlights the deadlines for appeal and to whom a student should write their appeal to. It is also appreciated that information about the Ombudsperson Office is included.



ALLEGATIONS/WARNING

The policy does not incorporate warnings,. If you proceed with warnings, then you do so outside of the parameters of the policy.

STUDENTS EXPERIENCING PREJUDGMENT

Students have experience where they are persuaded to admit their wrongdoing to avoid a harsher penalty.

TIMING OF MULTIPLE ALLEGATIONS

Students aren't informed in a timely manner about their allegations.

Observations



QUESTIONS & **ANSWERS**