



## **PROCEDURES: ACADEMIC MISCONDUCT POLICY**

AUTHORITY: Senate

RESPONSIBILITY: Vice President Academic

Effective Date: January 21, 2015

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**Purpose:** To implement the Academic Misconduct Policy, the procedures outlined in this document shall be followed.

**Responsibility:** The Vice President Academic, on behalf of The Senate of the University, is responsible for the development, administration and review of these procedures.

### **Definitions:**

- a) **“head”** refers to the person responsible for the management and administration of a program and/or department.
- b) **Time Period:** In these Procedures, days are specified as either calendar or working days. In either event, calculation of days does not include days on which the University is:
  - i) closed for statutory holidays,
  - ii) closed due to flooding, power outages, security threats, or other such extraordinary occurrences, or
  - iii) otherwise shown as closed in the University Academic Calendar, in which case the calculation of the number of days will be extended by the number of days the university was closed.

Additionally, all Definitions in the Academic Misconduct Policy are incorporated into these Procedures and shall apply as fully as if they had been set out verbatim herein.

### **Principles:**

1. A student alleged to have committed an act of academic misconduct has a right to be accompanied by another person for any personal attendance before University

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officials and/or committees pursuant to this Policy. The accompanying person may provide support by supplementing the student's presentation to:

- a) raise specifics of the case as previously discussed between that person and the student;
- b) raise procedural matters if correct procedures have not been followed;
- c) assist in overcoming barriers the student may be experiencing including language comprehension issues or discomfort presenting;
- d) deliver a closing statement.

2. Every effort shall be made to ensure that confidentiality is maintained by the University at every point in the process up to a finding of academic misconduct having been finally made or determined. Additionally, every effort will be made to ensure that anonymity shall be maintained in all case summaries and reporting except that the University shall be free to report or disclose a finding of academic misconduct on any official University records including a transcript or in response to a question by other academic institutions.

3. No person who was previously involved with the consideration of allegations of academic misconduct may be involved as a voting committee member in later stages related to that same incident.

4. At the onset of any level of the process, a student alleged to have committed an act of academic misconduct shall be notified that he/she may raise an objection concerning conflict of interest or bias at the outset. If the student fails to do so, he/she is deemed to have waived any objection.

5. Where an objection concerning conflict of interest or bias has been raised, the student may appeal a dismissal of a conflict or bias objection to the Senate Academic Standards and Misconduct Committee, which shall determine if the conflict or bias objection has merit, and, if so, the entire process shall be repeated, so as to remedy the conflict or bias.



6. Archival files pertaining to academic misconduct shall be maintained by the Dean/Associate Dean who is Chair of the Senate Academic Standards and Misconduct Committee.

**PROCESS:**

The stages of an academic misconduct allegation are as follows:

**LEVEL I: Instructor level - where allegation occurs within a course or where an allegation arises in respect of conduct other than within a course.**

**1. Allegations arising within a course:**

Where circumstances indicate academic misconduct may have occurred within a course, within 2 working days of suspecting academic misconduct has occurred, the Instructor shall notify the student via their official University of Winnipeg student email address about their concern of academic misconduct. The student will be given an opportunity to meet with the Instructor within 5 working days of that notification. Within the following 5 working days, the Instructor shall either grade the materials or commence the Academic Misconduct Procedures by informing the person responsible (Department Chair, Coordinator, Department Review Committee (DRC), or Academic Review Committee (ARC) chair) for that faculty, department or division, in the form of a written report, which shall, at a minimum, include the following:

- a) the date on which the alleged misconduct occurred;
- b) a statement and detailed description of the alleged misconduct;
- c) any documentary or other evidence that supports the allegation of misconduct;
- d) a record of any communication with student(s) involved in the alleged misconduct.

Grading guidelines for Instructors:

The Instructor, or other person responsible for student academic matters, shall not assess a penalty for an alleged act of academic misconduct, for example, by giving a failing grade for a course solely on the basis of alleged academic misconduct occurring in the completion of a discrete element of the course e.g. presentation, essay, test, examination. of a course's requirements. If evidence of academic misconduct is discovered, the Instructor, after initiating the Procedures under this Policy, shall delay grading the item in question, pending the outcome of the Academic Misconduct Procedures, and inform the student of the reason for the delay.



Where academic misconduct is suspected during an exam, the Instructor shall:

- a) not suspend the exam process;
- b) not suspend the exam for the student or the student(s) concerned;
- c) allow the student(s) to continue to completion;
- d) collect all available allegedly offending materials at the time they are discovered or otherwise record the circumstances including by electronic or photographic means; note concerns on the submitted exam, including refusal on the part of the student to cooperate;
- e) at the time exam is received communicate the concern to the student(s) and notify the student(s) they will be invited to meet with the Instructor within 5 working days.

If a course has ended in which academic misconduct has been alleged, and final grades must be submitted, the Instructor shall submit final grades for the course, without entering a grade for the student in question, and notify Student Records, with a copy to the faculty, department or divisional designate (for example, DRC/ARC chair, Department Chair, or Director), that this grade is pending and will be submitted upon completion of the Academic Misconduct Procedures.

## **2. Allegations arising other than within a course:**

If allegations of academic misconduct arise other than within a course (e.g., transcript forgery, false documentation), the head shall provide a written report of the allegations, directly to the Chair of the Senate Academic Standards and Misconduct Committee, including the same information required from an Instructor as outlined above. The Chair shall give written notice of the allegations to the student and refer, in writing, the reported allegations to the Senate Academic Standards and Misconduct Committee.

## **LEVEL II: The Faculty, Department or Division**

Within 2 working days of receiving the Instructor's report under Level I, the person responsible (Department Chair, Coordinator, Department Review Committee (DRC) or the Chair of the Academic Review Committee (ARC) for that faculty, department or division, in the form of a written report, shall notify the student in writing via their official University of Winnipeg student email address and by certified letter of the allegation of misconduct. Such notice shall include the Instructor's written report of the alleged misconduct and notification of the student's opportunity to be heard, in writing and in person, within 10 calendar days of receiving the notice. The Instructor and the Chair of the Senate Academic Standards and Misconduct Committee shall be provided with a copy of the notice sent to the student.

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At the expiry of:

- a) 10 calendar days (if no representation in writing is received or the student has not appeared in person to be heard) or
- b) 5 working days after receiving the student's representation in writing or the student having appeared in person the faculty, department or divisional designate as may be appropriate shall:

- i) review all available and relevant information and documents (which may include meeting with the student),
- ii) make a recommendation to the Senate Academic Standards and Misconduct Committee as to whether or not an act of academic misconduct has been committed, and recommend an appropriate penalty.

The student and the Instructor will not be informed of this recommendation at this point of the process.

Within 2 working days of making its recommendation, the faculty, department, or divisional designate shall forward the complete record of the process to the Chair of the Senate Academic Standards and Misconduct Committee, which record shall include the following documents:

- a) a report of the process to that point, and reasons for recommendation, and the recommended penalty, if applicable;
- b) the Instructor's file;
- c) a record of any communication with and by the student in question;
- d) any further relevant materials, including course outline and any departmental policy regarding academic misconduct.

### **LEVEL III: The Senate Academic Standards and Misconduct Committee**

The Chair of the Senate Academic Standards and Misconduct Committee upon receipt of the written report of the faculty, department or divisional designate, or upon receipt of allegations of misconduct arising other than within a course, shall notify the student in writing of:

- a) the recommendation of Level II and of his/her right to appeal the recommendation, or
- b) where allegations of misconduct arising other than within a course have been received, the student's right to respond to the allegations.

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The student shall have 10 calendar days from receipt of such notice to appeal the recommendation or respond to the allegations by making a submission in writing and/ or to have submitted a request in writing to appear before the Committee. Any such submission by a student must have been received with the 10 calendar day period.

### **Committee Process**

Where within 10 calendar days following receipt by the student of the notice of the recommendation from Level II either:

- a) a student has made a submission in writing and not requested an appearance before the Committee, or
- b) a student has made a request for an appearance before the Committee, or
- c) no such submission has been received,

on the expiry of such 10 calendar day period, the Committee shall make a decision to reject, confirm or modify the recommendation from Level II.

Where the student has made a timely request in writing for an appearance before the Committee, an appearance shall be scheduled before them so the student may be heard.

The Committee shall have access to all relevant materials. The record at Level III shall include the following:

- a) all materials forwarded from Levels I and II;
- b) any new information relevant to the case and not presented at Level I or II;
- c) all Committee communications, written or transcribed from the personal appearance before the Committee
- d) the notes of all Committee meetings.

### **Notification of Decision**

The Committee shall, within 2 working days of making a decision, inform the student and the Instructor through the DRC/ARC, in writing of its decision and its reasons.

### **Appeals**

The student shall have the right to appeal the ruling imposed by the Senate Academic Standards and Misconduct Committee to the Senate Academic Misconduct Appeals Committee. The decision of the Committee, either with respect to a finding of academic misconduct, or the penalty imposed, may be appealed to the Senate Academic Misconduct Appeals Committee. The Senate Academic Misconduct Appeals Committee will make a decision within 10 calendar days and that decision shall be final. In such cases, the Senate Academic Misconduct Appeals Committee shall grant or deny the appeal, based on the record at Level III.

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#### **LEVEL IV: The Senate Academic Misconduct Appeals Committee**

A student may appeal a finding of academic misconduct and/or a disciplinary penalty to the Senate Academic Misconduct Appeals Committee. The student must file an appeal in writing with the Chair of the Senate Academic Misconduct Appeals Committee within 10 calendar days of receipt of notice of the Level III decision. The appeal must state specifically:

- a) the decision which is being appealed;
- b) the reasons for the appeal;
- c) the general nature of any new evidence, if any;
- d) the remedy being sought.

The Senate Academic Misconduct Appeals Committee upon timely receipt of a written appeal by a student found to have committed academic misconduct shall, within 2 working days, notify the Instructor and the appropriate person or committee or the faculty, Department or division (for example, the DRC/ARC) of the appeal.

#### **Notification of Decision**

Upon receipt of the written appeal, the Chair of the Senate Academic Misconduct Appeals Committee shall notify the student in writing of his/her right to present further relevant information in writing to the Senate Academic Misconduct Appeals Committee, of his/her right to appear in person before the Committee, and of his/her right to be accompanied by another person during such an appearance before the Committee.

The student shall have 10 calendar days from receipt of such notice to present further relevant information and/or request a hearing.

#### **Committee Process**

After the 10 calendar days have elapsed, the Senate Academic Misconduct Appeals Committee will meet. The Senate Academic Misconduct Appeals Committee will determine its own procedures and may receive information from the student and other relevant persons in such a manner, as they deem appropriate. The Senate Academic Misconduct Appeals Committee may request an interview with the student and/or with anyone who has information relevant to the matter before it.

In cases where the Committee receives a written request from a student for a hearing, the Committee shall schedule a hearing. At such a hearing, the student may be accompanied by another person.

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In cases where the student does not request a hearing, the Committee may decide the matter based on the written material and other available evidence and information.

The Senate Academic Misconduct Appeals Committee will have access to all relevant material:

- a) all material forwarded from levels I, II and III;
- b) a summary report of the case, processes used in level IV, decisions and reasons for them;
- c) all Senate Academic Misconduct Appeals Committee communications, written or transcribed from an oral interview, concerning the case;
- d) the minutes of all relevant Senate Academic Misconduct Appeals Committee meetings;
- e) any new information relevant to the case and not presented at Level I, II or III;
- f) the confidential Dean's Office file relevant to the case;
- g) a summary report of the case, decisions and reasons for the recommendation.

After considering all of the available and relevant material, information and evidence, the Senate Academic Misconduct Appeals Committee may:

- a) uphold a finding of academic misconduct;
- b) revise a finding of academic misconduct;
- c) confirm a penalty;
- d) assess a different penalty; or
- e) allow the appeal and dismiss the notification of decision.

### **Notification of Decision**

The Senate Academic Misconduct Appeals Committee shall, within 2 working days, provide written notice to the student and the Instructor through the appropriate DRC./ARC, as well as the Senate Academic Standards and Misconduct Committee of its decision and its reasons.

### **Academic Misconduct Files**

Level I: There is no permanent file kept. All documents are submitted to Level II.

Level II: There is no permanent file kept. All documents are submitted to Level III.

Level III: A confidential file of each case is kept for a period of no longer than two years after resolution by the Senate Academic Standards and Misconduct Committee in the office of the Dean who is Chair of the Committee.

This file contains the following information:

- a) all material forwarded from levels I and II;
- b) a summary report of the case, processes used in level III, decisions and

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- c) reasons for them;
- d) all Senate Academic Standards and Misconduct Committee communications concerning the case;
- e) any new information relevant to the case and not presented at Level I, II or III;
- f) a summary report of the case, decisions and reasons for the recommendation;
- g) meeting notes of the meetings of the Committee.

Level IV: A confidential file is kept by the Office of the Dean who is Chair of the Senate Academic Standards and Misconduct Committee. The file contains all documentation considered during the Senate Academic Misconduct appeals process, and will be kept for no more than two years after resolution.

The official archival files containing the confidential records of all academic misconduct cases are kept in the Office of the Dean who is Chair of the Senate Academic Standards and Misconduct Committee for no more than two years after resolution.

A confidential archival file recording all cases occurring during an academic year is kept for no longer than seven years.

This file contains the following information:

- a) the index of names, dates and kinds of misconduct, penalties, and dismissals of all misconduct cases;
- b) a summary of each misconduct case.

When academic misconduct has been found NOT to have occurred:

- a) the actual records of the case will be destroyed;
- b) case summaries will be kept indefinitely.

### **Case Summaries**

The summary of each case will include a brief outline of the case, any disciplinary action taken, and the reasons for the action. In all cases, the summary will be written in such a way as to ensure complete confidentiality and anonymity for the student.

### **Access to Archival Discipline Files**

Only the Senate Academic Standards and Misconduct Committee and the Vice-President Academic have the right to access the archival files and only on a need-to-know basis.



### **Student Records and Notations of Disciplinary Action**

The Chair of the Senate Academic Standards and Misconduct Committee shall notify the Records Office of all disciplinary actions taken; this includes penalties assessed, subsequent appeals and the appeals outcomes. If the penalty involves suspension or expulsion from the University, the Chair of the Senate Academic Standards and Misconduct Committee will inform the Records Office of the need for this to appear on the student's record, how long it should remain on the record, and the conditions for removing it from the record.

The Records Office may be asked by the Chair of the Senate Academic Standards and Misconduct Committee to withhold the issuance of transcripts or statement of grades for the student disciplined pending the expiry of the appeal or exhaustion of the appeal process.

The student's official file in the Records Office should only contain the final decisions of penalty should the student be found guilty of academic misconduct. Where the student has been found guilty, this record will be removed upon the student's graduation. In a case where the final decision is a finding that no academic misconduct occurred, thus overturning a previous penalty, all material pertaining to the case will be destroyed.

### **Notations on Student History/Record**

If the penalty is a lowered or failing grade for a specific item of work or for a course in its entirety, there is no notation placed on the student history and transcript. The history and transcript will reflect the grade as though it were an earned grade.

If the penalty is suspension from the University, a notation is placed both on the Student History and the official transcript. The notation is removed two years after termination of suspension.

If the penalty is expulsion from the University, the notation remains permanently on both the Student History and the official transcript. This notation may only be removed upon successful petition to The Senate Academic Standards and Misconduct Appeals Committee.

### **Academic Misconduct and the University Community Evaluation and Annual Report to the University Community**

An annual report will be presented to Senate by the Chair of the Senate Academic Standards and Misconduct Committee. The report will be presented in such a way as to maintain confidentiality and anonymity. It will chronicle the number of cases, the faculties, departments, divisions, and units and, where feasible, the courses in which they

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occurred, the types of misconduct, and the kinds of penalties assessed. This report will be based on information received from levels II, III, and IV. This report will also be published so that members of the University community shall be kept informed of the nature and disposition of cases dealt with under this Policy. In addition, should the evaluation reveal a pattern of academic misconduct that is identifiable with respect to the factors evaluated, the Senate Academic Standards and Misconduct Committee may recommend to Senate changes in policy, preventative actions and/or any matters, as appropriate.

### **Responsibility of Members of the Academic Community**

All members of the University community have the responsibility to ensure that students are familiar with generally accepted standards and requirements of academic honesty. However, ignorance of these standards will not preclude the imposition of penalties for academic misconduct.

### **Review:**

These procedures shall be reviewed in conjunction with the Policy review at least once every five years.