

Cheating: What Instructors Need to Know

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University
of Windsor

SENATE BYLAW

Bylaw 31: Academic Integrity

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1 Preamble

1.1 The objectives and purposes of the University of Windsor are:

- (a) The advancement of learning and the dissemination of knowledge; and
- (b) The intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society. (University of Windsor Act (1962-63, amended 1969))

The pursuit of these objectives, in a safe and mutually respectful environment, requires that all members of the University community act responsibly and with honesty, trust, respect and fairness at all times. As members of the University community, students are therefore expected to conduct themselves with integrity as illustrated by the codes of conduct established by their professional discipline and the Senate Student Code of Conduct. Any student whose conduct exhibits a lack of integrity, as defined in this bylaw and in related Senate and University bylaws and policies, shall be disciplined in the interest of safeguarding and upholding these objectives. It is the purpose of this bylaw to set out a fair and equitable process by which these standards are upheld. Faculty and staff discipline is covered under the respective collective agreements and personnel policies and practices.

The mission of the academic integrity system, of which this bylaw forms a part, is to uphold a culture of academic integrity – the foundation of academic life within our community – through education, enforcement and re-engagement.

The University's student discipline system "is not in the character of a criminal or civil legal proceeding. It is not modeled on these adversarial systems; nor does it serve the same social functions. It is not a court or tribunal. Rather, it is an academic process unique to the community of scholars that comprise a university."¹

1.2 This bylaw applies to:

- all current students; except for students registered in the Faculty of Law (including students registered in dual degree or joint programs with the Faculty of Law) or students registered in the Schulich School of Medicine and Dentistry.
- individuals (current and former students) who are alleged to have committed an act of misconduct while they were registered as students; and
- students and applicants who are alleged to have committed an act of misconduct to obtain admission, readmission or registration.

1.3 For the purpose of this bylaw, all communications (including signatures, notices, memos, invitations, decisions, etc.) may be electronic.

¹ Pavela, Gary. "Applying the Power of Association on Campus: A Model Code of Academic Integrity." *Journal of College and University Law*, 24 (1997-1998): 97-118. HeinOnline. Web. 1 Oct. 2014, p. 112.

2 **Related Bylaws and Policies include:**

Behavioural Intervention Plan

Bylaw 32: Procedural Irregularities and Discrimination Regarding Academic Instruction, Evaluation and Appeals

Bylaw 33: Student Rights and Freedoms

Bylaw 51: Academic Evaluation Procedures

Authorship

Conduct of Exams and Tests

Graduate Studies Policy on Plagiarism

Student Code of Conduct

Faculty policies relating to plagiarism, academic integrity and misconduct

Policy Statement on Student Discipline of the Faculty of Law

Residence Handbook

3 **Definitions**

In this bylaw:

Academic Misconduct means any action taken by a student that gives the student an unearned advantage in matters affecting his/her academic standing. For professional programs, all actions that result in a breach of the rules of conduct as set out by the professional bodies and adopted in whole or in substance by the relevant professional program as part of its code of conduct shall also be considered acts of academic misconduct. (See Student Code of Conduct for some examples of academic misconduct.)

Academic Integrity Office includes the Academic Integrity Officer and other staff appointed to that office and provides support at all stages of the process and in any capacity required, to all members of the University Committee on academic integrity and discipline matters. This includes but is not limited to investigating complaints where requested by an adjudicator.

Adjudicator means the Dean or designate of the Dean who will normally act to investigate and adjudicate academic misconduct matters occurring in courses offered by his/her Faculty. Where the instructor reporting the misconduct is also the adjudicator who would normally be reviewing the matter, the Dean shall act in the adjudicator's place or designate another to act as adjudicator under this bylaw on that particular matter. In the event of the absence or inability to act of the adjudicator, the Dean shall act in the adjudicator's place or designate another to act as adjudicator under this bylaw. In Inter-Faculty Programs, the Assistant Provost Inter-Faculty Programs will normally act as adjudicator. If the Dean or Assistant Provost Inter-Faculty Programs is the instructor initiating the complaint, the Provost shall act as, or designate, an adjudicator.

Advisor means family member, friend, or other person (such as an ombudsperson), but does not include legal counsel.

Associate Dean. In Faculty units Associate Dean(s) will normally be designated as the adjudicator(s) within their areas of responsibility at the direction of the Dean of the Faculty.

Discipline Appeal Committee means the Senate Committee that has final and binding jurisdiction over academic appeals of decisions of an adjudicator and over any appeals of decisions imposed under the Faculty of Law student discipline policy.

Head means head of the academic administrative unit offering the course in which the alleged misconduct occurred and includes Heads of Departments and Directors of Schools. Where the instructor reporting the misconduct is also the Head that will be reviewing the matter, the Dean of the Faculty shall appoint a designate to act in his/her capacity under this bylaw on that particular matter. In the event of the temporary absence or inability to act of the Head, the faculty member appointed in a temporary acting capacity will act in the Head's place under this bylaw.

Instructor means an individual assigned to teach a course and includes supervising. Any member of the University Community who believes an act of academic misconduct has occurred must bring the matter to attention of the course instructor. An academic misconduct complaint should normally be initiated by the instructor.

Legal counsel means lawyer or other legal practitioners, including individuals working under the auspices of a lawyer such as Community Legal Aid students.

Party means either the adjudicator or the student.

Parties means the adjudicator and the student.

Student means applicants and current or former students that applied and/or were registered at some point at the University of Windsor.

Teachable Moment means a learning opportunity for a student, whereby the instructor engages in an informal lesson or discussion with the student on the particular matter. This may be done in lieu of filing a formal complaint. Teachable moments can be a more appropriate and effective way of reaching and educating the student, and mitigating repeat offences, than the pursuit of a complaint and/or the imposition of any sanction. It is understood that adjudicators and the Discipline Appeal Committee should incorporate teachable moments in the review and adjudication of all formal complaints.

4 Allegation of Misconduct

4.1 At every stage in the process, the merits of potential misconduct cases should be assessed with careful consideration of whether misconduct occurred. The instructor, the Head or other University Community member (prior to forwarding a complaint), the adjudicator and the Discipline Appeal Committee (once a complaint has been filed) should:

a) Determine the advisability of an educational response (*i.e.*, a teachable moment), in cases where the act is determined to be the result of an oversight, error or lack of understanding of expectations on the part of the student. In such cases, a teachable moment offered by the instructor or, if a complaint is filed, by the adjudicator or by the Discipline Appeal Committee should be considered in lieu of filing or pursuing a complaint.

or

b) Determine the need for further investigation and/or a disciplinary response, taking into account the nature and scope of the possible misconduct, whether there was intent, the context in which it occurred, the student's educational and cultural background and other relevant circumstances. Specific illustrations include (this list is not exhaustive)²:

- Relative weight of the assignment
- The level of the student's academic experience
- Whether the student accepts responsibility for his/her action and is amenable to educative remedies
- Extenuating circumstances that may help explain the action taken by a student
- Any other aggravating or mitigating factors (health, personal issues, *etc.*)
- Whether the work in which the offence has been committed is one of the major milestones of the graduate or undergraduate program (capstone, thesis, major paper)
- The severity of the offence, including its impact on others (within and outside the university community)

² University of Waterloo Policy 71, Student Discipline, section 4 Penalties

5 Procedures in Cases of Academic Misconduct

5.1 Step 1 – Preliminary Review (Instructors or Supervisors)

An instructor or supervisor who suspects that a student has committed an act of academic misconduct should meet informally with the student to discuss the matter. This shall normally be done within 10 working days of discovering the potential misconduct. At the meeting, the instructor or supervisor may dismiss the matter and, if appropriate, offer a teachable moment. Should the instructor or supervisor choose not to dismiss the matter, s/he will forward the matter including all relevant documentation and evidence to the Head, in the case of Departmentalized Faculties, or directly to the adjudicator in the case of non-Departmentalized Faculties.

In cases where the student does not respond to the invitation or chooses not to meet with the instructor, the instructor will forward the matter to the Head (in the case of departmentalized Faculties – Step 2) or to the adjudicator (in the case of non-departmentalized Faculties – Step 3), including all relevant documentation and evidence, and a note stating that attempts to meet with the student failed.

5.2 Step 2 – Review by the Head (Departmentalized Faculties)

Following a review of the documentation, the Head will either dismiss the matter or schedule a meeting with the student to discuss the matter. The meeting shall normally be held within 10 working days of receiving the allegation of misconduct from the instructor or supervisor. The student may bring an advisor as support. At the conclusion of the meeting, the Head shall inform the student that:

- a) the matter is being dismissed and, where appropriate, offer a teachable moment, or
- b) the matter will be forwarded for further review, including all relevant documentation and evidence, and notes from the meeting with the student, to the adjudicator.

In cases where the student does not respond to the invitation or chooses not to meet with the Head, the Head will forward the matter to the adjudicator, including all relevant documentation and evidence, and a note stating that attempts to meet with the student failed.

5.3 Step 3 – Review and Decision by Adjudicator

5.3.1 Where an allegation of misconduct is forwarded to the adjudicator, s/he shall investigate the complaint, with the assistance of the Academic Integrity Office, as needed. As part of his/her investigation, the adjudicator shall request a meeting with the student to review the evidence in support of the complaint. The student shall be informed in advance of the purpose of the meeting and that s/he has the right to have an advisor present at this meeting. In cases where the student does not respond to the request for a meeting or chooses not to meet with the adjudicator, the student shall be informed in writing that the adjudicator will be required to make a decision without the student's input.

The investigation shall normally be completed within 20 working days of having received the complaint.

5.3.2 With the agreement of all parties, at any time during the post-investigation, pre-sanction period, a tripartite meeting may be held involving the instructor, the student (and his/her advisor) and the adjudicator.

5.3.3 Having completed the investigation, the adjudicator shall either:

- a) dismiss the matter and, where appropriate, offer a teachable moment, or
- b) impose a sanction (see Appendix A for list of sanctions and sanctioning guidelines)

Upon a finding of misconduct and when imposing a sanction, the adjudicator shall take into consideration the nature and scope of the misconduct, whether there was intent, the context in which it occurred, the student's educational and cultural background, whether this was a first offence (see 8.1), and other relevant circumstances (see 4.1), and shall follow the sanctioning guidelines in Appendix A.

5.3.4 The adjudicator shall inform the student of the decision and his/her right of appeal to the Discipline Appeal Committee and the process to be followed. This shall normally be done within 25 working days after having received the complaint.

5.4 Step 4 – Appeal

5.4.1 Students have an automatic right of appeal to the Discipline Appeal Committee (see section 6). A student wishing to exercise his/her right to appeal a finding of misconduct and/or sanction imposed by an adjudicator shall initiate the appeal process within 10 working days of the decision having been issued by the adjudicator. The decision shall be deemed to have been received by the student three working days after it has been sent by the adjudicator.

An appeal to the Discipline Appeal Committee shall operate as a stay on the decision of an adjudicator.

6 Discipline Appeal Committee (Step 4)

6.1 The Discipline Appeal Committee has final and binding jurisdiction over matters brought before it under this bylaw. Any reconsideration by the Discipline Appeal Committee of its decision must be on the basis of cogent and persuasive evidence of a miscarriage of justice or where new evidence has come to light. The Chair of the Discipline Appeal Committee may grant leave to review a prior Discipline Appeal Committee decision, where there is credible evidence provided by either party for doing so. The Chair's decision on whether to grant the reconsideration shall be final.

6.2 The Discipline Appeal Committee shall be composed of two faculty members and a student.

The two faculty members (one of whom shall be appointed as chair) shall be appointed by the Senate Governance Committee for two-year terms. Two faculty member alternates shall also be appointed by the Senate Governance Committee for two-year terms, as possible replacements where an appointed faculty member is unable to serve. Faculty members, including ancillary academic staff as learning specialists holding a regular appointment and professors/associate professors emeriti are eligible to serve on the Discipline Appeal Committee.

The University of Windsor Students' Alliance, the Graduate Students Society, and the Organization of Part Time University Students shall each provide the name of one student to the Senate Governance Committee for consideration and appointment to the Discipline Appeal Committee for one-year terms. The student serving on the Discipline Appeal Committee for a given case shall be selected from this pool and should normally represent the constituency of the student against whom the allegation is made, subject to availability.

The President of the University may appoint a replacement for a member of the Discipline Appeal Committee, of pool of faculty member alternates, or the pool of students where the individual is unable to serve, or in other extenuating circumstances, bearing in mind the constituency represented by that member.

6.3 Where a member of a Discipline Appeal Committee is unable to serve on a particular case file, s/he may be replaced at any time prior to the presentation of evidence. Except with the consent of the parties or in extenuating circumstances, no replacements to Discipline Appeal Committee members shall be made once the hearing at which the evidence is presented and heard has begun.

6.4 A quorum of the Discipline Appeal Committee shall be its full membership participating in person, with the exception of the entering of the plea and the setting of additional dates (if these occur separately) where a quorum of the Committee shall be its full membership attending by any means that allows all members and parties to participate.

6.5 The Chair of the Discipline Appeal Committee shall be entitled to participate in all proceedings of the Discipline Appeal Committee and shall have the same voting rights as all other voting members of the Committee.

- 6.6 All decisions of the Discipline Appeal Committee shall be made by majority vote, with the exception that a unanimous vote is required to uphold the original decision of the adjudicator to suspend, expel or exclude a student from campus, or to issue its own decision to suspend, expel or exclude a student from campus.
- 6.7 When hearing an appeal, the Discipline Appeal Committee may consider alternate sanctions than those originally imposed. When determining the sanction to be imposed, the Discipline Appeal Committee may consider whether the act of misconduct constitutes a first or subsequent offence. (see 4.1)

6.8 Appeal Timelines

- 6.8.1 Hearings of the Discipline Appeal Committee should, wherever possible, commence within sixty calendar days of the receipt of the student's appeal filing.
- 6.8.2 The parties shall be given at least ten calendar days' notice of the hearing unless this right is waived. The notice shall be deemed to have been received by the parties three working days after it has been sent.
- 6.8.3 Within fourteen calendar days of the hearing, the Chair of the Discipline Appeal Committee shall inform the parties to the hearing in writing, with a copy to the University Secretariat, of the finding(s) of the Discipline Appeal Committee's and the sanction(s), if any, to be imposed.
- 6.8.4 The Discipline Appeal Committee shall have the power to waive or extend deadlines when the interests of justice warrant or where no substantial prejudice would result.

6.9 Appeal Procedures

- 6.9.1 The parties shall have the right to have an advisor or legal counsel present at a hearing.
- 6.9.2 The parties shall have the right to present evidence in support of their cases. They shall have the right to full disclosure of any evidence upon which the parties will rely, including lists of witnesses. The parties shall normally exchange such evidence a minimum of seven calendar days prior to the hearing. Parties shall be permitted to exchange new evidence that comes to light in the period between this deadline date and the last working day before the hearing, and may present, at the hearing, a revised list of witnesses and/or additional documentary evidence with the permission of the Chair of the Discipline Appeal Committee and where the interests of justice warrant it. The parties shall come to the hearing with five copies of the evidence upon which they will rely for the Discipline Appeal Committee, the other party, and the official appeal file in the University Secretariat.
- 6.9.3 The Discipline Appeal Committee shall have control over its own procedures or stay its process, as needed, as long as they are in compliance with the procedures in this bylaw.
- 6.9.4 The Discipline Appeal Committee may grant a recess or adjournment, if requested, to provide the parties the opportunity to review additional documentary evidence submitted at the hearing. The Discipline Appeal Committee may also grant a recess or adjournment at any time to ensure a fair hearing.
- 6.9.5 Any party to the proceedings before the Discipline Appeal Committee may call witnesses and cross-examine witnesses called by another party. Parties are responsible for producing their own witnesses and paying for any costs associated with their appearance. The Chair of the Discipline Appeal Committee may limit the number of witnesses or amount of examination or cross-examination where further examination or cross-examination shall be repetitive or irrelevant.
- 6.9.6 The Discipline Appeal Committee may address questions, through the chair, to any witness in the pursuit of clarification or fairness, and may call its own witnesses.

- 6.9.7 The parties shall have the right to call witnesses. Witnesses, other than the student and the adjudicator and their advisors or legal counsel (if any), shall not be permitted to attend the hearing, until after they have testified and responded to questions.
- 6.9.8 The Discipline Appeal Committee may request the submission of additional information of the parties.
- 6.9.9 The Discipline Appeal Committee shall admit evidence and testimony provided only through the procedures outlined in this bylaw.
- 6.9.10 The Discipline Appeal Committee is not bound by the laws of evidence applicable to judicial proceedings but shall be guided by the principles of fairness and justice.
- 6.9.11 Where there are two or more proceedings involving the same matter, or similar questions of fact or policy, being adjudicated at the same time, the Discipline Appeal Committee may combine all or part of the proceedings, run the proceedings concurrently, or run the proceedings consecutively.
- 6.9.12 If a party, who has been notified of the hearing date, is absent without contacting, through the University Secretariat, the Chair of the Discipline Appeal Committee with a satisfactory explanation, the hearing may proceed in his/her absence.
- 6.9.13 In all cases, the burden of proof shall lie with the adjudicator. The finding of the Discipline Appeal Committee shall be based on the review of the evidence (oral or written) and arguments presented. The decision shall be based on whether the Discipline Appeal Committee finds that the elements of the allegations have been sufficiently proven and that it is more likely than not that the student has committed an act of misconduct.
- 6.9.14 No disciplinary penalties shall be imposed based solely upon the failure of the student charged with misconduct to answer the allegations within the complaint, or appear at the hearing, or testify. In any such case, the evidence in support of the complaint shall be presented and considered.
- 6.9.15 Any procedural requirement in this bylaw may be waived by the written consent of both parties, and the Chair of the Discipline Appeal Committee. The Chair of the Discipline Appeal Committee shall provide a copy of the agreement to the University Secretariat with the submission of the Committee's final decision on the appeal.
- 6.9.16 All hearings shall be audio-recorded and recordings shall be kept, in confidence, in the University Secretariat. A copy of the recording may be made available to the party(ies) solely upon official proof of the intent to file for a judicial review of the proceedings. Audio-recordings released to the parties may not be copied or distributed. Audio-recordings shall be destroyed upon the expiration of the sanction, provided that the file has been kept for a minimum of one year beyond its last use. Costs involved in the copying of recordings and any transcription shall be borne by the party requesting a copy(ies) or transcription of the recording. Costs involved in the copying of additional copies of materials already provided shall also be borne by the party requesting an additional copy(ies).

6.10 Order of Hearing Procedures

The student, the adjudicator, and/or their advisor or legal counsel shall have standing to make representations before the Discipline Appeal Committee.

Proceedings before the Discipline Appeal Committee shall adhere to the following order:

- 1) opening statements from the adjudicator and/or his/her advisor or legal counsel
- 2) opening statements from the student and/or his/her advisor or legal counsel
- 3) evidence from the adjudicator and/or his/her advisor or legal counsel
- 4) cross-examination of witnesses by student and/or his/her advisor or legal counsel

- 5) evidence from the student and/or his/her advisor or legal counsel
- 6) cross-examination of witnesses by adjudicator and/or his/her advisor or legal counsel
- 7) closing statements from the adjudicator and/or his/her advisor or legal counsel
- 8) closing statements from the student and/or his/her advisor or legal counsel

6.11 Closed/Open Hearings

- 6.11.1 The hearings of the Discipline Appeal Committee shall be open to the public except where;
 - a) the student requests that the proceeding not be public, or
 - b) the Discipline Appeal Committee rules, on its own motion or on request, by majority vote, that avoiding public disclosure of all or part of the proceeding is in the interests of any person that may be adversely affected,
 in which case the Discipline Appeal Committee shall hold all or part of the proceedings *in camera*.
- 6.11.2 If the Discipline Appeal Committee hearing is open to the public, members of the public who are present may not record, participate in, or in any way disrupt, the proceedings.
- 6.11.3 If the Discipline Appeal Committee hearing is closed to the public, at the discretion of the Chair, others may be permitted to attend the proceedings for training purposes, or other reasonable considerations. The obligation to maintain the confidentiality of the proceedings will be extended to them.

7 Misconduct Charge and Student Status

- 7.1 A student charged with misconduct related to a course is permitted to withdraw from that course in accordance with Senate policy and deadlines for voluntary withdrawal. Regardless of the student's decision to remain in, or withdraw from, the course, the University's jurisdiction over the student, as a student in that course, shall be maintained until the case is adjudicated or otherwise settled.
- 7.2 Transcripts shall not be issued directly to a student charged with misconduct while there is a charge of misconduct pending. However, transcripts may be sent directly to institutions, employers and potential employers, upon the request of the student. If the student is found to have committed an act of misconduct and a sanction is imposed which involves a transcript notation, those institutions, employers and potential employers provided with a copy of the student's transcript shall be sent a revised transcript by the Office of the Registrar.

8 Records of Misconduct

- 8.1 At the conclusion of a matter, and with the exception of complaints that have been dismissed, the adjudicator shall submit a record containing the student's name, student number, the allegation of misconduct, the finding of misconduct and the sanction to a central database. The record shall be kept indefinitely. The purpose of such a record shall be to determine, after a finding of misconduct and before a sanction is imposed, whether there has been a previous offence. Access to the records in the database shall be restricted to the University Secretariat. Confirmation of first or subsequent offences shall be provided upon request to the adjudicator and the Discipline Appeal Committee by the University Secretariat if and when there has been a finding of misconduct as determined by these persons/bodies.
- 8.2 The length of time for maintaining notations on transcripts, as they relate to sanctions, shall comply with Appendix A.
- 8.3 Where there has been a finding of misconduct, the file, including any audio-recorded hearings, other than that listed under 8.1, shall be destroyed upon the expiration of the sanction, provided that the file has been kept for a minimum of one year beyond its last use.
- 8.4 In the event that the complaint is dismissed, the student's discipline file relating to the case, which shall include all records collected for the case, shall be retained for a period of one year and the records, including any

audio-recorded hearings, shall be destroyed thereafter, subject to the provision of Bylaw 33, section 3.9.1.2. No personal identifying information shall be retained following this period. A record containing the allegation(s) of misconduct and the dismissal of the complaint shall be kept indefinitely for statistical purposes only.

9 Report to Senate

The Academic Integrity Officer shall present an annual report to Senate. The report shall include a summary of the disciplinary proceedings under this bylaw, including a summary of the cases heard by and dispositions of the Discipline Appeal Committee, the Faculty of Law Discipline Committee and Residence Judicial Boards, along with any recommendations. The statistical information on allegations of misconduct and their disposition without attribution to student identifying information, recorded in the central database, shall be made available to the Academic Integrity Officer for this purpose. The report to Senate shall also include information on current or proposed new education initiatives undertaken by the Academic Integrity Office.

APPENDIX A – SANCTIONING GUIDELINES

The AIO shall review sanctioning guidelines listed in Section IV, Table A.1 annually and shall update them as required by new precedent. Dispositions that diverge significantly from the guidelines shall be reported by the AIO to the Provost (or delegate) who will determine appropriate action (if any) and these shall not normally affect the sanctioning guidelines.

I Determining the Sanction(s) to Impose³

- a) Where there is a finding of misconduct, as defined in this bylaw, one or more of the sanctions listed below may be imposed by an adjudicator or by the Discipline Appeal Committee (with the exception of #11, which also requires the approval of the President), taking into account the nature and scope of the misconduct, whether there was intent, the context in which it occurred, the student's educational and cultural background and other relevant circumstances. Specific illustrations include (this list is not exhaustive):
 - Relative weight of the assignment
 - The level of the student's academic experience
 - Whether the student accepts responsibility for his/her action and is amenable to educative remedies
 - Extenuating circumstances that may help explain the action taken by a student
 - Any other aggravating or mitigating factors (health or personal issues)
 - Whether the work in which the offence has been committed is one of the major milestones of the graduate or undergraduate program (capstone, thesis, major paper)
 - The severity of the offence, including its impact on others (within and outside the university community)
 - Any record of previous offences
- b) Disciplinary actions are an opportunity to educate and should, where appropriate, also incorporate a teachable moment.

II List of Sanctions

1. **Admonition:** A notice to the student, orally or in writing, that s/he has violated a rule of conduct and that continuation or repetition of the conduct found wrongful may be cause for more severe disciplinary action. There shall be no transcript notation related to this sanction.
2. **Letter of Apology/or Reflection:** A short reflective paper describing the misconduct and acknowledging wrong-doing. There shall be no transcript notation related to this sanction.
3. **Educational Session:** A requirement that the student attend an educational session, if available, on what constitutes plagiarism and how to cite properly, on time management, or on stress management, *etc.* (The educational session may be offered by an individual (*e.g.*, Associate Dean) or through a formal workshop offered through an appropriate University office, where available. There shall be no transcript notation related to this sanction.
4. **Mark Reduction:** 1) A reduction of the mark or assigning a mark of zero for the work submitted, based on an evaluation of the academic merit of the work and taking into account the criteria for, and nature of, the assignment and, taking into account the extent of the work that is the result of the misconduct. This may result in a reduction of the final grade in the course; or 2) A grade of zero in the course, where the academic misconduct so taints the student's academic performance in the course that no credit can be given. There shall be no transcript notation related to this sanction.

³ University of Waterloo Policy 71, Student Discipline, section 4 Penalties

5. **Repeat Work for Assessment:** A requirement that the student re-do the assignment or re-sit the test/examination for full or partial credit. There shall be no transcript notation related to this sanction.
6. **Censure:** A reprimand for violation of a specified University regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period of time stated in the reprimand. This sanction shall normally result in a transcript notation for the specified period of time, unless otherwise directed by the adjudicator, in the case of the Faculty of Law, the Discipline Committee of the Faculty of Law, or the Discipline Appeal Committee.
7. **Denial of Registration:** A decision to deny the student permission to register, or to cancel the student's registration in a course or program. There shall be no transcript notation related to this sanction where there is no existing transcript. Where there is an existing transcript, this sanction shall normally result in a transcript notation for a specified period of time, unless otherwise directed the adjudicator, in the case of the Faculty of Law, the Discipline Committee of the Faculty of Law, or the Discipline Appeal Committee.
8. **Community Service:** Community service work within the campus or wider community as set forth in the order of community service for a definite period of time. The student shall make appropriate arrangements with the intended agency, with which s/he may be serving his/her community service work, and shall submit proof of hours worked by the deadline stated in the order. The community service work setting shall be approved by the person or body responsible for adjudicating the matter. This sanction shall normally result in a transcript notation for a specified period of time, unless otherwise directed by the adjudicator, in the case of the Faculty of Law, the Discipline Committee of the Faculty of Law, or the Discipline Appeal Committee, as the case may be.
9. **Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a specified period of time. This sanction shall result in a transcript notation for a specified period of time.
10. **Expulsion:** Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion. A notation shall be placed on the student's transcript for an indefinite period of time. A student may apply to the adjudicator or the Discipline Appeal Committee, as the case may be, to request to have the notation of expulsion removed from his/her transcript three years after the imposition of the sanction.
11. **Rescinding Degree:** Rescinding the student's degree, requires approval by the President of the University, based on a recommendation from the Discipline Appeal Committee. In cases where this may be warranted, the adjudicator shall forward the matter with his/her recommendation to the Discipline Appeal Committee for a hearing. The rescinding of a student's degree shall remain on his/her transcript permanently.

III Transcript Notations

In the case of #6 and #9, the sanction shall be automatically removed from the student's transcript upon the expiration of the sanction. In cases where placement of a sanction on the transcript will have an adverse impact on employment or on applications to graduate programs, or other post-secondary programs, the student may appeal to the Discipline Appeal Committee to have the notation period shortened or the notation removed.

IV Guidelines for Types of Sanctions to Impose by Offence

Table A.1 – Sanctioning Guidelines

Where there is a finding of misconduct, one or more of the sanctions listed below may be imposed by an adjudicator or by the Discipline Appeal Committee. Disciplinary actions are an opportunity to educate and should, where appropriate, also incorporate a teachable moment.

| Offences | First offence | Subsequent offence |
|-----------------------------------|--|--|
| | Consideration should be given to assigning an educational sanction, possibly in addition to the sanctions listed here ⁴ | A subsequent offence will normally lead to a more severe sanction |
| PLAGIARISM | | |
| Minor ⁵ | <ul style="list-style-type: none"> Admonition Mark reduction: up to zero on the assignment Resubmission of the assignment for partial credit Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 12 months until graduation Mark reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 6 months to 12 months Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 2 years Mark reduction: zero in the course Letter of apology/or reflection |
| CHEATING ⁶ | | |
| Minor | <ul style="list-style-type: none"> Censure: 6 months to 12 months Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 12 months until graduation Mark Reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 12 months until graduation Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 2 years Mark reduction: zero in the course Letter of apology/or reflection |
| UNAUTHORIZED COLLABORATION | | |
| Minor | <ul style="list-style-type: none"> Admonition Mark reduction: up to zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 1 year up to until graduation Mark reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Admonition Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 2 years Mark reduction: zero in the course Letter of apology/or reflection |
| IMPERSONATION | | |
| Minor | <ul style="list-style-type: none"> Admonition Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 2 years or until graduation Mark reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 1 year up to until graduation Mark reduction: zero on the assignment up to zero in the course Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 3 years Mark reduction: zero in the course Letter of apology/or reflection |
| ACADEMIC FORGERY OR FRAUD | | |
| Minor | <ul style="list-style-type: none"> Admonition Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 2 years up to until graduation Mark reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 1 year up to until graduation Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 3 years Mark reduction: zero in the course Letter of apology/or reflection |

⁴ For factors to be considered when determining a sanction, see section I of this Appendix.

⁵ Minor offences usually include only one student, a small percentage of the value of the course, and would not involve criminal charges.

⁶ Examples of cheating include but are not limited to: using unauthorized aid during examination; glancing at another student's paper during examination; asking a student or a proctor the answer for one or some questions of an examination

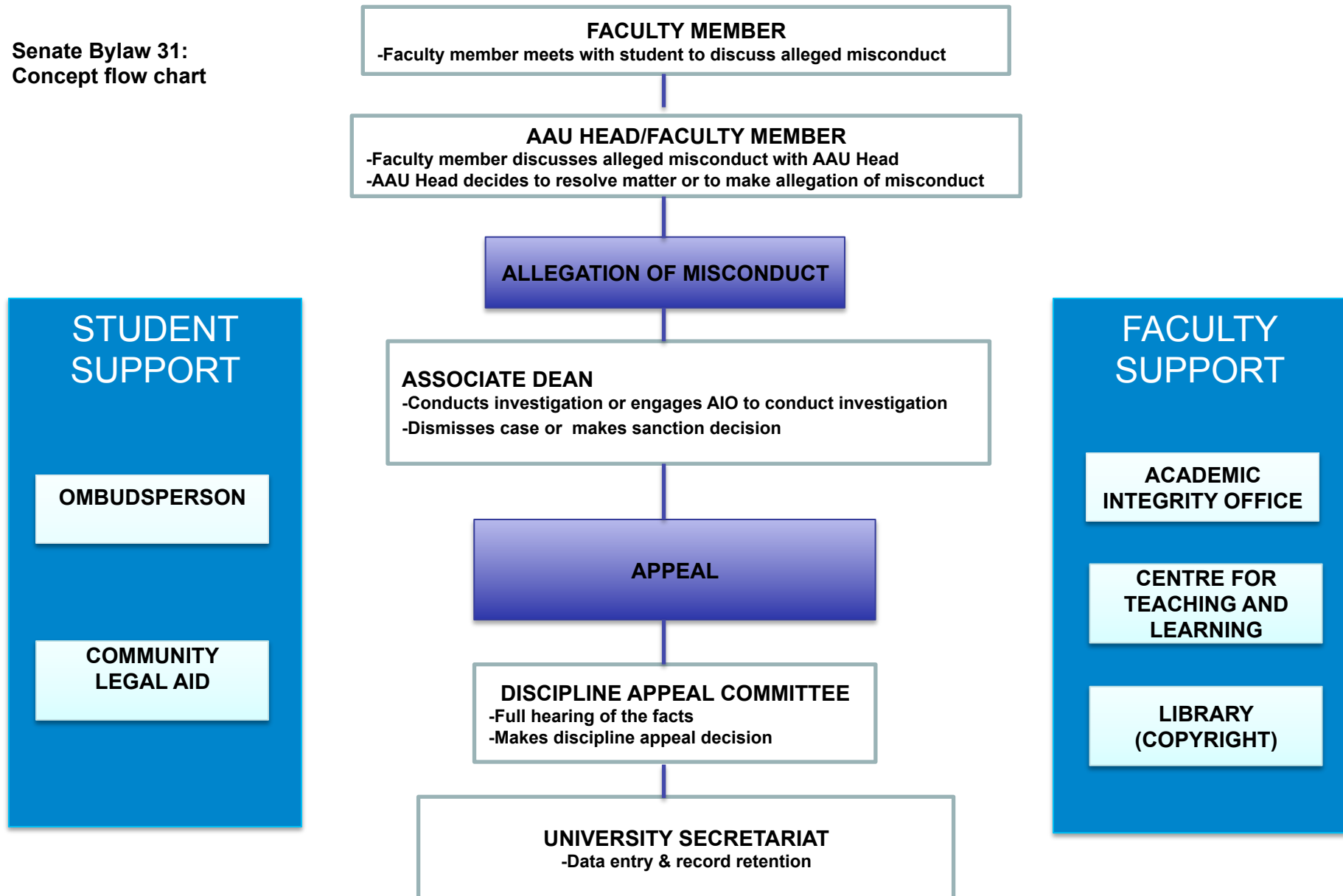
| Offences | First offence | Subsequent offence |
|--|--|---|
| | Consideration should be given to assigning an educational sanction, possibly in addition to the sanctions listed here ⁴ | A subsequent offence will normally lead to a more severe sanction |
| EXAM/TEST TAMPERING AND RESUBMITTING | | |
| Minor | <ul style="list-style-type: none"> Admonition Mark reduction: up to zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 1 year up to until graduation Mark reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 6 months up to 1 year Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 3 years Mark reduction: zero in the course Letter of apology/or reflection |
| VIOLATING EXAM/TEST RULES⁷ | | |
| Minor | <ul style="list-style-type: none"> Admonition Mark reduction: up to zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 1 year up to until graduation Mark reduction: zero in the course Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 6 months up to 1 year Mark reduction: zero on the assignment Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 3 years Mark reduction: zero in the course Letter of apology/or reflection |
| FURNISHING FALSE INFORMATION | | |
| Minor | <ul style="list-style-type: none"> Admonition Community service: 6 hours up to 20 hours Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 1 year up to until graduation Community service: 30 hours up to 60 hours Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 6 months up to 2 years Community service: 20 hours up to 60 hours Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 4 months up to 3 years Community service: 40 hours up to 100 hours Letter of apology/or reflection |
| VIOLATION OF THE UNIVERSITY'S SCHOLARSHIP RULES | | |
| Minor | <ul style="list-style-type: none"> Admonition Community Service: 6 hours up to 20 hours Letter of apology/or reflection | <ul style="list-style-type: none"> Censure: 6 months up to 2 years Community service: 30 hours up to 60 hours Letter of apology/or reflection |
| Major | <ul style="list-style-type: none"> Censure: 6 months up to 2 years Community service: 20 hours up to 60 hours Letter of apology/or reflection | <ul style="list-style-type: none"> Suspension: 6 months up to 2 years Community service: 40 hours up to 100 hours Letter of apology/or reflection |

Table A.1 – Sanctioning Guidelines is based on the following documents:

- *Penalty Guidelines for Findings of Academic Misconduct, University of Guelph*
- *Guidelines for the Assessment of Penalties, University of Waterloo*

⁷ Examples of violating exam/test rules include but are not limited to: not following direct instructions; possession of unauthorized aids; talking with another student

**Senate Bylaw 31:
Concept flow chart**





**Bylaw 31: Academic Integrity
FORM FOR INSTRUCTORS
Report of Academic Misconduct
For Submission to Head and Associate Dean**

Name of student: [Click here to enter text.](#)

Student ID number: [Click here to enter text.](#)

Specify the misconduct alleged: [Click here to enter text.](#)

Course & Section #: [Click here to enter text.](#)

Date of the alleged act of misconduct (the filing of the complaint should normally be done within 10 working days of discovering the potential misconduct): [Click here to enter a date.](#)

The facts of the alleged incident of misconduct are as follows:

[Click here to enter text.](#)

The documentation and evidence provided in support of the complaint is as follows:

[Click here to enter text.](#)

Append all relevant documentation and evidence in support of the complaint.

SIGNATURES:

*All communications (including signatures, notices, memos, invitations, decisions, etc.) **may be electronic; sent via the user's UWindsor email.** (Bylaw 31, 1.3)*

1. TO BE COMPLETED BY INSTRUCTOR when forwarding a complaint to the Head (in departmentalized Faculties) or Associate Dean (in non-departmentalized Faculties):

Instructor's Name (typed or signed) – Please ensure it is legible: _____

Date: [Click here to enter a date.](#)

☐ I have met with the student, or ☐ I have attempted to meet with the student with no success

2. TO BE COMPLETE BY HEAD when forwarding a complaint to the Associate Dean (in departmentalized Faculties):

Head's Name (typed or signed) – Please ensure it is legible: _____
(in the case of departmentalized Faculties)

Date: [Click here to enter a date.](#)

☐ I have met with the student, or ☐ I have attempted to meet with the student with no success



SENATE BYLAW 31

Checklist for Instructors and Heads

Step 1 – Preliminary Review (**Instructors or Supervisors**) (Bylaw 31, 5.1)

- ☐ I have met with the student and decided to dismiss the matter and offer a teachable moment (click here for clarification). This matter goes no further and no record is retained.

or

- ☐ I have met with the student and decided to forward the complaint (AI Form 1). I have provided the head (in departmentalized Faculties) or the Associate Dean (in non-departmentalized Faculties) with all relevant documentation and evidence. I have assigned a grade of Incomplete for the assignment and/or the course, until such time as I am notified of the outcome of the matter.

or

- ☐ I have not been able to meet with the student and have therefore decided to forward the complaint (AI Form 1). I have provided the head (in departmentalized Faculties) or the Associate Dean (in non-departmentalized Faculties) with all relevant documentation and evidence and included a note stating that attempts to meet with the student failed. I have assigned a grade of Incomplete for the assignment and/or the course, until such time as I am notified of the outcome of the matter.

Step 2 – **Review by the Head** (Departmentalized Faculties) (Bylaw 31, 5.2)

Any meeting with the student shall normally be held within 10 working days of receiving the allegation of misconduct from the instructor or supervisor. The student may bring an advisor as support but may not bring a legal representative.

- ☐ I have reviewed the documentation and decided to dismiss the matter. This matter goes no further and no record is retained.

or

- ☐ I have met with the student and decided to dismiss the matter and, where appropriate, offer a teachable moment. This matter goes no further and no record is retained. I have informed the instructor who is now assigning the student a mark for the assessment, where appropriate. I have reminded the instructor that, when a matter is dismissed, the instructor must mark the paper or exam based on the academic merit of the work, without reference to the alleged misconduct.

or

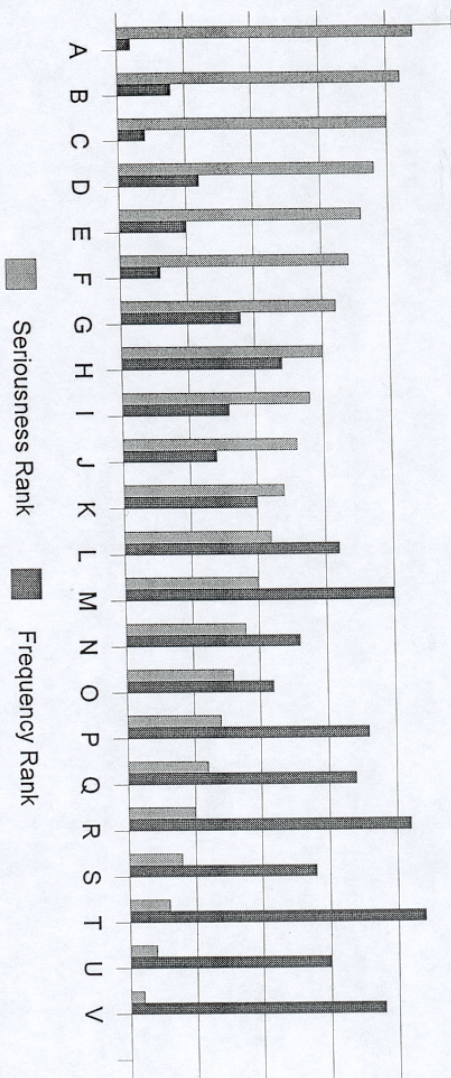
- ☐ I have met with the student and decided to forward the complaint (AI Form 1). I have provided the Associate Dean with all relevant documentation and evidence.

or

- ☐ I have not been able to meet with the student and have therefore decided to forward the complaint (AI Form 1). I have provided the Associate Dean with all relevant documentation and evidence and included a note stating that attempts to meet with the student failed.

Figure 3

Perceived Seriousness Versus Perceived Frequency



Source: Franklyn-Stokes, Arlene and Stephen E. Newstead. 1995. "Undergraduate Cheating: who does what and why?" *Studies in Higher Education*, 20(2), 159-172.

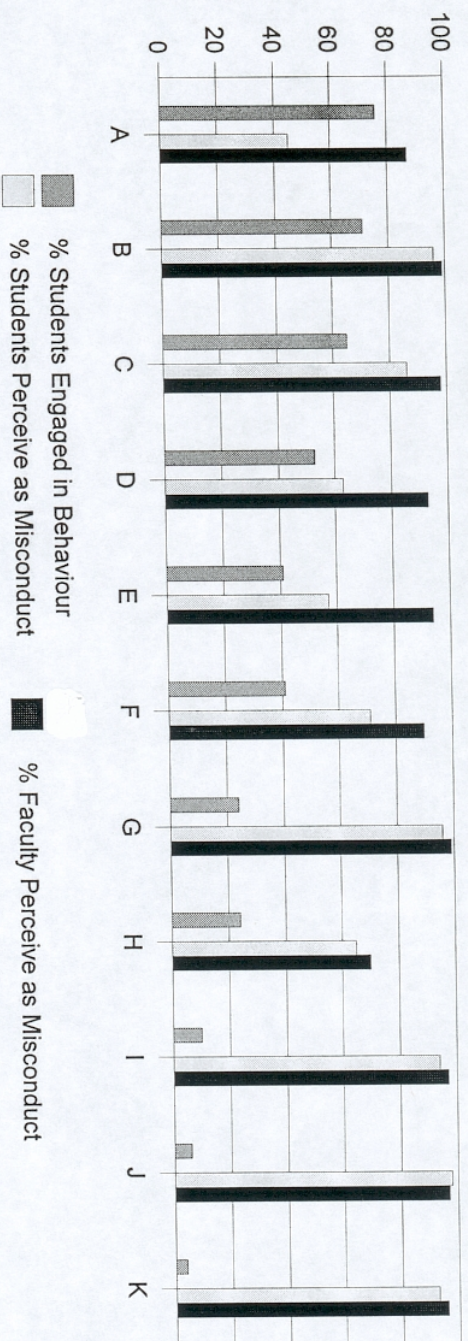
NB: Study Sample ($n=132$) composed of staff ($n=20$) and students ($n=112$).

Legend: (Listed in Decreasing Order of Perceived Seriousness)

| | | |
|--------------------------------------|-------------------------------|--|
| A: Impersonation (exam) | H: Library | O: Peer assessment |
| B: Cribs (exam) | I: Essay Banks | P: Inventing data |
| C: Advance Information (exam) | J: Doing another's coursework | Q: Copying coursework (with knowledge) |
| D: Copying coursework (no knowledge) | K: Collusion (coursework) | R: Copying without references |
| E: Copying (exam) | L: Altering data | S: Allowing copying (coursework) |
| F: Collusion (exam) | M: Group work | T: Paraphrasing without referencing |
| G: Lying (exam) | N: Lying (coursework) | U: Writing after exam ends |
| V: Fabricating references | | |

Figure 2

Cheating Behaviour and Perception of Misconduct



| | | |
|---|--|--------------------------------------|
| A: Advance questions (student's report) | E: Preview exam (unauthorised "test file") | I: Lying (regarding exam submission) |
| B: Copying (test or exam) | F: False Excuses | J: Impersonation (exam) |
| C: Permitting copying (test or exam) | G: Use of Crib Sheets (test or exam) | K: Preview exam ("sit in" theft) |
| D: Advance answers (student's report) | H: Double Answers | |

Source: Cizek, Gregory. 1999. *Cheating on Tests: How to Do It, Detect It, and Prevent It*. Mahwah, NJ: Lawrence Earlbaum, p. 25.

Cizek cites the original source as:

Stern, E.B. and L. Havlicek. 1986. "Academic Misconduct: Results of Faculty and Undergraduate Student Surveys," *Journal of Allied Health*, 15(2), 133-136.

Ten (Updated) Principles of Academic Integrity for Faculty

1. Affirm the importance of academic integrity.

Institutions of higher education are dedicated to the pursuit of truth. Faculty members need to affirm that the pursuit of truth is grounded in certain core values, including diligence, civility, and honesty.

2. Foster a love of learning.

A commitment to academic integrity is reinforced by high academic standards. Most students will thrive in an atmosphere where academic work is seen as challenging, relevant, useful, and fair.

3. Affirm the role of teacher as guide and mentor.

Faculty members should treat their students as ends in themselves--deserving individual attention and consideration. Students will generally reciprocate by respecting the best values of their teachers, including a commitment to academic integrity. Most students are mature adults, and value an environment free of arbitrary rules and trivial assignments, where trust is earned, and given.

4. Help students understand the potential of the Internet – and how that potential can be lost if online resources are used for fraud, theft, and deception.

Faculty members should emphasize that the culture of freedom and openness associated with the Internet depends on virtues like self-restraint, civility, and proper respect for the work of others.

5. Encourage student responsibility for academic integrity.

With proper guidance, students can be given significant responsibility to help protect and promote the highest standards of academic integrity. Students want to work in communities where competition is fair, integrity is respected, and cheating is punished. They understand that one of the greatest inducements to engaging in academic dishonesty is the perception that academic dishonesty is rampant.

6. Clarify expectations for students.

Faculty members have primary responsibility for designing and cultivating the educational environment and experience. They must clarify their expectations in advance regarding honesty in academic work, including the nature and scope of student collaboration. Most students want such guidance, and welcome it in course syllabi, carefully reviewed by their teachers in class.

7. Develop fair and relevant forms of assessment.

Students expect their academic work to be fairly and fully assessed. Faculty members should use--and continuously revise--forms of assessment that requires active and creative thought, and promote learning opportunities for students.

8. Reduce opportunities to engage in academic dishonesty.

Prevention is a critical line of defense against academic dishonesty. Students should not be tempted or induced to engage in acts of academic dishonesty by ambiguous policies, undefined or unrealistic standards for collaboration, inadequate classroom management, or poor examination security.

9. Challenge academic dishonesty when it occurs.

Students observe how faculty members behave, and what values they embrace. Faculty members who ignore or trivialize academic dishonesty send the message that the core values of academic life, and community life in general, are not worth any significant effort to enforce.

10. Help define and support campus-wide academic integrity standards.

Acts of academic dishonesty by individual students can occur across artificial divisions of departments and schools. Although faculty members should be the primary role models for academic integrity, responsibility for defining, promoting, and protecting academic integrity must be a community-wide concern--not only to identify repeat offenders, and apply consistent due process procedures, but to affirm the shared values that make colleges and universities true communities.

Sources

Donald L. McCabe & Gary Pavela (2004) Ten (Updated) Principles of Academic Integrity: How Faculty Can Foster Student Honesty, *Change: The Magazine of Higher Learning*, 36:3, 10-15, DOI:10.1080/00091380409605574.

3 Column Approach to Critical Reading and Writing

Reference Information:

| Content <i>I read.....</i> | (include page number) | Paraphrase <i>this means....</i> | Analysis, Synthesis, Links <i>this connects to...</i> |
|--------------------------------------|-----------------------|--|---|
| | | | |

Academic Integrity Resources

Centre for Academic Integrity: <http://www.academicintegrity.org/ica/home.php>

Sample Articles

Bens (2010) Senior Education Students' Understandings of Academic Honesty and Dishonesty

<http://ecommons.usask.ca/bitstream/handle/10388/etd-09192010-154127/dissertation.pdf?sequence=1>

Christensen Hughes, J.M. and McCabe, D.L. (2006). Understanding academic misconduct. Canadian Journal of Higher Education 36(1): 49-63

Gallant, T.B. 2008. Academic Integrity in the 21st Century: A Teaching and Learning Imperative. ASHE Higher Education Report: Volume 33(5). John Wiley and Sons.

Lang, J. (2013). Cheating Lessons: Learning from Academic Dishonesty, Harvard University Press. Massachusetts & London, England.

McCabe, Trevino, Butterfield (2001) Cheating in Academic Institutions: A decade of information

http://www.middlebury.edu/media/view/257513/original/Decade_of_Research.pdf

McCabe and Pavela (2004). Ten Principles of Academic Integrity

http://www.integrityseminar.org/wp/wp-content/uploads/2015/02/Ten-Principles-of-Academic-Integrity-for-Faculty_0.pdf

Pavela, G. (2000). Applying the Power of Association on Campus: A Model of Academic Integrity. Synthesis, Law and Policy in Higher Education: volume 11(4).

Wideman (2008). Academic Dishonesty in Postsecondary Education: A literature review

http://www.kpu.ca/sites/default/files/Teaching%20and%20Learning/TD.2.1_Wideman_Academic_Dishonesty_in_Postsecondary_Education.pdf