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## ACADEMIC MISCONDUCT AND PROFESSIONAL UNSUITABILITY PROCEDURES

### PURPOSE

1. The purpose of these Procedures is to set out a fair and transparent process for investigating and resolving Allegations of Academic Integrity violations.

### DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

**“Academic Dishonesty”** refers to any act or omission occurring in or as part of a course that violates academic integrity standards. These dishonest or negligent acts result or could result in an advantage to the student alleged to have committed the misconduct or to someone who directly obtains an unearned academic advantage as a result of the conduct of the student.

**“Academic Integrity”** refers to honest and ethical behaviour in the pursuit of research, education, and scholarship. It is based in the fundamental values of honesty, trust, fairness, respect, responsibility, and courage.

**“Academic Integrity Committee”** refers to a committee appointed to review allegations submitted for formal resolution. The Faculty-based committee consists of a representative of the Dean or Registrar and two (2) members of the Academic Staff. Where the Respondent is a graduate student, the two (2) members will be Graduate Academic Staff.

**“Academic Misconduct”** refers to activities, not associated with a specific course, that violate the principles of Academic Integrity defined in this Policy.

**“Academic Staff”** refers to an individual holding an appointment as a faculty member, teaching faculty member, or sessional/part-time instructor.

**“Academic Work”** refers to any task assigned by a course Instructor for the purposes of evaluation and/or feedback, including but not limited to research, examinations, and coursework including drafts.

**“Allegation”** refers to an unsubstantiated report or complaint to be investigated of behaviour that is contrary to the fundamental values or standards of Academic Integrity or Professional Suitability.

**“Applicant”** means an individual who has submitted an application for admission to the University.

**“Working Day”** means any day, excluding Saturdays, Sundays, statutory holidays, and university closures, on which business can be conducted.

**“Cheating”** refers to obtaining an unfair advantage in any coursework requiring submission or completion for assessment purposes. This also includes resubmitting work previously assessed in another course.

**“Collusion”** involves people working together on academic/coursework that has been clearly restricted to an individual (e.g. noted in the assignment instructions, course syllabus) for purposes of submission and grading. This may involve other Ontario Tech students or anyone external to the University.

**“Conflict of Interest”** means a situation in which a person has a personal interest that conflicts, might conflict or may be perceived to conflict with the interests of the University. Conflicts of interest may arise in relation to personal matters including, but not limited to:

- a) directorships or other employment;
- b) interests in business enterprises or professional practices;
- c) share ownership;
- d) beneficial interests in trusts;
- e) existing professional or personal associations with the University;
- f) professional associations or relationships with other organizations;
- g) personal associations with other groups or associations, or
- h) personal or family relationships.

**Examination** refers to a formal form of testing to assess the level of Students’ knowledge, ability, skills, comprehension, application, analysis, and/or synthesis of the subject matter in a course of study. This includes, but is not limited to in-person, online, take-home, practical, and laboratory activities.

**“Honesty”** means a refusal to lie or cheat in any way.

**“Learning Management System”** refers to web-based technology platform used to deliver online or e-learning.

**“Policy”** refers to the Academic Misconduct Policy.

**“Procedural Irregularity”** refers to an unfair or improper application of this Policy.

**“Research Supervisor”** means the Academic Staff appointed to guide an undergraduate, graduate, or post-doctoral student through research related to a thesis, dissertation, or other research project.

**“Respondent”** means a Student who is alleged to have engaged in an act of Academic Misconduct or Professional Unsuitability.

**“Scholarly Activities”** refers to any work or product, in any form, submitted as part of a credit or non-credit course, projects, essays, labs, field trips, theses, dissertations, practicums, internships, or placements.

**“Student”** refers to any of the following: a person who has applied for admission to the University; any individual currently enrolled in any course (credit or non-credit) or program of study, including undergraduate, graduate, and post-graduate, a visiting, exchange, or special audit student admitted for purposes of taking a course or conducting research, or anyone who was registered as a student at the time of the alleged act of Academic Misconduct.

**“Suspension”** means a time-limited sanction where a Student may not register, and loses the right to attend lectures, write Examinations, and receive payment from University sources. Courses taken elsewhere during the period of suspension are not eligible for transfer credit.

**“University Member”** means any individual who is:

- Employed by the University;
- Registered as a student, in accordance with the academic regulations of the University;
- Holding an appointment with the University, including paid, unpaid, and/or honorific appointments; and/or
- Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

**“Unfair Advantage”** refers to a situation that may result in a student gaining an unearned or unfair benefit in their academic matters, such as their academic work, academic record, or academic progress.

**“University Representative”** refers to the staff member responsible for investigating and reporting suspected acts of Academic Misconduct and Professional Unsuitability related to the requests and documentation processed by the University office they are employed by.

## **SCOPE AND AUTHORITY**

3. These Procedures apply to the investigation and sanctions related to alleged violations of the Academic Integrity Policy.
4. The Provost and Vice-President, Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration, and interpretation of these Procedures.

## **PROCEDURES**

### **5. General**

- 5.1. Respondents are presumed innocent unless and until the contrary is established.
- 5.2. All communications to current Ontario Tech University students and requests for information required under these Procedures will be delivered by email to an [Ontariotechu.net](mailto:Ontariotechu.net) or [Ontariotechu.ca](mailto:Ontariotechu.ca) account, as applicable.
  - a) Emails will be deemed received on the day they are sent. All Ontario Tech University students are required to monitor their [Ontariotechu.net](mailto:Ontariotechu.net) or [Ontariotechu.ca](mailto:Ontariotechu.ca) accounts regularly, including during examination periods.
  - b) A Student’s failure to monitor their Ontario Tech email account will not give rise to any right of appeal under these Procedures.
- 5.3. Where an allegation is regarding conduct in a course, the Respondent will not be permitted to voluntarily withdraw from the course in which the offence was alleged to have been committed until the Allegation is resolved. Where a Respondent wishes to withdraw from a course where an Allegation is under investigation, they may submit a

formal request to the Office of the Registrar prior to the deadline to withdraw from the course. If the resolution of the Allegation does not require the Respondent to remain in the course, the Office of the Registrar will process the request to withdraw from the course in accordance with the date the request was submitted.

## **6. Initiation of Investigation**

- 6.1. Investigation Initiated by a Complaint of Academic Misconduct:** Any person who has reason to believe that a Student engaged in an act of Academic Misconduct in Academic Work, or in submitting documentation to the University may bring forward a complaint to the relevant Course Instructor or a University Representative where the Academic Work or documentation was submitted.
- 6.2. University Initiated Investigations of Academic Misconduct:** Academic Staff, Research Supervisors and University Representatives who detect a suspected act of Academic Misconduct in Academic Work or submitted documentation have the authority to initiate an investigation.

## **7. Review of Allegation**

- 7.1.** The relevant Academic Staff, Research Supervisor, or University Representative (“Reviewer”) will conduct an initial review of the Allegation to determine whether to pursue a resolution. The Reviewer may gather additional information and documentation regarding the specific Allegation, including consulting with any person they deem necessary to assessing the validity of the specific Allegation, with the exception of the Respondent.
- 7.2.** The Reviewer will determine whether to pursue a resolution regarding an Allegation. In making the decision they will consider whether:
  - a)** The Allegation, if true, would constitute a violation of the Academic Integrity Policy, and;
  - b)** There is sufficient evidence to pursue an investigation.
- 7.3. Sufficient Evidence:** If the Reviewer determines that there is sufficient evidence to warrant further investigation, they will make a decision to pursue either a formal or informal resolution as outlined in these Procedures.
- 7.4. Insufficient Evidence:** If the Reviewer determines that there is not sufficient evidence to warrant further investigation, they will determine that further investigation will not be pursued.

- 8. Verification of Record of Academic Misconduct.** If a Reviewer determines there is sufficient evidence to pursue a resolution, they will contact the Dean’s Office of the Faculty where the alleged violation of Academic Integrity occurred or the Faculty in which the Student is enrolled, where applicable, to request a verification of the Respondent’s history of Academic Integrity violations. The history of Academic Integrity violations will contribute to the decision whether to pursue a formal or informal resolution and/or the determination of any imposed sanctions, if applicable.

**8.1. Undergraduate students:**

- a) The Faculty Dean's office will contact the Office of the Registrar with the Respondent's name and Student ID to request that the Respondent's record be checked for any previous record of Academic Integrity violations and that a registration hold be placed on the Student's account. NOTE: If a student has applied to graduate that graduation will be on hold until the matter under review is resolved.
- b) The Office of the Registrar will add a registration hold to the Student's account and inform the Faculty Dean's office of any previous record of Academic Integrity violations for the Student.
- c) The Faculty Dean's office will inform the Reviewer whether the Respondent has a previous record of Academic Integrity violations on file.

**8.2. Graduate students:**

- a) The Faculty Dean's office will contact the School of Graduate and Postdoctoral Studies with the Respondent's name and Student ID to request that the Respondent's record be checked for any previous record of Academic Integrity violations at the graduate-level and that a registration hold be placed on the Respondent's account.
- b) The School of Graduate and Postdoctoral Studies will add a registration hold to the Respondent's account and inform the Faculty Dean's office of any previous record of Academic Integrity violation at the graduate level for the Respondent.
- c) The Faculty Dean's office will inform the Reviewer whether the Respondent has a previous record of Academic Misconduct and/or Professional Unsuitability at the graduate-level, where applicable, on file.

**9. Determination of Process**

**9.1.** The Reviewer will refer the Allegation to the formal resolution process where:

- a) the Respondent is a graduate or postdoctoral student;
- b) the Allegation is a complaint of Academic Integrity violation and does not meet the eligibility requirements for the informal resolution process per section 9.2 of these Procedures; or,
- c) the Academic Staff or Respondent refer the Allegation to the formal resolution process.

**9.2. Eligibility for Informal Resolution Process:** A Course Instructor can elect to pursue an informal resolution with respect to an Allegation of Academic Integrity violation only if:

- a) the Respondent does not have a previous record of an Academic Integrity violation.
- b) the Allegation is regarding Coursework (i.e. is not for a test or examination); and

- c) the Coursework at issue is worth 25 per cent or less of the final grade in the course.
- 9.3. In the context of an Allegation regarding multiple Respondents (example: group work) where one Respondent does not meet the eligibility requirements for informal resolution, all Respondent's associated with the Allegation will be referred to the formal resolution process.

## 10. Informal Resolution Process

- 10.1. Allegations of Academic Integrity violation can only be resolved informally where the Respondent:
  - a) admits to committing the violation of Academic Integrity; and
  - b) consents to the sanction proposed by the Course Instructor.
- 10.2. At any point during the informal resolution process, the Course Instructor or Respondent may refer the Allegation to the formal resolution process.

### 10.3. Procedure

- a) **Notification of Allegation:** The Course Instructor will notify the Respondent, in writing via the Respondent's Ontariotechu.net or Ontariotechu.ca email account, of the Allegation of Academic Misconduct. The Course Instructor will also invite the Respondent to a meeting to hear the Respondent's response to the Allegation.

The Respondent has five (5) Working Days to prepare a response and should reply to the Course Instructor's email with their intention to attend the meeting during this time. If the Respondent does not respond to the notification within five (5) Business Days, the Allegation will be referred to the formal resolution process.

- b) **Meeting with the Respondent:** The purpose of the meeting is to:

- provide the Respondent a fair opportunity to respond to the Allegation;
- clarify the circumstances surrounding the Allegation;
- allow the Course Instructor to determine whether or not an act of Academic Misconduct has been committed;
- pursue an informal resolution to the Allegation; and
- educate the Respondent of the importance and value of Academic Integrity and their responsibilities regarding Academic Integrity.

- 10.4. **Outcome of the Informal Resolution Process:** The informal resolution process may result in one of the following outcomes:

- a) **No finding of Academic Misconduct:** If the Course Instructor determines that it is more likely than not, based on the presented evidence and information, that the Respondent did not engage in the alleged act of Academic Misconduct, they will inform the Respondent of their decision in writing to the Student's Ontariotechu.net or Ontariotechu.ca address and end the investigation.

- b) **No agreement on an Informal Resolution is reached:** If the Course Instructor determines it is more likely than not, based on the presented evidence and information, that the Respondent engaged in the alleged act of Academic Misconduct and the Respondent does not admit to committing the act of Academic Misconduct, consent to the sanction proposed by the Course instructor, or attend the meeting; or if the Course Instructor believes a sanction other than the sanctions listed in section 21.1.a-21.1.e of the Academic Integrity Policy may be merited, then the Allegation will be referred to the formal resolution process.
- c) **Agreement on an informal resolution is reached:** If the Course Instructor determines it is more likely than not, based on the presented evidence and information, that the Respondent engaged in the alleged act of Academic Misconduct and the Respondent admits to committing the act of Academic Misconduct and consents to the sanction proposed by the Course Instructor, the report is completed and signed by the Course Instructor and Respondent. The report and supporting evidence are submitted to the Faculty Dean's office and the Faculty Dean's office submits the report to the Office of the Registrar.

Where the imposed sanction requires the Student's participation, the following information will also be included in the record containing the resolution: a deadline for completing the imposed sanction, any action required by the student to demonstrate completion of the sanction, and an alternative sanction, which does not require the Student's participation, that will be imposed in the case of non-compliance with the original sanction and/or deadline.

- 10.5. The sanction imposed by the Course Instructor for an informal resolution will only consist of one (1) or more of the sanctions listed in 21.1.a-21.1.e of the Academic Integrity Policy.
- 10.6. Acts of Academic Misconduct resolved through the informal resolution process are not eligible for appeal.

## **Formal Resolution Process**

### **11. Report of Allegation**

#### **11.1. Undergraduate students**

- a) **For Allegations that involve documentation regarding admission to a program:** the Reviewer will report the Allegation and submit all relevant documentation and information to the Office of the Registrar.
- b) **For all other Allegations:** The Reviewer will report the Allegation and submit all relevant documentation and information to the Dean's office of the Faculty where the alleged act of Academic Misconduct occurred. Where an Allegation of Academic Misconduct is regarding documentation associated with courses from multiple Faculties or is not associated with a course, the Reviewer will report the Allegation to the Dean's office of the Faculty in which the Student is enrolled.

## 11.2. Graduate students

- a) **For Allegations that involve documentation regarding admission to a program:** The Reviewer will report the Allegation and submit all relevant documentation and information to the Dean of the Faculty where the alleged act of Academic Misconduct occurred. The Dean's office of the respective Faculty will inform the Dean of the School of Graduate and Postdoctoral Studies' office.
- b) **For all other Allegations:** The Reviewer will report the Allegation and submit all relevant documentation and information to the Dean of the Faculty where the alleged act of Academic Misconduct occurred. The Dean's office of the respective Faculty will inform the Dean of the School of Graduate and Postdoctoral Studies' office. The latter will inform the Dean of the relevant Faculty of any Academic Staff involved in the Allegation.
- c) If an Allegation is regarding an alleged act of Academic Misconduct that occurred within a course, then the responsible Dean for the allegation is the Dean for the Faculty that offers the course.
- d) In the case of Allegations in research and scholarship, there will be an appropriate level of inquiry, consistent with the University's policy on Integrity in Research and Scholarship, into the matter prior to the submission of a report on the Allegation.

## 12. Academic Integrity Committee

- 12.1. The responsible Dean or Registrar will convene an Academic Integrity Committee to conduct an inquiry regarding the Allegation and recommend an outcome and sanction, where applicable. The Committee will be comprised of a designate of the responsible Dean or Registrar and two members of the responsible Faculty's Academic Staff.
- 12.2. Where the Respondent is a graduate Student, the Academic Staff will be members of the graduate Academic Staff.
- 12.3. Where the Allegation involves documentation regarding admission to a program, the Academic Staff members will be members of the Faculty that offers the program.
- 12.4. Should there be more than one Dean involved, they will establish which Dean will be responsible for addressing the Allegation. If the Deans or Deans' designates cannot agree on the who is responsible for addressing the Allegation, the Provost or Provost's designate will decide which Dean is responsible for addressing the Allegation.
- 12.5. **Conflict of Interest (COI):** Any Academic Integrity Committee member aware of any real, potential, or **perceived** Conflict of Interest that would put into question either the independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of her/his duties, or the ability of the Member to act in the best interest of the University, must inform the Dean or Dean's designate upon discovery. The Dean or

Dean's designate will take steps to resolve the COI, in accordance with applicable University policies, employment policies and/or agreements.

### **13. Notification of Allegation**

- 13.1.** The Academic Integrity Committee responsible for resolving the Allegation will inform the Respondent, in writing to their Ontariotechu.net or Ontariotechu.ca email account, that they are the subject of an inquiry. This notice will include the following information:
- a)** A description of the of the Allegation(s) made against the Respondent, including the relevant policy statement;
  - b)** The Respondent's rights and responsibilities, including the Respondent's right to have a support person in attendance during any meeting(s) with the Academic Integrity Committee;
  - c)** The possible sanctions;
  - d)** A copy of the submitted evidence; and
  - e)** An invitation to meet with the Academic Integrity Committee to respond to the Allegation.
- 13.2.** Where it is not possible to share evidence with the Respondent via email, the Faculty will inform the Respondent of an alternative opportunity to review the evidence prior to meeting with the Academic Integrity Committee.
- 13.3.** The Respondent may have a support person present during the meeting, provided 48 hours advance written notice is given of the identity of the support person.
- a)** The role of a support person is to provide moral support. During the interview, a support person will be permitted to speak and ask questions regarding the investigation process, but will not be permitted to make legal submissions or arguments on behalf of the individual, or to disrupt the interview. In any event, individuals who are being interviewed must answer the interview questions themselves.
- 13.4.** The Respondent has five (5) Working Days to prepare a response and should reply to the Academic Integrity Committee's email with their intention to attend the meeting during this time.
- a)** Where the work at issue is considered a major milestone for the Student's program (examples: capstone, thesis, major project), the Respondent may request an extension to prepare a response to an Allegation provided at least 48 hours advance notice of the request for an extension is provided. Such requests will only be approved by the Faculty where the request is reasonable in the circumstances.

- 13.5.** If a Respondent fails to attend a scheduled meeting with the Academic Integrity Committee, the Academic Integrity Committee may complete the investigation without the Respondent's input.

#### **14. Inquiry**

- 14.1.** The Academic Integrity Committee responsible for conducting an inquiry to address the Allegation will schedule a meeting with the Respondent to hear their response, gather any additional relevant documentation and/or information, and review the Allegation and determine a recommended resolution. At this meeting the Academic Integrity Committee will:
- a) explain the purpose and expectations of the meeting;
  - b) inform the Respondent of their rights and responsibilities;
  - c) state the Allegation made against the Respondent;
  - d) present and review all evidence related to the Allegation;
  - e) provide the Respondent a fair opportunity to respond to the Allegation and provide any documentation and/or information in response to the Allegation;
  - f) facilitate any discussion required to understand the circumstances surrounding the Allegation and/or conditions that may impact any sanctions imposed; and
  - g) answer any of the Respondent's questions about process.

- 14.2.** The Academic Integrity Committee will make its recommendation in writing to the appropriate Dean or the Registrar within ten (10) Working Days of the inquiry.

#### **15. Outcome of Inquiry.** At the conclusion of the inquiry, the Academic Integrity Committee may determine one of the following outcomes:

- 15.1. No finding of Academic Misconduct:** If the Academic Integrity Committee determines that, based on the presented evidence and information, it is more likely than not that the Respondent did not engage in the alleged act of Academic Misconduct, they will recommend to dismiss the Allegation on such terms and conditions as they feel appropriate to the responsible Dean or Registrar.
- 15.2. Finding of Academic Misconduct:** If the Academic Integrity Committee determines that it is more likely than not, based on the presented evidence and information, that the Respondent engaged in the alleged act of Academic Misconduct, they will recommend a finding of Academic Misconduct or Professional Unsuitability and sanction(s) to the responsible Dean or Registrar.

#### **16. Decision-Making Process**

- 16.1.** Decisions regarding the commission of an act of Academic will be determined using the balance of probabilities as the standard of proof.

- 16.2.** In cases where the recommended resolution to an act of Academic Misconduct includes the expunging of grades, the revoking of degrees, suspension and/or dismissal of the Respondent, and the responsible Dean is not the Dean of the Faculty in which the Student is enrolled or is the Registrar, the responsible Dean or Registrar and the Dean of the Faculty in which the Student is enrolled must consult and agree on the sanctions imposed for the offence. For graduate Students, the Dean of the School of Graduate and Postdoctoral Studies, must also be consulted and agree on the sanctions imposed for the offence. If the Registrar and/or applicable Deans cannot agree on the sanction, the final resolution will rest with the Provost or Provost's designate.

## **17. Notification of Resolution**

- 17.1.** The Academic Integrity Committee responsible for reviewing an Allegation must include the following information in the record containing the resolution: the Respondent's name, Student ID, the Allegation, the documentation and information gathered during the investigation, the mitigating factors considered, the Academic Integrity Committee's findings, the sanction(s) imposed, if applicable, and appeal information.
- a)** Where the imposed sanction(s) requires the Student's participation, the following information will also be included in the record containing the resolution: a deadline for completing the imposed sanction, any action required by the student to demonstrate completion of the sanction, and an alternative sanction, which does not require the Student's participation, that will be imposed in the case of non-compliance with the original sanction and/or deadline.
- 17.2. Undergraduate students:** The responsible Dean or Registrar, or their designate, will notify the Respondent, the Office of the Registrar, and any other relevant parties of the resolution in writing.
- 17.3. Graduate students:** The responsible Dean, or their designate, will notify the Respondent, the School of Graduate and Postdoctoral Studies, and any other relevant parties of the resolution in writing.

## **18. Appeal Process**

- 18.1. For undergraduate students:** The decisions of the Faculty's or Office of the Registrar's Academic Integrity Committees under the Academic Integrity Policy may be appealed to the Academic Appeals Committee, in accordance with the Appeals to the Academic Appeals Committee [Academic Regulation](#) of the Undergraduate Academic Calendar.
- 18.2. For graduate students:** The decisions of the Graduate Academic Integrity Committee under the Academic Integrity Policy may be appealed to the Graduate Studies Committee of Academic Council, in accordance with the Academic Conduct- Appeals [Academic Regulation](#) of the Graduate Academic Calendar.

## **19. Records**

- 19.1. Undergraduate students:** A record of all Allegations resolved through the formal resolution process and all Allegations resulting in a sanction through the informal resolution process, along with details of the resolution, will be entered into the central academic records kept by the Office of the Registrar.
- 19.2. Graduate students:** A record of all Allegations, along with details of the resolution, will be entered into the central academic records kept by the School of Graduate and Postdoctoral Studies.
- 19.3.** A record of the Academic Misconduct will only be recorded on the transcript where the sanction includes a notation on the transcript.
- 19.4.** All records will be retained in compliance with the Records Classification and Retention Schedule.

## **20. Reporting**

- 20.1.** The Faculties and School of Graduate and Postdoctoral Studies are responsible for recording the statistics on Academic Misconduct. These statistics will be provided to the Provost and Vice President, Academic in an annual report without attribution to identifying student information.

## **21. Confidentiality**

- 21.1.** The University is bound by the Freedom of Information and Protection of Privacy Act (FIPPA) and its own Access to Information and Protection of Privacy policy. Information, documentation and/or evidence collected in the administration of this policy may be accessed, submitted to, and/or reviewed by University Members as needed for the purpose of their position. All University Members will respect and maintain other University Members' right to confidentiality and privacy.

## **MONITORING AND REVIEW**

- 22.** These Procedures will be reviewed as necessary and at least every three years. The Provost and Vice President, Academic, or successor thereof, is responsible to monitor and review these Procedures.

## **RELEVANT LEGISLATION**

- 23.** If no associated legislation use the text "This section intentionally left blank".

## **RELATED POLICIES, PROCEDURES & DOCUMENTS**

- 24. Academic Integrity Policy**
  - Directives for the Appropriate Use of Phrase-Matching Software
  - Fair Processes Policy
  - Student Conduct Policy
  - Health and Safety Policy
  - Research Ethics Policy

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