

# Responding to Suspicions of Academic Misconduct

## Guidelines for Faculty

Instructors are usually at the front line of responding to suspicions of academic misconduct: they either personally observe or must address reports of suspicious behaviour during a test or exam, or of suspected academic misconduct through an assessment of submitted work. Suspicions of academic misconduct may also arise in the practical/clinical setting. University-wide policies and regulations relating to academic misconduct set out the general parameters of the process to be followed, but they allow for a significant amount of discretion in the actual steps that could be pursued by the instructor, the department or faculty.

These Guidelines have been developed as best practices to follow when an instructor must address suspicions of academic misconduct. They are based on procedures outlined in the [UBCO Academic Calendar](#) and where there is any inconsistency or contradiction between these Guidelines and the Calendar, the Calendar prevails. These Guidelines reflect the fundamental principles of procedural fairness which must be applied in decision-making processes, like those dealing with allegations of academic misconduct. They are intended to promote certainty and consistency within faculties and among instructors and reduce the confusion that can arise when clear procedures have not been defined.

All matters of student discipline are dealt with in accordance with the [University Act](#). Pursuant to section 61 of the Act, only the President of the University has the power to impose discipline on a student. The President's Advisory Committee on Student Discipline (PACSD) is constituted to conduct hearings on alleged academic misconduct and to report its findings to the President, who then decides what discipline, if any, should be imposed. The Chair of the President's Committee may set down rules for PACSD hearings and may alter these rules from time to time. The rules need not conform to an adversarial model and inquiry model rules may be applied.

Although discipline may be the outcome of a PACSD hearing, the overall approach of PACSD is to treat hearings as an opportunity for student learning. Discussion of the importance of academic integrity is a key focus of the hearings, enabling students to gain a better understanding of what it means to be a good university citizen.

However, not all matters will be referred to the PACSD. Before any referral to the PACSD, faculties must investigate incidents of suspected misconduct, and have the discretion to dismiss the allegation, give the student a warning, or refer the matter to the PACSD. Instructors also have the discretion to re-evaluate the academic merit of the student's work and assign a grade for the work taking into consideration the results of any investigation conducted by the faculty, regardless of any other steps taken by the faculty. These Guidelines address these aspects of the academic misconduct process.

## *1. Instructor suspects academic misconduct*

*Normally, the instructor will be the first to investigate incidents of suspected academic misconduct and should give the student an opportunity to meet and discuss the allegations. (section 4.2 Discipline for Academic Misconduct)*

When an instructor first suspects academic misconduct, they may notify and consult with the faculty person responsible for matters of student discipline within the Department or Faculty (in most cases the Head or Associate Dean). The instructor should be the first to investigate the suspected misconduct, but may seek advice on how to proceed. In the case of graduate students, the instructor should notify the College of Graduate Studies; however, suspicions regarding graduate students in undergraduate courses should be dealt with by the instructor/faculty for that undergraduate course.

It is important at this initial phase, despite what might appear to be unequivocal evidence of academic misconduct, that individuals refrain from making a judgment against the student. The student must be given a fair opportunity to respond to the allegations before a determination is made.

## *2. Notice to the student*

The instructor should provide written notice to the student advising them that an allegation of academic misconduct has arisen, with sufficient detail so that the student can understand the context of the allegation. The student should be given a chance to meet with the instructor to discuss the allegations and to provide their perspective. (See section 4)

In this first communication with the student, general information should be provided that explains the process that will follow. Referring the student to the Academic Calendar entry on Student Conduct and Discipline is also useful. As many students fear that expulsion is a possible outcome, it is helpful for everyone involved that students understand the procedures that will be followed. There is no reason to surprise the student by withholding information about the nature of the meeting or next steps, and instructors should refrain from speculating whether the matter will go to the PACSD or what decision the President might make if the matter does go forward to a PACSD hearing.

It is also helpful to provide the student, at this early stage, with links to resources on campus that can provide support and advice (e.g. Student Wellness Services, SUO Advocacy Services, Ombuds Office, Academic Advising). See Appendix A.

## *3. Instructor's meeting with the student*

Ensure that the meeting place and the time allotted will allow for an effective communication of essential information. Students should be permitted to bring a support person with them, although they should be informed that they will be expected to speak for themselves at the meeting. If resources permit, have an individual in the room who can take notes of the meeting.

The meeting should cover:

- the allegations of academic misconduct and the information that forms the bases for such allegations (e.g. documents, testimony of witnesses, etc.),

- the process to be followed,
- possible routes the process could take (dismissal, warning, referral to the PACSD, a re-evaluation of the academic merit of the student's work, etc.),
- the student's response to the allegations, and
- resources for the student to access.

Avoid any statements that might be perceived to indicate that a conclusion has already been drawn against the student. The purpose of the meeting is to firstly present the allegations, then hear the student's response, and explain next steps. Students are not required to establish their innocence or disprove guilt; the burden is on the university to prove on a balance of probabilities that the academic misconduct occurred.

If the student requests it, they can be given further time to consider their response or provide additional information after the meeting, though a reasonable time limit for such further submissions should be set.

If the instructor no longer suspects academic misconduct has occurred after meeting with the student, they do not need to report the matter to the Dean's Office and may proceed with evaluating the student's work as if no suspected misconduct ever arose. The instructor should send an email to the student confirming that the matter is closed.

If the instructor still suspects academic misconduct has occurred, they must report the incident to the Dean of the faculty of the course in which the allegations arose (the "Dean's Office"). They should also send an email to the student that summarizes the discussion at the meeting and informs the student that the instructor still suspects that academic misconduct has occurred and that they have reported the matter to the Dean's Office.

Most students are anxious and stressed when they are going through the academic misconduct process. If the instructor observes or becomes aware of behaviors or issues that raise a particular concern regarding their overall wellbeing, the instructor should consider submitting an Early Alert Report. The Early Alert program does not have any involvement in the misconduct aspect of the case. Rather, the Early Alert program will provide additional support as needed. As students may experience stress and distress when going through the investigation and/or misconduct processes, the Early Alert program can help assure that the student is aware of key supports and resources.

<https://students.ok.ubc.ca/health-wellness/faculty-staff/>

*It is important to understand at this point in the process that the student's right to progress in their academic program must not be adversely impacted until and unless a finding of misconduct is made. Actions in the interim, including any actions that delay the student's academic progress, cannot be taken unless there are extraordinary circumstances, in which case the Dean's Office must be consulted prior to taking any action. In addition, unless the student admits to the misconduct, the instructor should not re-assess the academic merit of the work in question until the Dean's Office process is concluded.*

#### 4. Dean's Office investigation

*When a student admits having committed the suspected academic misconduct, the Dean's Office may investigate further before dealing with the matter.  
(section 4.3 Discipline for Academic Misconduct)*

*When a student denies having committed the suspected academic misconduct, the Dean's Office will investigate further before dealing with the matter.  
(section 4.4 Discipline for Academic Misconduct)*

*In either case, the Dean's Office may deal with the matter by:*

- 1. Dismissing the allegation;*
- 2. Giving the student a warning; or*
- 3. Referring the matter to the PACSD.  
(section 4.1 Discipline for Academic Misconduct)*

What is critical in an investigation is ensuring that any questions asked, the information sought and actions taken are, and are perceived to be, objective and unbiased. The student must be given an opportunity to respond to the key elements of the allegations and any information relevant to them.

As part of the investigation, the Dean's Office should contact the PACSD to inquire as to whether the student has a previous misconduct record. This information should be obtained prior to meeting with the student, so it can be addressed during the meeting if appropriate.

If the student has admitted to the misconduct, the Dean's Office may still believe that further inquiries need to be made and information sought to make a fair determination in the matter. This could include a follow-up conversation with the instructor, teaching assistant, or other students. Any information that arises that the student may not be aware of and that may impact the decision needs to be provided to the student and the student given a chance to reply to it.

If the student has admitted to the misconduct and the Dean's Office intends to refer the incident to the PACSD, then even if the Dean's Office decides not to investigate further the student should be given the opportunity to meet with the Dean's Office to discuss and explain any extenuating circumstances that may have affected their decision to commit the academic misconduct.

If a student denies the allegations, then an investigation must be conducted by the Dean's Office. This is to ensure that relevant information is collected and considered to reach a fair decision in the absence of an admission. The student should be given the opportunity to meet with the Dean's Office to discuss and explain the circumstances of the suspected academic misconduct.

#### 5. Actions following an investigation by the Dean's Office

If after the investigation the Dean's Office no longer suspects academic misconduct, the Dean's Office may dismiss the allegation.

If the student admits to the misconduct or if the investigation by the Dean's Office determines that the student did commit the academic misconduct, and it is the only incident on record by that student, then the Dean's Office may give the student a warning or refer the matter to the PACSD.

If the student admits to the misconduct or if the investigation by the Dean's Office determines that the student did commit the academic misconduct, and it is **not** the only incident on record by that student, then the Dean's Office **must** refer the matter to the PACSD, and may not simply give the student a warning.

Any decision by the Dean's Office should be communicated to the student in writing and copied to the instructor. In that communication, the student must be advised that a record of the decision will be retained in the student's file in the Faculty and that, in the event of any further allegations of academic misconduct, the incident may be used in determining the discipline to be imposed by the President for subsequent misconduct. The Dean's Office must also notify the PACSD (even if the matter is not being referred to the PACSD).

Once the decision has been communicated to the instructor and if they decide to re-evaluate the student's work based on the outcome of the investigation by the Dean's Office, then they may implement one of the following measures:

1. Require the student to re-do the work at issue or do supplementary work;
2. Assign a grade of zero or a failing grade for the work; or
3. Assign a mark less harsh than failing for the work.

The instructor should consider the proportion of the work that the instructor believes to have been affected by the misconduct when determining what grade to assign or whether to have the student re-do the work or do supplementary work.

Instructors may not assign a grade of zero for the entire course, as that goes beyond an assessment of the academic merit of the work at issue and becomes discipline, which only the President may impose.

## *6. Referral to the PACSD*

If the Dean's Office refers the matter to the PACSD then prior to a referral, the Dean's Office should confirm that:

- the student has been given notice of the allegations and an opportunity to respond,
- the student understands the process that will follow, including clear timelines, and
- a careful consideration of the information relating to the allegations has been conducted.

Once a decision to refer has been made, an email confirmation should be sent to the student that includes information about the PACSD process as well as the appeal processes that are available. It is helpful to repeat any information provided earlier about resources to support the student through the process.

## *7. Post-decision support*

Faculties may wish to consider how to support students who have been found guilty of academic misconduct to help them successfully complete their programs or explore other options. Referrals to academic advising, information about what they can and cannot do during a possible imposed suspension, counselling and advocacy support may form part of a broader faculty response. There are various online resources that can help students achieve their academic goals and meet the University's standards for academic integrity.

Discipline imposed on a student is considered personal information under FIPPA and may only be disclosed within the university and should only be shared with those who need the information in order to implement any discipline imposed. In particular, disciplinary decisions can contain highly confidential information such as personal health and financial information which should be treated with the utmost discretion.

## *8. Establishing faculty-specific protocols, templates and supports*

Clear procedures, accessible to faculty, staff and students, along with templates for written communications can significantly ease the burden and lessen the anxieties related to the academic misconduct process for all involved. They also promote enhanced consistency in process and outcomes.

It is important to tailor the protocols and templates to the particular faculty (or department) to ensure that they are helpful in that specific context. An effective process can be developed, taking into account available resources, the nature of misconduct cases in that faculty, incidence rates, etc. Templates for email messages can include links to online resources, such as the policies and regulations for academic misconduct, the PACSD, Student Wellness, the SUO Advocacy Office, etc. and include standardized statements about the process (Appendix A).

## *Appendix A*

Sample template for instructor notification to student regarding allegations of academic misconduct

Dear [student's name]

I have completed [marking the final exams/reviewing papers/ from Course no.]. I have noted some irregularities in your [exam/paper], specifically [describe the irregularities]. I would like to discuss my concerns with you and give you an opportunity to provide me with your side of the story.

I am available to meet you at my office on [date, time]. If you are not available on this [date, time], please provide me with some alternatives. It is important that we meet as soon as possible. If you do not respond to this email by [date], your [assignment, exam, etc.] will be forwarded for review to the Dean's Office to determine whether any further action needs to be taken.

If, following our meeting, I determine that there may be issues of academic misconduct, there will be a fair process followed before a decision is made. Further information about that process can be found at: <http://www.calendar.ubc.ca/okanagan/index.cfm?tree=3,54,111,0>

If you require some advice or support, I encourage you to access the following resources:

[Student Wellness](#)  
[SUO Advocacy Office](#)  
[The Office of the Ombudsperson for Students](#)

You are welcome to bring someone with you to the meeting, although you will be expected to speak for yourself and your support person will not be permitted to speak for you. A note-taker will also be present. I will look forward to hearing from you by [date] to confirm our meeting.

Best regards,

[Professor's name]