

Investigating Academic Misconduct: A Guide for Administrators

1) Allegation review

Steps:

- A. Begin documentation process: who/what/when/where/why?
- B. Review policies and consult if necessary.
 - I. Jurisdiction
 - Authority to review
 - Ensure that the matter is one that falls under your jurisdiction.
 - **For example: second allegations and misconduct related to final exams and personation automatically fall under the jurisdiction of the Dean's Office.**
 - Appropriate policies
 - Consult the appropriate policies when examining a matter.
 - Concurrent jurisdiction
 - If the student is not part of the faculty in which the course is offered, be sure to inform the student's home faculty of the allegation.
 - Refer to appropriate authority, if matter falls outside your jurisdiction.
 - Consultation
 - If you are unsure of the jurisdiction, contact Student Advocacy or the Dean's Office.
 - II. Issues of bias
 - If the professor who brought forward the allegation is the same as the normal decision maker, ensure an alternative decision maker is assigned to the case.
- C. Fact finding
 - I. Review the evidence that was forwarded by the instructor and ensure there is enough evidence to move forward with an allegation letter.
 - II. If witnesses need to be interviewed, or other data collected, be sure to reference the appropriate procedures.

2) Notice to student

Steps:

- A. Review Student Discipline Bylaw.
- B. Write letter to student including all of the following information:
 - I. Details of investigation
 - Student should be informed about the specific form of academic misconduct they are alleged to have breached.
 - All evidence should be provided to the student within the letter so they are able to understand the allegation and prepare for the discipline meeting.
 - II. Student may obtain copy of Bylaw & procedures
 - III. Deadline

- Provide a date by which the student must contact the decision maker to either set up a meeting OR advise once they have scheduled a meeting with Student Advocacy.
 - IV. Right to advocacy
 - The letter should inform the student that it is beneficial to work with a Student Advocate, and include the contact information for Student Advocacy (204-474-7423).
 - V. Holds
 - Explain if and why a hold is being placed on the student's account.
 - VI. Absence of a response
 - The letter should be clear that if there is no response by the deadline then a decision will be made in abstention.
- C. Other considerations
- I. Who should be copied on the letter:
 - The Dean's Office of the student's home faculty
 - The instructor who instigated the investigation
 - The Department Head
 - Student Advocacy
 - II. Timing
 - Once the decision maker has concluded there is enough evidence to proceed to a full investigation, the letter should be sent out to the student immediately in order to ensure they are fully informed.
 - Ideally, the letter should not be sent to the student on a Friday. This is to allow the student the opportunity to immediately access University supports.
 - III. Delivery of letter
 - The letter should be:
 - Emailed to the student
 - Mailed as a physical copy to the student's home address
 - IV. Letter templates: This resource is under development.

3) Meeting with student

Steps:

- A. Provide opportunity to respond
- I. Meeting procedure
 - Introductions
 - Introduce everyone at the meeting.
 - Confirm the student's home address.
 - Confirm the advocate may be copied on all future communication.
 - Confirm decision not yet made and that this is an investigation.
 - Emphasize that decision will be made on the balance of probabilities.
 - Overview of allegation

- The decision maker should outline the information they were provided by the instructor and speak broadly about the nature of the evidence and allegation.
- Student response:
 - Give student the chance to make a formal statement.
 - The faculty should request a copy of the statement from the student so they have a complete record on file.
 - The student may present evidence to the decision maker during this period and explain the relevance of the evidence.
 - If possible, the decision maker should make copies of the evidence for the file.
- Question period:
 - After the student provides their statement, questions may be raised by the decision maker and the instructor (if present).
 - The student may also ask questions of the instructor and/or decision maker regarding the evidence.
- Final question/answer period:
 - If there are any new questions arising for/from the student they can be addressed at this point.
- Closing remarks:
 - The student may make a closing statement at this point re-iterating or clarifying any points.
 - The decision maker should make their own closing remarks thanking everyone for attending and giving the student a timeline for a decision.

II. Additional fact-finding consultation

- If the decision maker has additional issues they need to examine following the meeting, the student should be informed of the ongoing process.
- If an allegation is to be upheld and the student is not in the same faculty as the course offering, then the home faculty needs to be consulted about the disciplinary action.

4) Making the decision

Steps:

- A. Determine if there is enough evidence.
- Is it more probable than not that the alleged act was committed based on the facts and evidence (balance of probabilities)?
 - Please note that the burden is on the instructor to show, on a balance of probabilities, that the misconduct took place. The student is not required to disprove the allegation.
 - If this burden is met and the student's evidence fails to satisfy the decision makers, then the allegation should be upheld.

B. Weigh aggravating/mitigating factors.

- If the allegation is upheld, it is the responsibility of the decision maker to devise a disciplinary action.
- There are numerous mitigating and aggravating factors to consider and it is important to keep all students in mind when making a decision.

5) Writing the decision letter

Steps:

A. Include the following information in the letter to the student:

- Re-state the allegation.
- Summarize the information that was received.
 - The decision maker should outline all the evidence they received from the instructor, from the student, and potentially from the witnesses.
- Explain weight given to information for purpose of making the decision.
 - If there is evidence the decision maker found untrustworthy, this should be stated clearly in the letter. It is important for the student to understand exactly how the decision maker arrived at their decision.
- Reference the relevant policies.
- Set out the reasons for the penalty, including aggravating and mitigating factors.
- Provide information about the right to appeal, and where to receive further information and support.
- If you have reason to believe that the misconduct was due to a lack of understanding, poor writing/research practices, and/or you feel the student would otherwise benefit from post-discipline education, you may include an educational disciplinary outcome.
 - It is recommended that you consult with the Academic Integrity Coordinator if you are unsure whether a student is a suitable candidate for post-discipline education.

B. Ensure all appropriate individuals and offices are copied on the letter.

- If you are implementing post-discipline education, ensure the Academic Integrity Coordinator is copied on the letter.

C. Ideally, the letter should not be sent to the student on a Friday. This is to allow the student the opportunity to immediately access University supports.

6) Record retention

Steps:

- A. Review the Records Management Policy.
- B. Consult the Access and Privacy Office if necessary.

Note: This guide and the accompanying materials are intended to provide disciplinary authorities with guidance about how to investigate an allegation of academic misconduct. The information contained herein is not intended to replace relevant University of Manitoba governing documents. Please

consult the Student Discipline bylaw and related procedures available at:

http://umanitoba.ca/admin/governance/governing_documents/students/student_discipline.html