Student Appeals and Academic Integrity Workshop

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Responsibilities of the Chair and Department to Graduate Students
The Department (or Graduate Program)

Typically, many of the **duties of the Department** in regard to graduate students are carried out by the **Department Chair and the Graduate Advisor** (in some programs these are referred to as Graduate Coordinators or Area Coordinators) for the Department.

For purposes of graduate studies policies stated in sections 1 through 6 of the Graduate Calendar, all reference to **Department Chair** shall mean, in the graduate programs of the Faculty of Health Sciences, Program Coordinators or appropriate Assistant Dean. The departmental duties include making recommendations to the Graduate Admissions and Study Committee of the Faculty as noted above.
The **Department** is responsible for matters such as:

- ensuring that every student has, at all times, a faculty advisor or a properly constituted supervisory committee;
- reviewing annually each student’s academic progress and reporting thereon;
- conducting comprehensive examinations and language examinations, when these are required;
- preparing and distributing guidelines and departmental regulations for supervisors and students;
- ensuring that each student is properly trained in all safety practices, guidelines, and policies for the use of any resources required in carrying out their work, where appropriate.
In performing those duties that relate to individual students, the Department relies on advice from the Supervisory Committee or the faculty advisor.

In those cases in which a Supervisory Committee or faculty advisor determines that a student’s progress is unsatisfactory, and recommends that the student be required to withdraw, the Department is expected to verify the reasons for the recommendation.

If the recommendation is confirmed, the Department will forward the recommendation to the Associate Dean of Graduate Studies, who will receive it and act on behalf of the Faculty Admissions and Study Committee.
If the **Department** is not convinced that the recommendation is appropriate, the **Department** may attempt to mediate between the supervisor and student, or may attempt to find an alternate Supervisory Committee or faculty advisor.

If that is not possible because all members with expertise in the student’s topic are already on the Supervisory Committee, then the **Department** may find it best to encourage the student to transfer elsewhere.

If the student is very close to completion, the **Department** may advise the student to continue in the program despite the lack of Supervisory Committee support.
Why are our policies so long?
McMaster University Act, 1976

Board of Governors By-laws, Senate By-Laws

Academic Administration Policies
(Course Management Policy – Undergraduate, Access to Final Examinations – Undergraduate, PhD Supervision, Post-Doctoral Fellowships)

Academic Integrity Policy, Student Appeal Procedures, Research Integrity Policy, etc.

Judicial Review

Statutory Powers Procedure Act of Ontario
Administrative law refers to a body of legal rules and principles which govern the conduct of governmental tribunals, boards and similar types of public bodies which can generally be referred to as “administrative tribunals.”

In general, the function of administrative tribunals is to provide a simple and more efficient means of resolving disputes.

All McMaster University tribunal hearings are governed by an area of law known as “administrative law.”
Canadian universities are constituted by and derive their authority from special statutes passed by provincial legislature.

This includes McMaster University, which is constituted under the McMaster University Act (the “Act”). The Act generally provides for the governing of the University by a Board of Governors and a Senate.

The various tribunals at McMaster derive their ultimate authority from the powers given in the Act to the McMaster University Board of Governors and the McMaster University Senate.
Administrative law is largely comprised of common law principles, which are rules and standards developed by the courts over time. However, Ontario’s Statutory Powers Procedure Act (“SPPA”), also governs tribunal hearings.

The SPPA applies to any person exercising powers delegated by statute and required by law to hold a hearing. Accordingly, McMaster tribunals must comply with the SPPA.

Note also that the SPPA sets out certain minimum procedural requirements; it is not a complete code in terms of setting out the rules which govern the conduct of McMaster tribunal hearings. University policies contain additional rules which supplement the SPPA with respect to hearing procedures.
“Procedural fairness” is the term most commonly used to describe the duty of fairness owed by administrative decision makers to those who are affected by those decisions.

Public authorities such as university bodies are obligated to take action and make decisions in accordance with the principles of procedural fairness.
Are you a Decision-maker?

- In the *Academic Integrity Policy*, the decision-maker is the Faculty Adjudicator.

- In the *Student Appeal Procedures*, the decision-maker is the Associate Dean, or the Faculty Adjudicator for academic dishonesty decisions.
Reasonable Apprehension of Bias

- Decision-makers must be neutral and unbiased. Bias is a lack of neutrality or impartiality on the part of a decision-maker regarding an issue to be decided. A decision-maker with bias may prejudge an issue or be partial to one side over the other regardless of the evidence in the case.

- Bias in this context includes both actual bias and the appearance of bias. The governing principle is that “justice must not only be done but must be seen to be done.” This means that a party alleging bias does not need to demonstrate that the decision-maker is actually biased – an appearance of bias is usually enough to disqualify a decision-maker from making a decision.
Academic Integrity
“The University states unequivocally that it demands scholarly integrity from all its members. Academic dishonesty, in whatever form, is ultimately destructive to the values of the University; furthermore, it is unfair and discouraging to those students who pursue their studies honestly.”

Academic Integrity Policy, McMaster University, 2008, Page 2.
Academic Integrity Policy

“Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage”

Academic Integrity Policy, McMaster University, 2008, Page 6.
Academic Dishonesty Statistics 2012-13

- Total # of Cases: 270
- Total # of Students: 264
- # of Cases Resulting in a Finding of Guilt: 264
- # of Cases Resulting in a Finding of Innocence: 6
PROCEDURE FOR ACADEMIC DISHONESTY CASES:

STEP 1: Gathering Information
☐ collect any information that supports your suspicion of academic dishonesty
☐ contact the Office of Academic Integrity (ext. 24303) with your concerns to ensure the student is unable to withdraw from the course to avoid penalty
☐ you are required to contact the student to inform him/her of your concerns*
☐ you are required to provide the student with a fair opportunity to respond - normally this should be done in person
☐ determine if you think the student is guilty of academic dishonesty based on your discussion(s) with the student and a review of all relevant evidence

STEP 2: Checking Prior Offences
☐ if you determine the student is guilty, contact the Office of Academic Integrity to find out if this is the student's 1st offence of academic dishonesty (ext. 24303)

STEP 3: Decision Making
If 1st Offence:
☐ there are 2 penalties a faculty member can impose:
  - a reduction of the mark on the piece of academic work
  - a mark of zero on the piece of academic work
☐ inform the student in writing of your decision and their right to appeal
☐ please use the Standard First Offence Letter which can be found at www.mcmaster.ca/academicintegrity/instructors/processdishonesty/StandLetter.htm
☐ if the offence is very serious, you can request the case be heard by a Faculty Adjudicator which can result in more serious sanctions

If a 2nd Offence, the student is graduate student or a serious 1st offence:
☐ fill out the "Reporting an Academic Dishonesty Case" form and send to the Office of Academic Integrity
☐ the Office of Academic Integrity sets in motion the case to be heard by a Faculty Adjudicator
☐ the faculty member's responsibility will be to present the evidence of academic dishonesty - in writing and/or orally*

* The Office of Academic Integrity can provide samples of letters to be sent to the student and has a manual for faculty who are presenting a case before a Faculty Adjudicator.

www.mcmaster.ca/academicintegrity

Additional Information:
- if you have difficulty reaching the student or receiving a response from the student - sending a letter by registered mail to the address listed with the Registrar's Office with a specific deadline by which the student must respond, is adequate notification. Usually giving the student 10 days from the date the letter is sent is adequate. After the deadline date, you can proceed without the student's information.

- Do Not return the relevant test, assignment, essay, etc. to the student. If you decide this is a case of academic dishonesty, the paperwork often becomes the most important part of any evidence. If you return it, the student can alter or lose it. You can provide the student with a copy if they request it.

- if you are uncomfortable meeting with the student alone, you can have another person attend the meeting - a good choice for the 2nd person is a TA
- if you plan on having another person present, you should inform the student of this in advance of the meeting and that they are able to bring a support person
- if the student brings another person to the meeting, make sure there are some guidelines set. You want to speak to the student about your concerns, not the other person. The other person can be a support person and provide advice for the student, but the student still needs to speak for themselves.

- timing - as the consequences of academic dishonesty are serious for the student, it is important to take each case seriously and devote the necessary time to process it quickly. Generally, an instructor should complete the process for a first offence within four weeks of first contacting the student.

- for a complete copy of the Academic Integrity code look on the web at: www.mcmaster.ca/academicintegrity

- Questions? - the Office of Academic Integrity is located in MUSC 211, extension 24303, email address: thyreta@mcmaster.ca
Proactive Approach to Integrity

- Encourage conversations about academic integrity within departments
- Encourage the design of original assignments/tests
- Promote clear communication of assignment instructions in order to minimize improper collaboration and plagiarism
- Promote proper invigilation in order to discourage cheating on tests and quizzes
- Encourage Instructors to report cases of academic dishonesty to the AI Office
- Promote the AI Office as a resource for information on academic integrity
Student Appeals
The University has a responsibility to provide fair and equitable procedures for the lodging of student complaints arising out of University regulations, policies and actions that affect students directly.

The Student Appeal Procedures provide a mechanism to fairly address alleged injustices.
Stages in an Appeal

1. Student with Grievance
2. Preliminary Inquiry
3. Formal Inquiry
   - Academic Process Appeal (section 7[b]) see Sections 16-10
4. Re-read/Re-assessment (section 7[a])
5. Appeal to Senate Board for Student Appeals
Role of the Chair

- Students who wish to raise questions or who have a concern are strongly encouraged to communicate *informally* with their instructors, Departmental Chairs, the relevant Associate/Assistant Dean of their Faculty, or of Graduate Studies, the University Ombud, and/or the appropriate administrative officer *before* seeking a review under formal procedures. Experience shows that the great majority of questions or complaints can be resolved satisfactorily through informal communication.
Role of the Chair (Re-Read/Re-Assessment)

- Within one week of receiving Form A, the Associate/Assistant Dean shall submit a copy of the Application for a Formal Re-Read/Re-Assessment to the Chair of the appropriate Department, the Chair shall select a qualified reader who may be an external reader. The Chair shall provide the reader with a copy of the student work in question and shall protect the anonymity of the student and the impartiality of the reader by ensuring that all identifying material, along with the original instructor's comments and markings, has been removed.

- Within three weeks of submission to the reader, the Chair shall secure the results of the re-read/re-assessment and report those results to the Associate/Assistant Dean.
Role of the Chair (Formal Inquiry- Academic Process)

- Upon receiving an Application for Formal Inquiry of an Academic Process issue, the responsible Associate/Assistant Dean shall submit a copy of the Form B to the Chair of the Department involved.

- The Chair shall **conduct an investigation** based on the student’s written submission, **may attempt to resolve** the matter, and shall submit a **written report** to the Associate/Assistant Dean. **NOTE:** The report is a summary of the investigation, it should **not** include any recommendations.

- Following receipt of the Chair’s report, the Associate/Assistant Dean may also attempt to resolve the matter, shall make a decision and shall respond to the student in writing with reasons. **This response should be provided within three weeks of receiving the Application for Formal Inquiry.**
Research Integrity Policy
Research

This definition of research in this policy includes, but is not limited to, the following scholarly activities:

a) the preparation and publication, in either traditional or electronic format by academic publishers, of scholarly books, articles, reviews, translations, critical editions, bibliographies, textbooks, and pedagogical materials;

b) creative works in drama, music and the visual arts (including recordings, exhibitions, plays and musical compositions);

c) literary works in prose, poetry and drama; and

d) contract research and consultancy contracts.
What’s with the flowcharts?
Best Practices

• Orientation
• Communication
• Documentation

Be Proactive!
Orientation

- Supervisors should start with an orientation for all new institutional personnel conducting research in their area.

- A review of the orientation should also be done with all current personnel.
Orientation should include:

- Review of the *Research Integrity Policy* (and the *Academic Integrity Policy* for students) and other related University policies and statements.

- Discussion of the ownership of work, intellectual property, research responsibilities, responsibility for the maintenance of records and ownership of those records (lab books)

- Publication expectations and authorship (who will be first author etc.)

- Discussion of the style to properly cite and acknowledge all directly or indirectly quoted material in accordance with the standards of the discipline.
Communication and Documentation

- Supervisors should clearly communicate to all institutional personnel what the expectations are for the responsible conduct of research (Orientation, one-on-one discussions, lab meetings, etc.).

- Document orientation sessions (checklists, letters of understanding etc.) that are signed by the supervisor and the researcher.

- Schedule annual meetings to discuss research integrity and to provide a brief review of expectations.
Communication and Documentation

- Immediately address any research integrity concerns regarding a researcher’s performance or conduct. Follow up in writing summarizing the concern, what was done to address the concern and provide clear direction to the researcher on future expectations and conduct.

- It is possible for allegations of research misconduct to occur within months or even years after publication. Keep all documentation surrounding orientation, research integrity expectations and clarifications. This documentation may be kept in an electronic format (on a network drive would be strongly suggested).
Don’t rely on your memory! Follow up in writing (email) for conversations about research integrity expectations or concerns.

When expectations are not clear, researchers should seek clarification from their supervisor and/or co-authors as applicable (order of authors, publication timelines, etc.)

The Office of Academic Integrity may also be contacted to answer questions regarding the Research Integrity Policy.
Best Practices

Not Documented?
Not Done!