

# **Instructor Guide to Academic Dishonesty Hearings**

This guide is intended to assist instructors who are preparing for a hearing before a Faculty Adjudicator, and is supplementary to the Academic Integrity Policy.

An academic dishonesty hearing or academic dishonesty appeal hearing is held to provide the opportunity for both parties to present information and any evidence. There is an established order in which the parties speak, and there are specific guidelines for witnesses and advisors.

## **Preparing a Charge of Academic Dishonesty for a Hearing:**

There are a number of things that have likely already occurred:

1. As the instructor, you suspected academic dishonesty.
2. You met with the student to discuss those suspicions and have allowed the student to answer the charge.
3. In your opinion, the student has committed academic dishonesty.
4. You contacted the Office of Academic Integrity to find out if this is a first offence, and a determination has been made that there has to be a hearing for this case.

What is next?

You will need to fill out the [Reporting an Academic Dishonesty Case](#) form and create a package of information regarding the specifics of this case. The purpose of this package is to inform both the student and the Faculty Adjudicator before the hearing exactly what the student is accused of and to provide specific evidence. The package should include:

- ! a written summary of how you uncovered the academic dishonesty and what you did after you discovered it
- ! summaries of conversations you had with the student and any witnesses
- ! any written statements from witnesses -- e.g., a TA who initially detected the plagiarism, an invigilator who observed suspicious behaviour, etc.
- ! any written material that supports the charge -- e.g., copies of source material that was inappropriately used in an essay, the mid-term that was altered, etc.
- ! any additional information that is helpful to the case e.g. the course outline which describes that students were required to work alone on the assignment, etc.

Ideally, everything you want to say at a hearing will be first presented in this package and will prove that dishonesty occurred. Anything relevant to the case that has convinced you the student is guilty should be included. The size of the package will be determined by how complicated the case is -- most packages are 1-2 written pages plus attachments, while other cases are quite complicated and require more.

**Previous Offences:** It is not appropriate to include any kind of reference to previous findings of academic dishonesty against the student. The case you are preparing will be judged on its own merits. A previous finding of academic dishonesty becomes relevant if Faculty Adjudicator finds the student guilty and must assign a penalty. The Office of Academic Integrity will inform him/her of any previous offences.

**Witnesses:** The TA who detected the plagiarism or the invigilator who observed cheating in a mid-term is often key to your case. It is best to have that person attend the hearing as a witness because there may be questions only s/he can answer. While witness statements are helpful, they do not allow for questions and therefore have limitations.

**Conflict of Interest:** You will be sent a notice informing you of the date and time of the hearing and the name of the assigned Faculty Adjudicator. If you believe that it is not appropriate for that person to hear the case, you can request another Faculty Adjudicator through the Office of Academic Integrity. It is not appropriate to discuss the case with the Faculty Adjudicator or the student outside of the hearing. Any questions regarding procedure should be directed to the Office of Academic Integrity.

**Penalty Recommendations:** You will be asked at the end of the hearing for your penalty recommendation if the student is found to have committed academic dishonesty. You need not include this in your written package.

**Appeals:** In the case of an appeal, the responsibility for providing a package of information before the hearing rests with the student and you will be sent a copy of that package. You should prepare a defense in advance of the appeal. Please make three copies of any material you are presenting at the appeal so the student, the Faculty Adjudicator and you all have a copy.

### **Roles of Involved Parties:**

\*\* There can be more than one person involved in these roles (e.g., more than one student charged with academic dishonesty), but language is used in the singular for simplicity.

**Faculty Adjudicator:** A Faculty Adjudicator will chair the hearing, listen and ask questions. After the hearing s/he will review all the presented evidence and make the decision.

**University Representative:** This person will present the case against the student or will defend a decision/penalty appealed to the Faculty Adjudicator and is responsible for showing academic dishonesty occurred. The University Representative can be an instructor, a graduate supervisor, a member of a graduate examining committee, a University Officer, a Department Chair or School/Programme Director or an Associate Dean.

**Student:** The student will present a defense responding to a charge of academic dishonesty. In the case of an appeal, the student will present a case for why a decision should be over-turned or altered. The Academic Integrity Policy applies to all registered students undergraduate and graduate (see clause 2 of the Academic Integrity Policy).

**Witnesses:** Both the student and the University Representative may call witnesses. Parties are responsible for producing their own witnesses and paying any costs associated with their appearance. Witnesses will stay in the hearing only while they are testifying and responding to questions.

**Advisors:** The student has the right to have an advisor present at the hearing. An advisor may consult with the student but is not allowed to speak at the hearing. An advisor shall not include legal counsel for the purpose of this hearing.

### **Additional Information:**

**Audio-tape:** All academic dishonesty hearings are audio-taped to obtain an accurate record of what is said. The tape is held in confidence by the Office of Academic Integrity for 3 years after the hearing. Any party to the hearing may request access to the tape.

**Open Hearing:** Academic dishonesty hearings are normally open to the public. Either party may request that the hearing be closed (meaning only the parties, advisors and Faculty Adjudicator are allowed in the room). The Faculty Adjudicator will hear the reasons for a closed hearing and will decide if the hearing is open or closed.

**Appeals:** Faculty Adjudicators will hear and make decisions on appeals of instructor penalties for first offences.

**Administrative Law:** This type of administrative hearing falls under administrative law rather than criminal law, which means much of what you have seen on television does not apply. For example, in criminal law a person must be found guilty beyond a reasonable doubt. The standard for these administrative hearings is a preponderance of evidence, meaning the evidence shows it is more likely than not that academic dishonesty occurred.

## **At the Hearing:**

The order of the hearing is as follows:

1. The audio tape is turned on.
2. All parties are introduced by the Faculty Adjudicator.
3. If there are requests to close the hearing, the request is heard and the Faculty Adjudicator decides if the hearing is open or closed.
4. Witnesses are asked to leave the room until called upon.
5. Any written documents are identified and become part of the record of the hearing.
6. You present the charge and any supporting evidence. The student and the Faculty Adjudicator are permitted to ask questions.
7. You call any witnesses one at a time. The student and the Faculty Adjudicator shall ask questions of each witness at the end of his/her testimony. Witnesses leave the room after their testimony.
8. You clarify any new points arising from the questioning.
9. The student presents his/her defense and any supporting evidence. You and Faculty Adjudicator are permitted to ask questions.
10. The student calls any witnesses, one at a time. You and the Faculty Adjudicator ask questions of each witness at the end of his/her testimony. Witnesses leave the room after their testimony.
11. The student can clarify any new points arising from the questioning.
12. You may respond to any evidence the student has presented.
13. After this point, there is no further questioning of the parties by anyone other than the Faculty Adjudicator.
14. You summarize your case. The summary should address both the substance of the alleged offence and the appropriate penalty if the allegation is determined to be valid.
15. The student summarizes his/her case. The summary should address both the substance of the alleged offence and the appropriate penalty if the allegation is determined to be valid.
16. The hearing is adjourned. The audio tape is turned off.
17. Both parties will be informed of the decision in writing.

\*\*\*\* In the case of an appeal, the student is asked to present the case for the appeal and will be heard first. The University Representative will be presenting the defense and will be heard second. Otherwise the process is the same.

## **Helpful Information**

1. The Faculty Adjudicator will make his/her decision based on the written submissions and what is said at the hearing. It is inappropriate to approach the Faculty Adjudicator outside of the hearing and information presented other than the written material and what is said at the hearing will not be considered.
2. It is expected that all parties will behave in a respectful manner at the hearing; do not interrupt, listen to what others have to say, and address others in a respectful tone and manner.