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## Student Academic Misconduct Disciplinary Procedures

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### Department

### Procedure Number

087a

### Guiding Policy

[Student Academic Misconduct Policy \(087\)](#)

### Effective Date

September 1, 2009

### Definitions

Refer to the [Student Academic Misconduct Policy](#) for definitions applicable to these procedures.

### Procedures

#### 1.0 Disciplinary Procedures

Where there is an allegation of an academic offence under the [Student Academic Misconduct Policy](#), individuals should refer to the following procedures. Any member of AU community who has reason to believe that an applicant or a student is guilty of an academic offence may initiate proceedings against the student.

Allegations of academic misconduct are investigated by the appropriate University Officer. [Appendix A](#) sets out which University Officer shall be responsible for investigation of which alleged offences. The appropriate University Officer as set out in [Appendix A](#) is authorized, without further approval, to assign penalties to an academic offence under these disciplinary procedures other than those penalties that require the approval of the Vice-President, Academic. [Appendix B](#) sets out which University Officer can assign penalties under the Student Academic Misconduct Disciplinary Procedures, including those University Officers who must approve any penalty of Suspension or Expulsion.

[Appendix G](#) provides a visual flow chart of the following procedures.



## 1.1 Initiation of Proceedings

Where a member of the AU community has reason to believe that an Applicant or a Student has committed an academic offence, that individual may forward a written complaint to the appropriate University Officer for investigation.

The written complaint will include the following information:

- a. a written summary of the allegation; and
- b. all supporting documentation that led to the belief that an academic offence has been committed including, but not limited to, copies of coursework and course materials, results from the use of plagiarism detection software, copies of internet searches, invigilator statements, and any other documentation in support of the case.

## 1.2 Investigation

### 1.2.1 Preliminary Investigation and Summary Dismissal of Complaint

Within fifteen (15) business days of receiving the written complaint, or such other time as may be permitted in accordance with this procedure, the University Officer may conduct a preliminary Investigation of the complaint, including, if it is in the view of University Officer desirable, discussing the complaint with the Complainant, or consulting with others (e.g. Registrar, academic staff, AU lawyers, Vice – President Academic, Associate Vice-President Academic etc). Where the University Officer is of the opinion the complaint is without merit, or is frivolous, trivial or vexatious, the University Officer may dismiss the complaint summarily. Where the complaint is dismissed summarily, the University Officer must notify the Complainant, in writing, specifying the reason(s) for the dismissal.

(Attached as [Appendix C](#) is a template letter that may be used as the basis for such notice).

### 1.2.2 Review and Determination

Within fifteen (15) business days of receiving the written complaint, or such other time as may be permitted in accordance with this procedure, and provided that the complaint has not been summarily dismissed, the University Officer must discuss the alleged offence with the Applicant or Student and the Complainant. Other persons (e.g., Registrar, academic staff, AU lawyers, Vice-President - Academic, Associate Vice-President - Academic, etc.) may also be consulted as deemed appropriate; however, any previous record of the Applicant or Student alleged to have committed the offence is not to be consulted.



### 1.2.3 Determination That an Offence Has Not Occurred

Where the University Officer has determined that no offence has been committed and thus declines to proceed with the complaint, the Complainant and the Applicant or Student must be provided with written notice of the decision within fifteen (15) business days of receipt of the complaint or such other time as may be permitted in accordance with this procedure (Attached as [Appendix D](#) is a template letter that may be used as the basis for such notice). This notification will not form any part of the student's official student record.

### 1.2.4 Determination That an Offence Has Occurred and Imposition of Penalty

Where an applicant or student is found to have committed an academic offence, the University Officer will consult with the Office of the Registrar regarding penalties imposed generally for such offences and regarding the Student's previous record. The University Officer shall consider the previous record of the Student in order to determine the severity of the penalty. Where the penalty of Suspension or Expulsion is under consideration, the University Officer investigating the matter will consult with the appropriate University Officer empowered in accordance with [Appendix B](#) to approve the penalty of Suspension or Expulsion. No Suspension or Expulsion shall be imposed without the necessary approval. After the required consultation the University Officer may impose one or more of the Section 3.0 Penalties under the [Student Academic Misconduct Policy](#).

The University Officer shall prepare a statement in writing in accordance with section 1.2.5 and 1.2.6 of this document

### 1.2.5 Written Record

Where a penalty is to be imposed, the University Officer shall prepare a written statement setting out:

- a. a brief summary of the conduct alleged to constitute the offence;
- b. a statement in writing that the alleged offence has been reviewed with the Applicant or Student and the Complainant;
- c. a brief statement giving details of the determination and the reasons therefore; and
- d. any special conditions that must be met by the Applicant or Student.
- e. for those penalties that require the approval of the Vice-President, Academic, documentation that the approval has been obtained.



(Attached as [Appendix E](#) is a template which may be used as a framework for the written record).

#### 1.2.6 Imposition of Penalty

The University Officer shall then impose

- a. the penalty; and
- b. any special conditions deemed appropriate by the University Officer that must be met by the applicant/ student based upon the findings in the present case and the results of the review of the applicant's/student's record of previous discipline.

#### 1.2.7 Notification to the Applicant or Student and the Complainant

Within fifteen (15) business days of discussing the incident with the complainant and the applicant or student, or such other time as may be permitted in accordance with this procedure, the University Officer shall provide written notification to the complainant and the applicant or student of any penalty imposed. (Attached as [Appendix F](#) is a template letter that may be used as the basis for such notice) such notification shall include the written statement prepared under Section 1.2.5. A copy of the correspondence shall be forwarded to the Registrar and be kept in the applicant's or student's official student record.

The written notification of the penalty imposed must also include notification of the right of appeal and must outline the procedures for appeal. (See the [Student Appeals Policy](#)).

In all cases, the University Officer will keep a file with all documentation associated with the case for a period of two (2) years. In the event of an appeal to the Student Academic Appeals Committee, the University Officer will forward a copy of this file to the Chair of the Student Academic Appeals Committee upon request.

## 2.0 Appeals

An Applicant or Student has the right to appeal any penalty assigned under the Student Academic Misconduct Policy to the Student Academic Appeals Committee by following the Student Appeals Policy and the Student Academic Appeals Procedures. Any appeal must be filed within the time limits set out in the Student Appeals Procedures.



### 3.0 Time Limits

It is intended that allegations of Academic Misconduct be investigated and addressed quickly, and where reasonably possible the time limits in this Procedure should be met. However, there may be circumstances where more time is required to conduct a thorough investigation, including but not limited to the absence of or inability to contact a Complainant, Applicant, Student, or a necessary witness. Accordingly, the University Officer conducting the Investigation may request an extension of the time limits from the Chair of the Student Academic Appeals Committee, or designate. If the Chair of the Student Academic Appeals Committee, or designate, is of the opinion that an extension of the time limit is reasonably necessary to permit thorough investigation of the allegations, and does not unfairly interfere with the ability of the Applicant or Student to respond to the allegations, he or she may extend the time limits set out in the Procedure. Such an extension may be granted regardless of whether the request is received before or after the expiration of a time limit.

#### **Related References, Policies and Procedures**

[Student Academic Misconduct Policy](#)

[Student Appeals Policy](#)

[Student Academic Appeals Procedures](#)

Athabasca University Publication: [Student Code of Conduct and Right to Appeal](#)

Athabasca University Website: Information about Conduct at AU

[Protection of Privacy Policy](#)

#### **Applicable Legislation/Regulation**

[Alberta's Freedom of Information and Protection of Privacy Act](#)

Section 31 (1) (a) and (b) and Section 62 of the [Post-Secondary Learning Act \(2003, c. P-19.5\)](#)

#### **Responsible Position/Department**

Registrar - Office of the Registrar

#### **Keywords**

Falsification

Plagiarism

Copying

Cheating

Collusion

Unauthorized use of University materials

Misrepresentation of facts and fraud

Aiding another in committing an academic offence

Academic Misconduct

Student Academic Misconduct

Penalty



## Appendix A - University Officers Responsible for Investigation of Offences and Assignment of Penalties

<b>Offence</b>	<b>University Officer</b>
Falsifying admissions information	Associate Registrar of Admissions and Transfer Credit Services
Plagiarism	Dean (or designates)
Copying	Dean (or designates)
Collusion	Dean (or designates)
Cheating	Dean (or designates)
Unauthorized use of AU materials	Dean (or designates)
Misrepresentation of Facts and Fraud	Associate Registrar of Operations
Aiding another in committing an academic offence	in accordance with the offence as identified above

Note: Dean (or designates) refers to the Dean responsible for the area of discipline where the course resides. For the Centre of Distance Education, the Chair of the Centre for Distance Education would be the designated University Officer in place of a Dean.

## Appendix B - Summary of University Officer and Penalty Authority

<b>Penalty</b>	<b>Authority to determine or approve penalty</b>
Reduction of grade on submitted coursework.	Dean (or designates)
Rejection of submitted coursework.	Dean (or designates)
Rejection of an application for admission or enrollment.	Associate Registrar of Admissions and Transfer Credit Services
Failure of an examination or coursework.	Dean (or designates)
Failure of the course.	Dean (or designates)
Suspension from AU of six months but not more than 2 years.	Vice-President, Academic



Expulsion from AU

Vice-President, Academic

Note1: Suspension from AU includes a suspension from a program. A student is not allowed to take any courses from AU during the period of the suspension.

Note2: Nothing shall prevent AU from referring an individual or matter to the appropriate law enforcement agency or commencing legal action against an individual should such action be considered appropriate. The appropriate University Official should consult with AU Legal Counsel prior to taking such action.

Note3: The authority to determine or approve penalties for the Centre for Distance Education is with the Chair of the Centre for Distance Education.

### **Appendix C - TEMPLATE LETTER ADVISING COMPLAINANT THAT COMPLAINT HAS BEEN DISMISSED.**

Further to your complaint received on [insert date complaint received] regarding the possible violation of the Athabasca University Student Academic Misconduct Policy by [insert name of student alleged to have committed offence]. Please be advised that I have completed my preliminary investigation in accordance with Athabasca University's Student Academic Misconduct Policy and Student Academic Misconduct Disciplinary Procedures and am of the opinion the complaint must be dismissed (provide reasons). Consequently, this matter will not be pursued any further. Thank you for bringing your concerns to our attention so that we could investigate the matter. [if the summary dismissal is because of a conclusion the complaint is vexatious the preceding comment would be inappropriate] If you require any further information, please do not hesitate to contact me.

Yours truly,

### **Appendix D - TEMPLATE LETTER ADVISING STUDENT THAT COMPLAINT WILL NOT PROCEED.**

This letter is further to our discussion [or e-mail exchange, or exchange of correspondence] of [insert date of discussion etc with student] regarding the allegation that you had violated the Student Athabasca University Academic Misconduct Policy. I have completed my investigation in accordance with the Policy and with the Student Academic Misconduct Disciplinary Procedures and have determined that no offence has occurred (provide reasons). Consequently, we will not be pursuing this matter further. I thank you for your cooperation in the investigation and apologize for any inconvenience this may have caused.

Yours truly,

cc: Office of the Registrar



## Appendix E - TEMPLATE WRITTEN RECORD

### Written Record regarding Academic Misconduct Charge against [insert name of student]

- a. Conduct constituting the offence:  
[Insert a summary of the conduct alleged to constitute the offence]
- b. Review with the student and the complainant.  
[insert confirmation that the allegations and the students response to them have been reviewed with the complainant and with the student, including dates on which the contacts with each of them occurred]
- c. Penalty and Reasons  
[insert details of penalty imposed and reasons for imposing penalty]
- d. Special Conditions  
[insert any special conditions that must be met by the student, If none are being imposed insert “none” or “not applicable”]
- e. [Where the penalty imposed requires approval insert confirmation that the necessary approval has been obtained ]

## Appendix F - TEMPLATE LETTER ADVISING STUDENT OR APPLICANT AND COMPLAINANT THAT OFFENCE HAS OCCURRED AND OF PENALTY IMPOSED

Sent by Registered Mail

This letter is further to our discussion [or e-mail exchange, or exchange of correspondence] of [insert date of discussion etc with student] regarding the allegation that you violated the Athabasca University Student Academic Misconduct Policy (the “Policy”). I have completed my investigation in accordance with the Student Academic Misconduct Disciplinary Procedures (the “Procedures”).

I have concluded that you have committed the offence of [identify specific type of academic misconduct, i.e. admissions offence (specify which type of admissions office), plagiarism, cheating, misuse of confidential materials, misrepresentation of facts, forging or falsifying an academic record, or misuse of university computer resources or some combination of those offences] . Given the circumstances, I have determined that the appropriate penalty for that offence is [identify penalty].

In accordance with the Procedures, I enclose the written record which summarizes the conduct that constituted the offence, confirmation that the matter has been reviewed with the complainant and you, the penalty imposed and reasons therefore.

If you wish to appeal this decision either on the grounds that you did not commit the offence, or because you feel the penalty is too severe, you must submit your written letter of appeal, specifying





in detail the reasons for making the appeal and the remedy you are seeking. Please address this letter to the Chair of the Student Academic Appeals Committee at:

Chair, Student Academic Appeals Committee  
C/o Office of the Registrar  
1 University Drive  
Athabasca, AB T9S 3A3

You must provide your written letter of appeal to the Chair no later than one month of the date you are deemed to have received this letter based upon the University record of when it was mailed. Pursuant to the Student Appeals Policy, if this letter was sent to you at an address in Alberta, you are deemed to have received it 10 business days after it was posted. If this letter was sent to you at an address outside Alberta, you are deemed to have received it 20 business days after it was posted.

The Athabasca University Academic Misconduct Policy and the related procedure are available for review at [\[http://www.athabascau.ca/policy/registry/academicmisconductpolicy.htm\]](http://www.athabascau.ca/policy/registry/academicmisconductpolicy.htm). The Athabasca University Student Appeals Policy and related procedure are available for review at [\[http://www.athabascau.ca/policy/registry/stud\\_acad\\_appeals.htm\]](http://www.athabascau.ca/policy/registry/stud_acad_appeals.htm)

Yours truly,

