



Université d'Ottawa University of Ottawa

Centre de recherche et d'enseignement
sur les droits de la personne

Human Rights Research and
Education Centre

Evaluation Report of Student Appeal Centre 2008 Annual Report

By

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Introduction:

I have been asked by the Academic and Provost, to provide an independent evaluation of the Student Appeal Centre (SAC) 2008 Annual Report with a particular emphasis on identifying any areas of concern for University response and providing an assessment of the methodology and analysis giving rise to the allegations of procedural unfairness, abuse and systemic racism it contains. I would like to thank Dr. Henri Wong, former University registrar and Associate Vice-President Institutional Research, for his useful comments on the statistical aspects of the SAC Report.

As a preliminary matter, I found the report to be very unprofessional in tone. In many places the content can only be described as totally unsubstantiated, inconclusive and inflammatory. That being said, my primary focus was on uncovering the relevant matters that might relate to possible error or poor administration on the part of the University. I did find some areas for improvement and those are identified herein. However, my main concern is the apparent lack of understanding of the administrative processes of the University by the SAC, particularly as they relate to Academic Fraud. This appears to be the source of many of the faulty conclusions. There are also significant methodological errors and a complete failure to conduct a systemic analysis by SAC in support of its conclusions of systemic racism. As a starting point, the entire analysis and its conclusion are based on less than 1% of the total university population. When the pool of subjects to be examined is so small it is critically important that the data is approached cautiously and evaluated carefully. This does not appear to have been the case here.

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The SAC Annual Report of 2008 represents a missed opportunity. The foundation of the report and its characterization of the Academic Fraud process are not only misleading but raises concerns that it may have a chilling effect on students' willingness to pursue their legitimate claims. I have started with a relatively detailed description of the process and its purpose and the principles which underlie the administration of academic quality. I then follow with a discussion of the specific case examples in the report. The methodological issues are outlined separately. Finally, I have included a recommendation section which both comments on the recommendations in the SAC report and makes specific recommendations flowing from this evaluation.

It is the methodological failures and the lack of substantiation which makes the report most troubling. The matters raised within the report of possible systemic racism and procedural unfairness are significant issues and cannot be given short shrift by the University. It is therefore unfortunate that the report fails to provide sufficient foundation to enable the University to identify the specific areas of concern or to assess the depth or even the existence of a problem. It is for this reason that I am reiterating my principal recommendation that an independent assessment to evaluate the Academic Fraud files identified by the Student Appeal Centre be conducted on an urgent basis to ensure that there is indeed no systemic racism in the Academic Fraud process.

Students are represented on all of the legislative bodies of the University including the Senate. It is, therefore, unfortunate that these established avenues were not explored before arriving at the conclusion that the University was unable to respond. As an entity of the SFUO, SAC would have been well within its rights to ask its representatives to raise its concerns in that forum. An exchange at that level may well have identified some of the concerns in this report and begun a fruitful dialogue.

A. Are there Concerns Regarding the Current Academic Fraud Process?

The SAC report is founded on a concern with unfairness of the Academic Fraud processes. No other processes are detailed at sufficient level to enable me to conduct an analysis. I have, therefore, confined my procedural analysis to the Academic Fraud process.

What does the Current Academic Fraud Process Look Like?

Briefly put, the Academic Fraud Process goes to the heart of the academic mission of the University.

Step One: The process is initiated when the instructor has concerns that the work submitted for evaluation, in whole or part, is not the work of the student who will receive the grade. Once the potentially plagiarized material is identified, there are two directions. In some cases, the professor may speak with the student to obtain an explanation. The matter may stop at this point if the response is satisfactory. In some instances, professors have simply entered a failing grade but have not necessarily triggered the formal fraud process. It is not a requirement that the professor inform the student and there is no entitlement to be so informed.

Step Two: The Dean of the faculty can establish a Committee of Inquiry to evaluate the specific matter of plagiarism. In some faculties, the matter is referred to the Assistant Dean of Students, or an equivalent position, who may discuss the matter with the student. It is possible that an adequate response may again bring the matter to a conclusion. At this point, a thorough analysis of the work is undertaken to identify the components of the work that are non-attributed and their source. The student is informed by letter from the Dean that the process has been initiated and provided with the text of all identified materials. Committee members are selected who are at arms length to the student. The committee members do not engage in any discussions with the professor who has raised the allegations nor are they in discussions with the Dean.

Step Three: The Committee of Inquiry into the Academic Fraud convenes. The student is provided with an opportunity to appear before the committee. The student can make oral submissions. The student can be represented by the person of their choice. This process, like that of the Senate Appeals Committee, is in the form an inquiry rather than adversarial. The student is not subjected to questions from the professor but does received questions from the committee.

Step Four: The recommendation of the committee of inquiry is given to the Dean and referred to the Faculty Council for finalization.

Step Five: The student has an “as of right appeal” to the Senate Appeals Committee to challenge both the finding and the penalty imposed. This means that the student can appeal without being subject to a preliminary evaluation of the merits or entitlement to appear before the Senate Appeals Committee.

Step Six: If the student is unsatisfied the decision of the University Senate Appeals Committee and implicitly the entire process can be the subject of a judicial review application to the courts. Judicial Review is essentially an application to the courts for a review of the administrative process to determine its fairness. It is not a review of the underlying facts but focuses on the actions of the decision-makers.

The report would have been most useful if it had identified the points in the Academic Fraud process that posed difficulties for the students seen by SAC. There should also have been specific details as to the programs involved so that any procedural problems could be addressed. As it stands, the report has a number of broad conclusions but it is very difficult to know how to proceed without sufficient data.

What are the legal principles that underlie the decision-making process of the Committee of Inquiry?

The report contains a number of conclusions that can be clearly traced to a failure to understand the fundamental legal principles that under gird the University's obligations in law and how procedural fairness is evaluated by the courts.

(1) Intention

The SAC report states at Page 9 that intention is not considered in evaluating whether Academic Fraud has been committed. The discussion contains a fundamental error. There is a distinction in law between intention to commit the action and intention to experience or bring about the consequences of the action. There is confusion in the SAC analysis between intention in law and motive. The SAC is correct that the inquiry process is not focused nor does it take into consideration the student's psychological state at the time the action is committed. Instead, the focus is on whether (a) the student was aware that the words submitted was not their own (b) whether they intended to submit the non-attributed work as part of the submission for evaluation. The repeated reference in the report to the "innocence" of the student is not what the faculty academic inquiry is trying to establish.

The report also assumes that because the nature of the intent is not explicitly written that it is not considered. Many pieces of legislation including many sections of the Criminal Code do not define the requisite intention. Intention is understood within administrative law and developed through the jurisprudence. It might be helpful for SAC and the University to jointly develop and educational tool to assist students to better understand the underlying principles in the Academic Fraud process.

Academic Fraud is found in the intention to commit the action. It is not based upon whether the student intended the consequences of the act. An example in the legal system would be strict liability offenses where pollution is committed. The issue is not whether the individual or corporation intended to destroy habitat. It is sufficient that they consciously and deliberately disposed of the polluting material in a manner not protected by law and caused the harm.

The report confuses the potential defenses to Academic Fraud with motive. An inadvertent error such as deleting a footnote or text which results in a skewing of subsequent material such that a particular statement is misattributed could be a lack of intention to commit Academic Fraud. Similarly, poor citations or partial citations may, in some circumstances, be accepted by a committee of inquiry. Another example might be one where the complete attribution is provided but the footnotes are omitted inadvertently and a reasonable reader can clearly distinguish between the student's work and the portion which lacks quotation marks.

The following explanations posed in the report are not valid defenses: (a) the student's prior performance in that course or similar courses. There is no correlation between high marks and the likelihood or not to commit Academic Fraud. In fact, in highly competitive fields the incentive for high-performing students to inflate their performance is significant and the University remains vigilant for these circumstances or (b) the presence of the questioned work in the bibliography. Attribution must be provided so that the evaluation can distinguish the work of the student from that of others. A listing in the bibliography does not provide any assistance in this regard. It is equally open to suggest that the presence of the work buried in the bibliography is a 'hedge' against ultimate discovery.

The International Office currently provides international students with information regarding the academic expectations of the University including our policy on plagiarism and the "Beware of Plagiarism!" leaflet. They are informed of the consequences of plagiarism. Though the sessions are mandatory some students choose not to attend. In light of this practice, international students can be deemed to have knowledge of the plagiarism policy and cannot rely on the arguments set out by SAC. It is a well known adage that 'ignorance of the law is no excuse.'

(2) Burden of proof

The report has characterized the Academic Fraud process as a reverse onus where the student is guilty until proven innocent. That is not the case. The allegation is first made by the professor who must identify and establish together with the faculty that there is improper or non-attributed work in the student's submission. Once the professor/faculty has established that non-attributed work is contained in the materials that were submitted for evaluation, it has met its burden. The burden then shifts to the student to provide an explanation of how the work came to be submitted in this form. As noted above, explanation of inadvertence or other explanations going to intention can be exculpatory. This is often the case when professors chose not to refer the matter to the formal process. This may be sufficient to end the process. Only after it has been established that the student has indeed voluntarily submitted the work in the form received, the

committee can rightly make a finding of Academic Fraud.

It is at the point of determining the sanction that the committee of inquiry can make note of the circumstances giving rise to the Academic Fraud. These might include: the year of study of the student, previous academic experience, prior experience writing papers, program of study including whether in graduate or a professional school, or personal life circumstances. The factors which would be applied would vary from situation to situation and faculty to faculty.

(3) credibility findings

Findings of credibility, such as those arising in the cases dealing with cheating, are highly contextual and case specific. It is impossible to assess the psychological state of the student during the examination or evaluation when the act took place. The assessment is made by looking at the context or circumstances when the alleged cheating took place. Factors that are considered include: whether explicit instructions were given prior to the examination regarding the use of materials (i.e. is the exam closed book etc.), does the location of the materials facilitate ease of use during the exam, does the form of the materials, such as being loose facilitate ease of use; and the reasonableness of the conduct of the student when compared to that of peers in the same circumstances, etc.

Again, it is up to the student to provide an explanation of the conduct that is being questioned. If the faculty does not find that the explanation is credible a finding of cheating or Academic Fraud may be found.

(4) role of the Senate as an appellate body

The report and the case study examples demonstrate a woeful lack of understanding of the appellate process. The appeal process is not a new first instance hearing where all of the facts are re-examined. Requests that the Senate Appeals Committee engage in their own investigation is an error and misunderstanding of their role. Its purpose is to evaluate the prior decision for unfairness and to provide the student with an opportunity to raise new factors that he or she believes should mitigate or fundamentally alter the decision made by the faculty. The appeal process is in fact weighted towards the student. The faculty is confined to written submissions only. These normally consist of the decision of the Committee of Inquiry, the minutes of the Executive Committee of the Faculty confirming the penalty set by the Committee and any submissions received by the Faculty from the student. The student has the opportunity to provide additional written submissions and the right to make an oral submission to the Committee. The faculty is not invited to respond to the student's submissions.

The decisions are usually made the day the appeal is heard. This is possible since the Senate Appeals Committee members review all materials received prior to the session. After an opening statement, the student is routinely asked to confine themselves to new matters not contained in the written materials. The student is also then asked questions by the Committee arising from either the written material or their oral submissions.

There is a table in the report which indicates that 17 appeals were heard by the Senate Appeal Committee involving Common Law, Grade Studies, Engineering, Management and Science. No details are provided regarding the (a) year of study of the student (b) nature of the fraud or (c) sanction provided by the faculty. The table suggests that 12 of the 17 students were visible minorities. The discussion under methodology tackles the methodological failure in using these statistics as a conclusion of systemic racism without analysis.

It should be noted that appellate bodies routinely retain the power to set aside, modify or uphold the decisions at the lower level. While there is a recommendation in the report that the Senate Appeals Committee not be able to increase a penalty, there is no data indicating the circumstances or frequency of this occurrence.

Any potential procedural failures in the administrative process are subject to judicial review. This is a process where courts examine the nature of administrative decisions to see whether they are fair. All students of the University of Ottawa (and by inference the SAC) are entitled to seek advice from the Student Legal Aid Clinic on campus who might be able to assist the student in making such an assessment.

(5) limitation periods to raise allegations of Academic Fraud

This evaluator is in complete disagreement with the suggestion in the report that there should be no capacity to pursue matters of Academic Fraud when discovered. It is simply untenable that an individual should be able to retain the degree of the University in the face of serious academic breaches. Serious breaches of Academic Fraud mean that the individual may well be fraudulently holding out that they have completed their degree requirements. The University must correct such situations as soon as they become known. The by-laws clearly provide for this eventuality by stating in (g) that the degree can be revoked. To do otherwise would be an abnegation of our responsibility to the public.

(6) Misunderstanding of the roles of the Academic and Provost and the President

It is very disappointing that the SAC, who are charged with providing students with advice on University processes, would seek to circumvent those processes by directly writing to either the

Academic and Provost or the President before properly addressing the specific cases to the Senate Appeals Committee level. Neither, the Vice-President, Academic or the President, are part of the decision-making chain between the initial allegation at the Faculty and the Senate Appeals Committee. Nor do they sit on the Senate Appeals Committee. There is no further University appeal process or discretion remaining to them after the decision is rendered by the Senate Appeals Committee. They have no institutional capacity to affect the Senate Appeals decision. The only remaining step is to undertake a judicial review in the courts. To insert them into the process before taking a matter to the Senate Appeals Committee is most improper.

To then further characterize the legitimate inquiry of the Academic and Provost into a matter raised by the SAC on a specific case as inappropriate is duplicitous. In these circumstances, it is proper for him to seek information regarding the background of the matter from the faculty in question. Far from hiding his concerns, he increased the transparency of the process by discussing his concerns with the SAC representative. This confidential discussion did not impugn the Senate Appeal Committee process in any way. To suggest otherwise was very unprofessional.

Finally, for the President of the SFUO to write to the President of the University to seek his assistance/intervention on a specific file is not permitted in the procedures of the University. It was proper for the President to refuse to correspond on this matter. To otherwise might have been to compromise the integrity of the ongoing process. It also would have been an abuse of power which would have the President usurp the rightful authority of the Senate Appeal Committee.

(7) Sanction

Much is made in the Report of the range of sanctions in different faculties. Yet the Academic Fraud provisions provide for up to eight sanctions which can be used in combination. It is the flexibility and range of sanctions that provides an opportunity for increased fairness so that specific circumstance and the scale of the Academic Fraud can be taken into consideration. In 2006-2007, 59% of the cases received the lowest two sanctions of a mark of 0 or F for the work or a mark of 0 or F for the course.

It should be noted that professional schools, graduate programs and programs which have a prerequisite of previous university study may well impose higher sanctions. This results from the reasonable expectation that students in their program have prior academic experience in their or similar programs so that the institutional requirements regarding Academic Fraud are already known or ought to be known to them.

The success rate of the appeals was another area of concern expressed in the SAC report.

Students are able to appeal “as of right” to the Senate Appeals Committee. This means that there is no filter which prevents them from appearing at the Committee. In the final table it is noted that only 7 of 17 appeals were successful or 41%. At the Supreme Court of Canada where appeals on criminal matters are also “as of right” the success rate on appeals has been as low as 30%. This means that the current student success rate of appeals at Senate is not cause for concern.

The issue of additional complaints of Academic Fraud being pursued once the first matter has come to light is raised implicitly in the report. There is nothing inherently wrong with reviewing work submitted in the same or other courses once a single instance of Academic Fraud has come to light. Case Study #2, below, is an example where the faculty exercised its discretion in the student’s favour to close the file when there was a voluntary disclosure during the Academic Fraud process.

(8) Entitlement to have sessions of Senate Appeals Committee recorded
There is no requirement that proceedings of administrative bodies be recorded. What is required is that the decision and the reasons for the decision be provided at a sufficient level of detail that the individual is able to make a determination about whether they wish to proceed with a judicial review application. The Secretary of the University records the decision of the Committee. The brevity of reasons is governed by the nature of the decision. It may be that the SAC and the Senate could discuss a reasonable level of detail for written reasons that would assist students to understand that their concerns had been heard and which factors informed the Senate Appeals Committee in its decision.

Observations:

It would have been very helpful if the SAC report had provided statistical data and detailed specific concerns with specific components of the Academic Fraud process. Information regarding the faculty, the nature of the procedural error etc. would have been helpful in this evaluation. It also would have been helpful to aggregate this information to identify patterns within the process that require attention. Unfortunately, I can draw no conclusions from the material provided.

B. Do the Case Studies demonstrate a systemic problem?

Case Study #1:

In this case study, it was alleged that an error in the advice provided by an Academic Advisor in the Faculty of Social Sciences lead to a student registering for and failing a course that she was not otherwise entitled to take. The student appealed on two bases: (a) a refund for the course and

(b) the removal of the F from her transcript. The requests were denied by both the Financial Services and Administrator of Undergraduate Studies. The decision of the Financial Services department clearly depended on the academic decision regarding the grade.

I note that the student was an advanced student who was on the point of graduating and would have been expected to take responsibility to ensure that she had the proper prerequisites. Faculties make it clear that the ultimate responsibility for meeting program requirements rest with the student.

The student wished greater weight to be placed on a letter provided by a professor that the process was unfair and that some form of relief was required. The student appealed to both the Vice-Dean and Dean of Social Sciences and received no response. Instead, there were repeated requests from the Administrator of Undergraduate Studies regarding the faculty's offer to characterize the course as out of program which would retain the F on her transcript but not count it in the calculation of her GPA. The student refused.

Two significant errors then occurred. There is no indication in the case study, as reported, that the student/SAC respected the process by taking her concerns to the Senate Appeals Committee prior to communication with the Academic and Provost. Instead a decision was made to write directly to the Academic and Provost. This was then compounded by a letter to the President requesting his intervention. The fact that the letter was penned by the President of the SFUO does not make it any less inappropriate.

It is not open to the SAC/SFUO to challenge the University for Procedural Fairness while it unilaterally attempts to modify those practices itself. In fact, what they sought would have shifted a transparent clearly defined process into the realm of discretion and power. If the Vice-President, Academic or the President were able to intervene in the process in the manner contemplated by SAC and the President of the SFUO, it would make the system ripe for abuse of process.

Case Study #2

This case study reflected the sole Common Law Academic Fraud complaint identified by the SAC. There was no indication of previous areas of studies though the student was characterized as international in the report. It should be noted that the Faculty of Law is a professional school where almost every student has a previous degree and a significant number also have a graduate degree. In the Common Law Section international students reflect those students who are already qualified lawyers trained in another jurisdiction. In this case, the student had completed a degree at a Canadian institution with distinction prior to be accepted to her studies in law. The use of the term international in this case study begged the definitional issues raised in the

methodology section below.

The SAC report failed to set out the following: (a) that plagiarism is set out to the entire first year law class during orientation; (b) the Academic Fraud regulations are on the common law website; (c) that first year legal writing courses in common law contain a significant focus on citation; (d) that there are a separate set of sessions provided to first year students on citation and the use of the library; (e) that many first year syllabi, particularly those in the legal writing courses, make specific reference to plagiarism and (f) the common law website contains links to the online “Beware of Plagiarism!” leaflet prepared by the Faculty of Arts and the Faculty of Social Science. I note that the latter may not have been online at the time the student in question was in the program.

The specific error characterized as “innocent” plagiarism involved submitting non-attributed work in response to an instruction not to use external materials for the completion of an in-class assignment. The validity of the student’s interpretation is called into question by the very low incidence of Academic Fraud involving this or similar instructions in the law faculty over a number of years.

This case study is a clear demonstration of the errors regarding intention and motive outlined above. The student clearly intended to use the words of another without attribution. What was argued by the SAC was that the student did not intend the consequences of the action. The sanction provided was the lowest possible. The SAC failed to interpret the failure to pursue the other act of plagiarism in the same course as leniency on the part of the Common Law Section.

There was reference to the reference letter from the mentor with experience in Academic Fraud who suggested that the outcome should be otherwise. It should be noted that there was no indication that the mentor was provided with the specific details regarding how Academic Fraud was addressed in the Common Law Section including the steps taken to ensure that the students were well aware of their obligations. More particularly, there was no indication that the specific exigencies of professional schools that have a higher obligation to pursue Academic Fraud since their students will quickly be assuming roles of reliance by the public who would be giving great credence to the integrity of the degree was considered.

Case Study #3:

The final case study involved an allegation of cheating because of the presence of notes, albeit with the blank side up, under the chair of the student during the examination. The notes were discovered by the TA and reported to the professor. The student was asked to leave the examination. A grade of F with an additional penalty of 3 credits was received. This was a case of credibility. The evidence of a witness, who was a fellow student during the examination, was

dismissed. The witness may well have been bona fide in their assertion that they did not observe any cheating. However, reliance on this evidence would have been tempered by the reality that the student witness would have been focused on their own examination and performance rather than monitoring the conduct of a colleague.

C. The Needle in the Haystack: Identifying Where Students are Facing Administrative Challenges in the University

The student population of the University of Ottawa is over 37,000 according to the 2007-2008 annual report. The total number of cases in all categories seen by the SAC was 388 in the same period. Academic Fraud cases represented 48 of the total number of SAC cases. This means that the conclusions in the report are based on 1% (all SAC clients) and 0.12% (Academic Fraud specific matters) of the University population. The statistical tables which are included with the report are so methodologically flawed that they are of no assistance in deriving any conclusions.

There are four tables in the report. The entire report including the tables lack definitions for key terms which directly affect the conclusions. Who are visible minorities for the purpose of the report's author? What was the method used to determine who would be in that category? Having identified women and visible minorities as populations of concern there is no attempt to consistently correlate them through out the tables. There are over 150 countries represented in the international student population. What is the definition of international student being used? The report raises the spectre that there is a disproportional impact of policy implementation on this population but provides no details to indicate how they fit in as a subset of (a) visible minorities (b) those in the Academic Fraud process (c) specific areas of grounds for appeal or (d) within the demographics of complaints by Faculty.

The first table of the report indicates the total number of cases per Faculty in all categories brought to the SAC. The introduction states that the numbers of women who make complaints are 47%. It is presumed that this is identified as significant in the context of a report which alleges significant concerns about due process and equality. Women represent 60% of the undergraduate and 56% of the graduate students. There is no explanation for the under-representation or lack of proportional representation of women in the complaints pool. The University has over 360 undergraduate programs and 110 graduate programs within 10 faculties. There are 4,057 Academic staff at the University. This means that without further data it must be assumed that the 44 Arts complaints are distributed over 18 departments and involve potentially 255 academic staff. Similar questions are raised with the 98 complaints from Engineering with its 4 departments and over 111 academic staff, the 47 complaints from Health Sciences with 3

schools and over 104 academic staff and the 58 complaints from Social Sciences with 9 departments and over 218 academic staff. The graduate data is no more helpful since there are 4666 graduate students distributed over the various faculties.

As can be seen from the discussion above, the data is too limited to enable any analysis. What is more troubling is that it does not enable the University to identify where there may be problem areas, albeit of a limited nature, given the size of the institution and the proportionally few complaints. At a general level, it would have been helpful to have the pool of students disaggregated by (a) year of study (b) country of undergraduate/high school study (c) previous university experience. The specific cases identified should have been contextualized against the total number of students within a program. A consistent approach to the identified categories of women and visible minorities should have been taken through out the report.

The report indicates that 388 students consulted the SAC. Given that only 48 cases of Academic Fraud are identified in the report, it is unclear whether it is then safe to assume the remaining 340 cases are non-fraud related. This may be the case since the second table examines the grounds for appeal. The grounds include a number of matters of which Academic Fraud is only one of 16 identified categories. Again there are significant methodological difficulties. The following information would have assisted this assessment: (a) definition of terms including visible minorities, accommodation, discrimination, etc. (b) explanations of categories which appear to be ripe for duplication such as, accommodation and discrimination; admission and degree requirements; course management and withdrawal; etc (c) overbroad categories which have little meaning without content such as “problems with professors,” “unethical behaviour”, and “intimidation” and (d) categories which should have been distinct such as ensuring discrimination, once defined, was not collapsed with unethical behaviour and intimidation. The latter is vitally important since the University’s legal responsibilities under the *Ontario Human Rights Code* necessitate that matters in this area be brought to its attention in the most effective manner possible. It would also have been helpful to have a copy of the actual instrument/survey form provided to students. With all due respect, the brief explanation that suggests how the duplication in the chart arises is of little assistance. Having acknowledged the duplication it was incumbent upon the author to provide some analysis to assist the reader to understand the underlying premises and significance of the data.

Is there a Problem of Systemic Racism in the Academic Fraud Process at the University of Ottawa?

The short answer for this evaluator on whether there is systemic racism in the administration of the Academic Fraud process at the University of Ottawa is: I don’t know. What I do know, is that this report does not establish this in any measurable or analytically plausible fashion. Given

the seriousness of such an allegation, it is incumbent on the University to look beyond the tone of the report to reassure itself that such is not the case.

Some explanation should have been provided as to why the three case studies involved Asian women. Given that the University's international student population represents over 150 countries, care should have been taken not to inadvertently stereotype Asian women as having more difficulty than their peers with the Academic processes of the University. This is particularly important given the diversity of Asia and the diversity of experience represented within the international student community. I am very sensitive to the suggestion that a lack of familiarity with the concepts of plagiarism is inextricably tied to international students or more importantly Chinese women. SAC should not leap to a conclusion that could inadvertently stereotype many non-European/Western educational institutions that have well-developed academic standards equal to those of the University of Ottawa. Further information is required to assess the nature of the problem and the appropriate response.

The report fails to identify how it is using the term visible minorities. Then an elementary mistake is made. Once having identified this demographic, at 45% of the Academic Fraud pool, the report then proceeds to conclude from the existence of the demographic that the only explanation is systemic racism. The reality of the demographic does not explain the why of the reality. Information is required to support this conclusion including: (a) details of the nature of the fraud i.e. was it use of internet materials, copying or partial or non-attribution (b) year of study and program (c) other intersecting equality factors such as gender, international student status, etc. (d) academic background and (e) the form of the procedural unfairness alleged i.e. is the evaluation of the fraud itself or an alleged deficiency in the process or treatment.

After the above data is obtained, it would then be necessary to correlate this with specific programs. For example, perhaps the complaints involve a single course or a single professor or a specific department/unit. The first step, in the process would have been to put the detailed findings of the systemic failure before the Faculty or department and ask for a remedy. If the solution proved unsatisfactory, it would have been appropriate to bring the entire matter to the attention of the Senate through the student representatives. Using the Annual Report process in the manner that has occurred circumvented the process prematurely.

Matters For Further Discussion:

The merit of an Ombudsman position for the students is a complex one and outside the scope of the present evaluation. Similarly, this evaluation does not look at the merits of having a Code of Conduct for students if that is one intention of the recommendations. Both of these matters are better addressed through the legislative structures of the University in an open discussion with all

members of the University community.

The recommendation that the Senate Appeals Committee and/or Committee of Inquiry members undergo diversity training is premature. The report did not establish the factors giving rise to the number of visible minorities in the Academic Fraud process or where this was occurring. A thorough systemic analysis must be conducted before it can be concluded that this is the solution.

D. The Way Forward

This section sets out recommendations for the University and SAC in light of the issues identified in this report.

Recommendation 1: Conduct an independent assessment to determine whether systemic racism plays any part in the Academic Fraud process.

That SAC cooperate with the University in allowing it to undertake an independent analysis of the Academic Fraud data to identify and address any issues of systemic racism in the Academic Fraud process. All necessary measures should be taken to ensure the preservation of student privacy in the development of the report.

The Fact that the report did not succeed in its methodological attempts does not mean that there is not a problem that should be addressed. The University is bound by its obligations under the *Ontario Human Rights Code* and is committed to an inclusive community.

Recommendation 2: Ensure timeliness in the responses of all staff to students and their representatives in matters of Academic Fraud.

The SAC report raised the issue of adequate and timely responses from senior administrative staff. All student communications should be acknowledged and the student redirected, if needs be, to the appropriate process or individual. A communications vacuum only serves to compound an already stressful situation and may contribute to further delay. This does not mean, however, that a substantive response must be provided when students chose not to follow the clearly established procedure. It would not be unreasonable for students to receive an acknowledgement of their correspondence within 14 business days.

Recommendation 3: The length of time for resolution of the appeal process by the Senate Appeals Committee should be 30 business days from receipt of all submissions from both the student and faculty.

The length of time for the resolution of appeals is a significant concern. The report was lacking in data regarding what role if any the investigative process and/or requests by the student may have played in any delays. The University should be mindful that not only do delays in the process compound the stress experienced by students but it can also open the institution to claims of procedural unfairness. The 82 days delay is inconsistent with the other deadlines that are now in place. Students have a 15 working day deadline from the decision to submit an appeal. Faculties now have 21 business days to provide their submissions to Senate. The Senate Committee generally meets twice a month. A deadline of 30 business days to be heard by Senate upon receipt of the materials from both the student and the faculty would not be unreasonable.

Recommendation 4: Letters of Admission or the registration package for all students to the University of Ottawa should contain specific reference to the regulations on Academic Fraud and the leaflet entitled “Beware of Plagiarism!” prepared by the Faculty of Arts and the Faculty of Social Science.

Recommendation 5: Faculty and/or department websites should have materials which explain plagiarism or provide a link to the “Beware of Plagiarism!” leaflet on the portion of the site used by their students.

Recommendation 6: The Student Appeals Centre should have materials which explain plagiarism or provide a link to the “Beware of Plagiarism!” leaflet on their website.

Recommendation 7: International students should be asked to sign a waiver if they do not wish to attend the orientation sessions currently provided by the International Office of the University.

This will clarify the issue of whether they have actual knowledge of the University’s academic expectations in the area of plagiarism.

Recommendation 8: It should be clear that students are entitled to have representation at the Committee of Inquiry and the Senate Appeals Committee. Information should be provided to students about the availability of the SAC services and the Student Legal Aid Clinic by the faculty at the time they are informed of the allegation of Academic Fraud.

Recommendation 9: Consideration should be given by the University to establishing a parallel policy to ‘Policy 110-Policy on Treatment of Graduate Students on Non-Academic and Non-Employment Issues’ for the undergraduate students.

Policy 110 covers the issues identified in the SAC report such as discrimination, harassment and

intimidation, fair and equitable treatment and academic misconduct or fraud. The policy provides for the articulation of a process and ongoing discussion about effective processes.

Recommendation 10: That the University and SAC jointly develop a document or FAQs that sets out the principles underlying the Academic Fraud process.

Conclusion:

I share the SAC identification of Academic Fraud as a significant issue. The integrity of our institution and the trust we hold with the public that our graduates are both capable and of good character requires us to meaningfully address Academic Fraud at both informal and formal levels. The ultimate relationship that the University has is not simply to its current student community but also to the public that its graduates will serve and the graduates whose reputations and careers are bound up with the degrees they have received.

I trust that this report will be of assistance.

Professor Joanne St. Lewis
Director
Human Rights Research & Education Centre

APPENDIX I--FACULTY RELATED COMPLAINTS

Faculty	Total Student Population	Number of Women	Foreign Students	Total SAC complaints	SAC Academic Fraud Complaints	SAC complaints VM
Arts	6250	4130	180	44	6	3
Education	2057	1528	20	13	0	0
Engineering	2618	463	402	98	3	3
Graduate				25	6	5
Health Sciences	4396	3362	49	47	3	2
Law-common law	958	557	30	3	1	1
Law-civil law	633	396	32	4	0	0
Management	3341	1556	379	24	12	10
Medicine	1647	864	181	3	0	0
Science	3405	1922	137	37	8	3
Social Sciences	7196	4775	271	58	9	7
Total	32501	19553	1681	356	48	34

TABLE II – GRADUATE PROGRAM STATISTICS

GRADUATE PROGRAMS

Faculty	Total # of students	Women	Foreign students
Arts	734	433	55
Education	546	435	16
Engineering	662	161	135
Interfaculty Grad prog.	222	129	26
Health Sciences	411	325	4
Law	127	75	22
Management	316	119	17

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Medicine	497	305	41
Science	406	165	52
Social Sciences	745	472	65
Total	4666	2619	433

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