

CODE OF CONDUCT (ACADEMIC)

I Preamble

Introduction

1. The integrity of University academic life and of the degrees, diplomas and certificates the University confers is dependent upon the honesty and soundness of the instructor-student learning relationship and, in particular, that of the evaluation process. As such, all students are expected to be honest in all of their academic endeavours and relationships with the University.

Jurisdiction

2. For the purposes of this Code, the student need only have been a student at the time of the alleged offence.
3. If, prior to the initiation of any proceedings under this Code, the student has graduated, the proceedings shall continue.

Ambiguity

4. Wherever there is doubt or ambiguity regarding any provision of this Code or the procedure to be followed, that interpretation or procedure which appears to be most equitable and consistent with the general purposes and philosophy of this Code shall be adopted. Except for those terms specifically defined in this Code, the terms used shall have their usual meanings.

II Definitions

Student

5. Student is defined as:
 - a. any person registered in the University whether for courses or research and whether or not a candidate for a degree, diploma or certificate;
 - b. persons once registered in the University who are under suspension from the University;
 - c. persons registered during a preceding academic term.

Days

6. Days is defined as working days, which excludes weekends, holidays, and other days during which the University is closed.

Dean

7. Dean is defined as:
- a. the Dean of the Faculty offering the program in which the student is registered; or
 - b. if the student is not registered in a program, the Dean of the Faculty providing the course concerned or in the event that the offence is not related to a particular course, the Dean of the Faculty providing the most credits on the student's record; or
 - c. if the student is a graduate student, the Dean of Graduate Studies.

The Dean may designate a delegate to fulfill any of his or her obligations under this Code. If the course concerned is taught by the Dean, the Provost shall assume all of the duties imposed on the Dean in this Code.

Invigilator

8. Invigilator means an instructor or any other person who is charged with supervising an evaluative exercise.

Examination

9. Examination means any evaluative exercise including tests, quizzes and like assignments as well as site supervised examinations and non-site supervised examinations as outlined in articles 18 and 19 of this Code.

III Offences

10. Any form of cheating, plagiarism, personation, falsification of a document as well as any other form of dishonest behaviour related to the obtention of academic gain or the avoidance of evaluative exercises committed by a student is an academic offence under this Code.
11. Any attempt at or participation related in any way to an academic offence is also an offence under this Code and shall be dealt with in accordance with the procedures set out in this Code.
12. Without limiting the generality of article 10 above, academic offences include, but are not restricted to, the carrying out or attempting to carry out or participating in:
- a. personation - assuming the identity of another person or having another person assume one's own identity;
 - b. plagiarism - the presentation of the work of another person as one's own or without proper acknowledgement;
 - c. the contribution by one student to another student of work with the knowledge that the latter may submit the work in part or in whole as his or her own;

- d. multiple submission - the submission of a piece of work for evaluative purposes when that work has been or is currently being submitted for evaluative purposes in another course at the University or in another teaching institution without the knowledge and permission of the instructor or instructors involved;
- e. the obtention by theft or any other means of the questions or answers of an examination or of any other University-related resource that one is not authorized to possess;
- f. the possession or use during an examination of any non-authorized documents or materials or possessing a device allowing access to or use of any non-authorized documents or materials;
- g. the use of another person's examination during an examination;
- h. communication with anyone other than an invigilator during an examination or the obtention of any non-authorized assistance during an examination;
- i. tearing or mutilating an examination booklet, inserting pages into a booklet or taking a booklet from the examination room;
- j. the falsification of a document, in particular a document transmitted to the University or a document of the University, whether transmitted or not to a third party, whatever the circumstances;
- k. the falsification of a fact or research data in a work including a reference to a source, which has been fabricated. Falsification shall not include those factors intrinsic to the process of academic research such as honest error, conflicting data or differences in interpretation or judgment of data or of experimental design.

IV Procedures

Provisions Governing Examinations

- 13. It is the duty of an invigilator to take action under the following articles when he or she becomes aware of any suspected academic offence.
- 14. Every examination paper shall expressly list the materials and equipment that a student is permitted to have and use during the examination and shall indicate any special conditions relating to the examination.
- 15. Except if expressly authorized by the invigilator, a student may not speak or otherwise communicate with any person other than an invigilator.

Centrally Supervised Examinations

16. Where an examination is supervised by the Office of the Registrar or where another central supervisory function is available to deal with allegations of offences related to examinations, a student who is suspected of an academic offence shall be so informed by the invigilator and shall be required to leave the examination area.
17. The student shall be requested, in a written statement, to choose one of the following options:
 - a. to withdraw from the examination with the understanding that if the charge is dismissed, the student shall be permitted to take another examination for the same course at a mutually agreed upon time but no later than one calendar year from the date of the filing of the Incident Report;
 - b. to continue the examination under controlled conditions in another location in which case the invigilator shall provide a fresh examination booklet and shall allow additional time for the examination to compensate for any time lost. The student shall continue the examination from the point at which he or she was required to leave the examination area.
18. Should the student not indicate a choice, he or she shall be considered to have chosen to withdraw from the examination. Until such time as the student has indicated that he or she has chosen to withdraw from the examination or is deemed to have done so, he or she remains under examination conditions.
19. The invigilator shall file an Incident Report with the Dean, as defined in article 7 of this Code, and shall include the student's examination booklet as well as any other evidence related to the suspected academic offence. The invigilator may not, on his or her own authority, impose a sanction on the student.

Other Examinations

20. Where an examination is not supervised by the Office of the Registrar or where another central supervisory function is not available to deal with allegations of offences related to examinations, a student who is suspected of an academic offence shall be so informed by the invigilator and shall be required to leave the examination area immediately. The invigilator shall file an Incident Report with the Dean, as defined in article 7 of this Code, and shall include the student's examination booklet as well as any other evidence related to the suspected academic offence. The invigilator may not, on his or her own authority, impose a sanction on the student.

Non-Examination Related Offences

21. An instructor who, in the course of grading a student's work or through any other means, has reasonable grounds to believe that a student in the instructor's course or working under his or her direction has committed a non-examination related offence shall complete a Code of Conduct (Academic) Incident Report ("Incident Report"). The instructor shall forward the Incident Report to the Dean as defined in article 7 of this Code. The instructor may not, on his or her own authority, impose a sanction on the

student. Pending the final outcome of any proceedings under this Code, the instructor shall withhold the grade for the course, if applicable.

22. Any administrator of the University who to his or her personal knowledge or upon reliable report has reasonable grounds to believe that a student has committed a non-examination related offence shall complete an Incident Report. The administrator shall forward the Incident Report to the Dean, as defined in article 7 of this Code. The administrator may not, on his or her own authority, impose a sanction on the student.

Interviews

23. Upon receipt of an Incident Report, the Dean shall send a copy to the student, the Registrar and the Secretary of the Academic Hearing Panel and shall indicate whether he or she intends to interview the student to inquire into the alleged offence or whether the Incident Report is being transmitted directly to an Academic Hearing Panel. The Dean shall, as well, include a copy of this Code.
24. Should the Dean decide to interview the student, the interview shall take place within fifteen (15) days of the Dean's receipt of the Incident Report. Whenever possible, five (5) days notice shall be given to the student before the interview. In convening the interview with the student, the Dean shall inform the student of his or her right to consult any person and to be accompanied or represented by a student advocate from Advocacy and Support Services, the CSU Student Advocacy Center or any other member of the University community.
25. At the outset of the interview, the Dean shall inform the student that he or she is not obliged to answer any of the Dean's questions and that any answers given may become the basis for an immediate disposition of the case under article 26 or cause the Dean to refer the case to an Academic Hearing Panel or be the subject of testimony by the Dean at any subsequent proceeding.

The standard of proof to be relied upon by the Dean shall be one of a "preponderance of evidence" as defined in article 40.

26. Within ten (10) days from the conclusion of the interview, the Dean shall write to the student indicating his or her decision to dismiss the charge or to impose one or more of the following sanctions:
 - a. Reprimand the student;
 - b. Direct that a piece of work be re-submitted;
 - c. Enter a failing grade for the piece of work in question or for the course, if applicable;
 - d. Enter a failing grade and ineligibility for a supplemental examination or any other evaluative exercise for the course;

- e. Impose the obligation to take and pass courses of up to twenty-four (24) credits in addition to the total number of credits required for the student's program as specified by the Dean. If the student is registered as an Independent student, the sanction will be imposed only if he or she applies and is accepted into a program;
- f. Impose specified community service at the University of up to ten (10) hours per week for a specified period of time;
- g. Refer the case to an Academic Hearing Panel.

In the case of a student who has graduated, the only two available sanctions are i) a notation on the student's academic record that he or she has been found guilty of academic misconduct; or ii) a recommendation to Senate for the revocation of the degree obtained.

Where the Dean has decided to dismiss the charge, the Dean shall direct the instructor to submit a grade for the course in question, if applicable.

27. In the case of a sanction imposed by the Dean under article 26, the letter to the student shall inform him or her of the right to obtain a full hearing before an Academic Hearing Panel by notifying the Secretary of the Academic Hearing Panel (the Secretary) within ten (10) days after the date of transmission of the Dean's decision. A copy of the Dean's letter shall be sent to the Secretary, the Registrar and the instructor, if applicable.

When the Dean has decided to dismiss the charge against the student, a copy of the letter dismissing the charge shall be sent to the Secretary.

28. Where the Dean has imposed a sanction under article 26 and the student has not elected to obtain a full hearing under article 27, the Secretary shall, within a reasonable time, so notify the Dean and the Dean shall file a report with the Registrar containing the following:
- a. identification of the student concerned;
 - b. a statement of the facts and findings;
 - c. a statement of the course of action taken;
 - d. a statement to the effect that the student concerned was notified in writing of the action taken and of his or her right to a full hearing before an Academic Hearing Panel. Such report shall form a part of the student's permanent file maintained by the Registrar.

29. When the student has elected to obtain a full hearing under article 27, the execution of any decision of the Dean shall be suspended pending disposition by an Academic Hearing Panel. In such cases, the imposition of the sanction of a failing grade shall not be taken into account when calculating the student's grade point average.

30. When the Dean has decided not to interview the student and to transmit the Incident Report directly to an Academic Hearing Panel such transmission shall take place within fifteen (15) days of receipt of the Incident Report.

Composition of the Academic Hearing Panels

31. A permanent Secretary of the Academic Hearing Panel (the Secretary) shall be appointed by the Secretary-General. The Secretary shall be responsible for the administrative functioning of the Academic Hearing Panel and shall maintain the confidential files and the recordings of the Academic Hearing Panel.
32. An Academic Hearing Panel (“AHP”) of five (5) members, as well as a non-voting Chair, shall be selected by the Secretary for a given hearing. The AHP shall be composed of three (3) faculty members drawn from the Faculty Tribunal Pool and two (2) students drawn from the Student Tribunal Pool provided for under the Policy on the Establishment of Tribunal Hearing Pools. Every attempt will be made to select at least one (1) faculty member and one (1) student from the student’s constituency (i.e. by faculty and undergraduate or graduate status).

Procedures Before an Academic Hearing Panel

33. Once a matter has been referred to the Secretary, he or she shall convene an AHP to hear the matter. Thereafter, the Secretary shall be responsible for all communications with the parties.
34. A hearing shall be convened as soon as possible after the receipt by the Secretary of the notification and normally within fifteen (15) days. The instructor, if applicable, shall be sent a copy of the notice of hearing. Once a hearing date is fixed by the Secretary, the parties shall submit any documentation they wish considered to the Secretary no later than ten (10) days before the scheduled hearing date. Such documentation shall include any supporting documents and a list of the witnesses, if any, that will appear. The Secretary shall transmit the documentation, together with a list of the Panel members selected for the case, to the parties no later than five (5) days before the scheduled hearing date.
35. Either party may object to the participation of a Panel member on the grounds of potential bias. A reasoned objection shall be filed with the Secretary who shall arrange for an alternate Panel member to serve if he or she determines that the objection is well-founded. If the Secretary feels that the objection is frivolous and the matter cannot be resolved, the issue shall be forwarded to the Chair of the AHP who shall render a final decision in this regard.

The Hearing

36. The AHP shall establish its own rules of procedure. Minimally, these rules shall provide for opening statements by the parties, evidence and witnesses called by the parties (expert or otherwise), the right of cross-examination, questioning by members of the AHP, representations with respect to desired sanctions and closing statements. Hearings shall be recorded and the cassettes kept as part of the permanent record of the proceedings for a period of not less than five (5) years.

37. The role of the Chair shall be to preside over the proceedings, keep order and ensure fairness. The Chair shall, as well, preside over the deliberations of the AHP but shall not vote. Decisions shall be by majority vote. The hearing shall be closed unless both parties have consented in writing to the attendance of members of the University community.
38. The instructor in the course in which the offence took place, if applicable, may be present throughout the hearing or may be called as a witness by either of the parties.
39. If the student fails, without reasonable excuse, to attend the hearing, the hearing may proceed in the student's absence or, at the Chair discretion the start of the hearing may be postponed. If the hearing proceeds in the student's absence, all rights contingent on the student's presence, with the exception of the right to have an advocate present to plead for postponement, are forfeited. In such a case, a student's right of appeal is limited to a consideration of the reasonableness of his or her excuse for not appearing. If an Appeals Panel finds that the excuse is reasonable, it shall order a new hearing by a new AHP with the student present. The decision of the new hearing with the student present is appealable as if it were a first hearing.
40. The decision of the AHP shall be signed, dated and reasoned. The standard of proof to be relied upon by the AHP shall be one of "a preponderance of evidence". A "preponderance of evidence" standard means that the individual alleging wrongdoing must establish that his or her version of the facts is significantly more probable. This standard is less rigorous than the standard of "beyond a reasonable doubt" required under criminal law.

Sanctions

41. Within ten (10) days from the conclusion of the hearing, the AHP shall write to the student and the Dean, with a copy to the Registrar and the instructor, if applicable, indicating its decision to dismiss the charge against the student or to impose one or more of the following sanctions:
 - a. Reprimand the student;
 - b. Direct that a piece of work be re-submitted;
 - c. Enter a failing grade for the piece of work in question or for the course, if applicable;
 - d. Enter a failing grade and ineligibility for a supplemental examination or any other evaluative exercise for the course;
 - e. Impose the obligation to take and pass courses of up to twenty-four (24) credits in addition to the total number of credits required for the student's program as specified by the AHP. If the student is registered as an Independent student, the sanction will be imposed only if he or she applies and is accepted into a program;

- f. Impose specified community service at the University of up to ten (10) hours per week for a specified period of time;
- g. Impose a suspension for a period not to exceed six (6) academic terms. Suspensions shall entail the withdrawal of all University privileges, including the right to enter and be upon University premises;
- h. Expulsion from the University. Expulsion entails the permanent termination of all University privileges.

In the case of a student who has graduated, the only two available sanctions are i) a notation on the student's academic record that he or she has been found guilty of academic misconduct; or ii) a recommendation to Senate for the revocation of the degree obtained.

- 42. A sanction of suspension or expulsion is subject to confirmation by the Provost.
- 43. Any student found to have committed a second academic offence shall be expelled from the University subject to confirmation by the Provost.
- 44. The decision of the AHP shall inform the parties of their right to seek an appeal from an Appeals Panel within fifteen (15) days after the date of transmission of the AHP decision.
- 45. Where neither the Dean nor the student has sought an appeal from an Appeals Panel within the stipulated delay, the Secretary shall so inform the Registrar including a statement to the effect that the Dean and the student concerned were notified in writing of the action taken and of their right to seek an appeal from an Appeals Panel. Such report shall form a part of the student's permanent file maintained by the Registrar. This notification shall be sent to the Dean and the student, and the members of the AHP who presided at the hearing of the case.
- 46. The execution of any sanctions by an AHP shall be suspended until the expiry of the delay to seek an appeal or until the rendering of the decision by an Appeals Panel if an appeal is heard. In such cases, the imposition of the sanction of a failing grade shall not be taken into account when calculating the student's grade point average.

Appeals

- 47. An Appeals Panel of three (3) members, as well as a non-voting Chair, shall be selected by the Secretary for a given appeal. The Appeals Panel shall be composed of two (2) faculty members drawn from the Faculty Tribunal Pool and one (1) student drawn from the Student Tribunal Pool. Every attempt will be made to select the student member from the student's constituency (undergraduate or graduate status).

48. Should either the student or the Dean wish to seek an appeal from a decision or sanction of an AHP, he or she shall apply in writing to the Secretary for the authorization to seek an appeal within fifteen (15) days after the date of transmission of the AHP decision. An Appeals Panel shall decide whether an appeal shall be heard having regard to the circumstances of each case.
49. Such request for authorization to appeal may be based only on the grounds of discovery of new evidence following the rendering of the decision of the AHP or on the presence of serious and prejudicial procedural defects. The request shall state in clear and precise terms the grounds on which the appeal is based. The Appeals Panel shall be provided with the complete file of the AHP and its decision shall be based on the written record only.
50. An Appeals Panel shall be convened as soon as possible after receipt of the authorization request by the Secretary and normally within fifteen (15) days. It shall normally render its decision with respect to the request within five (5) days of its consideration of the request.
51. If the authorization to appeal is granted, the appeal shall normally be heard within fifteen (15) days of the decision to authorize the appeal. Notification of such shall be sent to both parties.
52. The Appeals Panel has the authority to confirm, reverse or modify the decision being appealed. Further, should the appeal be based on the production of new evidence, the Appeals Panel may order a new hearing of the case by a new AHP.
53. The Appeals Panel shall normally render its decision within ten (10) days of the hearing. The decision of the Appeals Panel shall be signed, dated and reasoned and shall be sent to both parties, the Registrar, the instructor, if applicable, and the members of the AHP who presided at the hearing of the case.
54. The decision of the Appeals Panel shall be final.
55. In the case of the denial of an appeal where the sanction imposed by the AHP was suspension or expulsion, the suspension or expulsion shall be retroactive to the date of the original decision by the AHP and shall take effect from the date of the Appeals Panel decision.

V Miscellaneous Provisions

Delays and Language

56. In the calculation of any delay set out in the Code, the months of July and August shall not be taken into account. In the case of a hearing before an AHP or an Appeals Panel that commenced before July 1, the regular delays set out in this Code shall apply.

57. Any party or witness participating in a hearing before an AHP or an Appeals Panel may make their presentation in either English or French.

Notices

58. Any written notice addressed to a student under this Code shall be sent by courier to the last address provided by the student to the University and shall be deemed to be received one (1) day after delivery.

Notations on Academic Record and Transcript

59. Sanctions of a failing grade in a course and more serious sanctions shall be reflected on the student's academic record with the additional notation of "for academic and disciplinary reasons".
60. Sanctions of a failing grade in a course, a failing grade in a course and further ineligibility for a supplemental examination and the obligation to take extra courses shall be reflected on the student's academic transcript without any additional notations.
61. Suspensions imposed under this Code shall be recorded on the academic transcript as follows: "Required to withdraw for academic and disciplinary reasons. May not resume studies until [date]". At the date for resumption of studies, the notation shall be removed from the transcript but shall continue to appear on the student's academic record.
62. Any expulsion imposed under this Code shall be recorded on the academic transcript as follows: "Required to withdraw for academic and disciplinary reasons. May not apply for re-admission."
63. In cases where a sanction has been imposed but a student has requested either a full hearing before an AHP or has sought an appeal from an Appeals Panel which has not been disposed of, the notation on the record shall reflect the sanction but shall note that the sanction is "pending". In the case of a sanction of suspension or expulsion, the notation on the academic transcript shall note that the sanction is "pending".
64. No degree, diploma or certificate of the University shall be conferred or awarded from the time of the alleged offence until the final disposition of the charge.
65. Withdrawal by a student from a degree, diploma or certificate program or from a course shall not affect the filing of an Incident Report or any process provided for under this Code.

Records and Confidentiality

66. The Registrar shall maintain a record in the student's official file with respect to all sanctions imposed under this Code.

67. Such record shall be kept in strictest confidence and shall only be communicated to the student concerned and to other persons within the University having a legitimate interest or duty to take communication of them.

In the event that a charge is dismissed by the Dean, all information relating to the charge will be removed from the files held by the Faculty and the Registrar and will have no effect on a student's academic record or future academic activities. However, in accordance with the legislation governing the keeping of records, a record of the charge and its dismissal will be kept, in a confidential file by the Secretary and will be destroyed within the time-frame outlined by the University's archives retention rules.

68. Nothing contained in this section shall be interpreted as preventing the Registrar or any other University member from responding to a court order requiring the disclosure of information or statements obtained in the course of an interview or hearing conducted under this Code.

Annual Report

69. An annual report detailing the number of charges laid under this Code and their disposition shall be prepared by the Secretary and presented to Senate by September 30 of each year. The report shall be published in the University's newspaper. In no circumstances shall any mention be made of the names of the parties involved nor of any information, which might lead to their identification.

Overall Responsibility for Code

70. The overall responsibility for the implementation and recommended amendments to this Code shall rest with the Secretary-General. The Secretary-General shall transmit an information sheet to each Dean and Chair at the beginning of the Fall term each year outlining the general framework of this Code.

Adopted by Senate on May 30, 1997 and amended by Senate on May 29, 1998, September 14, 2001, November 9, 2001, May 23, 2003 and September 12, 2003.