



## ACADEMIC CODE OF CONDUCT

### (the "2015 Academic Code of Conduct")

Applies to all incidents occurring on or after May 4th 2015,  
the first day of the 2015-16 academic year

## I Preamble

### Introduction

1. Concordia University places the principle of academic integrity, that is, honesty, responsibility and fairness in all aspects of academic life as one of its highest values. This understanding of academic integrity directs our conduct in all academic matters, especially to the submission of work for academic evaluation and to student-professor and student-staff relationships. Instructors, students and administrators are expected to be honest and responsible in their academic conduct and fair in their assessment of academic matters.

The university community strives to provide a teaching and learning environment in which academic integrity is reflected in the student's dealings with faculty and staff and in their academic work and processes, where instructors foster academic integrity with their students, in their review of students' academic work, and in their exercise of academic processes, and where administrators promote academic integrity in initiating and implementing academic regulations and processes. Academic integrity is anchored in the shared responsibility of all members of the community. Instructors are responsible for clearly communicating course requirements and students are responsible for knowing and following such requirements.

The Academic Code of Conduct sets out for students, instructors and administrators both the process and the expectations involved when a charge of academic misconduct occurs. The regulations are presented within the context of an academic community which seeks to support student learning at Concordia University.

### Jurisdiction

2. For the purposes of this Academic Code of Conduct, the student need only have been a student at the time of the alleged offence. For the sake of clarity, any former student accused of having committed academic misconduct is subject to this Academic Code of Conduct.
3. If, prior to the initiation of any proceedings under this Academic Code of Conduct, the student has graduated, the proceedings will nonetheless take place.
4. Neither the withdrawal by a student from a degree, diploma or certificate program or from a course, nor the termination of that student's program by his/her department, shall affect the

filing of an Incident Report or any process provided for under this Academic Code of Conduct.

### **Ambiguity**

5. Wherever there is doubt or ambiguity regarding any provision of this Academic Code of Conduct 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 Academic Code of Conduct shall be adopted. Except for those terms specifically defined in this Academic Code of Conduct, the terms used shall have their usual meanings.

## **II Definitions**

### **Academic Hearing Panel or AHP**

6. An Academic Hearing Panel or AHP is the body set forth at Article 49 of the present Academic Code of Conduct.

### **Appeals Authorization Panel**

7. An Appeals Authorization Panel is the body set forth at Article 69 of the present Academic Code of Conduct.

### **Appeals Panel**

8. An Appeals Panel is the body set forth at Article 74 of the present Academic Code of Conduct.

### **Administrator**

9. Administrator, as allowed for in Article 29 and 31, means those individuals who through the normal course of their duties at the University may encounter possible incidents of academic misconduct. Examples of an administrator may include, but are not restricted to: Office of the Registrar or Admissions personnel, Graduate Program Directors, Associate Deans, Department Chairs or Heads, re-evaluators (see Academic Re-evaluation Procedures), invigilators, and academic department staff.

### **Advocate**

10. Advocate means a member of the University community who may assist the student or Dean throughout the proceedings and procedures associated with the Academic Code of Conduct.

### **Days**

11. Days is defined as working days, which excludes weekends, holidays, and other days during which the University is closed as listed in the Undergraduate and Graduate Calendars.

### **Dean**

12. Dean is defined as:

- the Dean of the Faculty or School offering the program in which the student is registered; or
- if the student is not registered in a program, the Dean of the Faculty or School providing the course concerned or in the event that the offence is not related to a particular course, the Dean of the Faculty or School providing the most credits on the student's record; or
- 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 in which case they shall be termed the "Dean" for the purposes of this Academic Code of Conduct. Such delegate may be an Academic Code Administrator, an Associate Dean or any other personnel that the Dean deems appropriate.
- If the course concerned is taught by the Dean, the Provost and Vice-President, Academic Affairs shall assume all of the duties imposed on the Dean in this Code.

### **Invigilator**

13. Invigilator means an instructor or any other person who is charged with supervising an examination.

### **Secretary of the Tribunals**

14. A Secretary of the Tribunals shall be named and shall be responsible for the administrative functioning of the AHPs, of the Appeals Authorization Panels and of the Appeals Panels, including maintaining the confidential files and recordings of proceedings of the AHPs, of the Appeals Authorization Panels and of the Appeals Panels.

### **Student**

15. Student, for the purposes of this Academic Code of Conduct, is defined as any person who has been accepted to study at the University at any point and time.

### **Student Record**

16. The student record is a comprehensive, internal report of a student's academic history at the University. It is a complete academic record and includes all courses followed at Concordia. It is available to the student and to authorized University staff and faculty.

### **Student Transcript**

17. The student transcript is a version of a student's record intended for the use of external institutions, organizations, and employers. It is a complete academic record and includes all undergraduate and/or graduate courses followed at the University.

## **III Offences**

18. Any form of cheating, or plagiarism, as well as any other form of dishonest behaviour, intentional or not, related to the obtention of gain, academic or otherwise, or the interference

in evaluative exercises committed by a student is an offence under this Code. Any attempt at or participation related in any way to an offence by a student is also an offence.

19. Without limiting, or restricting, the generality of Article 18 above and with the understanding that Articles 19 a) to l) are to be considered examples only, academic offences include, the carrying out, or attempting to carry out or participating in:
- a. plagiarism - the presentation of the work of another person, in whatever form, as one's own or without proper acknowledgement;
  - b. 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;
  - c. unauthorized collaboration between students;
  - d. tearing or mutilating an examination booklet or an examination paper, including, but not limited to, inserting pages into a booklet or taking a booklet or a portion of the booklet or examination paper from the examination room;
  - e. 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;
  - f. the obtention by theft or any other means or use of the questions and/or answers of an examination or of any other resource that one is not authorized to possess;
  - g. the possession or use during an examination of any non-authorized documents or materials or resource or possessing a device allowing access to or use of any non-authorized documents or materials;
  - h. the use of another person's examination during an examination;
  - i. communication with anyone other than an invigilator during an examination or the obtention of any non-authorized assistance during an examination;
  - j. impersonation - assuming the identity of another person or having another person assume one's own identity;
  - k. 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;
  - l. the falsification or fabrication of a fact or data or a reference to a source in a work;

#### **Standard of Proof**

20. The standard of proof which must be met in order for any offence to be upheld under the present Code is that of the "preponderance of evidence". A "preponderance of evidence"

standard means that the Dean must establish that his or her version of the facts is significantly more probable than the alternative(s).

### **Sanctions**

21. If a charge is upheld against a student by the Dean pursuant to Article 42, and the Dean does not refer the case directly to an AHP, the Dean must impose one or more of the following sanctions:
  - a. Reprimand the student;
  - b. Direct that a piece of work be re-submitted
  - c. Direct that the examination be taken anew;
  - d. Enter a grade reduction for the piece of work in question or enter a grade of "0" for the piece of work in question;
  - e. Enter a grade reduction in the course or enter a failing grade for the course;
  - f. Enter a failing grade and ineligibility for a supplemental examination or any other evaluative exercise for the course;
  - g. Impose the obligation to take and pass courses of up to twenty-four (24) credits, as specified by the Dean, in addition to the total number of credits required for the student's program. If the student is registered as an Independent student, the sanction will be imposed only if he/she applies and is accepted into a program.
22. If a charge is upheld by an AHP pursuant to Article 62, the AHP must impose one or more of the following sanctions:
  - a. Any or all of the sanctions listed at Article 21;
  - b. 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;
  - c. Expulsion from the University. Expulsion entails the permanent termination of all University privileges.
23. In the case of a student who has graduated, the only two sanctions available to the Dean and to the AHP are i) a notation on the student's academic record that he/she has been found guilty of academic misconduct; or ii) a recommendation to Senate for the revocation of the degree obtained.
24. A sanction of suspension or expulsion is subject to confirmation by the Provost and Vice-President, Academic Affairs, who shall also determine the effective date.

25. Any student found to have committed a second offence shall normally be suspended or expelled from the University subject to confirmation by the Provost and Vice-President, Academic Affairs.

#### **IV Procedures**

##### **General Provisions Governing Evaluative Exercises**

26. It is the responsibility of members of the University to uphold academic integrity. As such, any member of the University who has reasonable grounds to believe that a student has committed an offence pursuant to this Academic Code of Conduct will promptly report his or her findings to the appropriate authority as defined in Articles 29 to 31 or 35 to 36 of this Academic Code of Conduct.
27. A member of the University who identifies the alleged academic misconduct may not, on his or her own authority, impose a sanction upon a student. Rather, alleged offences shall be handled only as set forth in this Academic Code of Conduct.
28. 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.
29. An instructor, supervisor, re-evaluator or administrator who, in the course of grading a student's work or through any other means, has reasonable grounds to believe that a student has committed an offence pursuant to this Academic Code of Conduct shall complete an Academic Code of Conduct Incident Report ("**Incident Report**"), see Appendix A. The instructor, supervisor, re-evaluator or administrator shall forward the Incident Report to the Dean.
30. A Teaching Assistant who, in the course of grading a student's work or through any other means, has reasonable grounds to believe that a student studying or working under his or her direction has committed an offence pursuant to this Academic Code of Conduct shall inform the instructor of the course within which the alleged offence occurred. If the instructor believes that there are reasonable grounds to support that such alleged offence occurred, the instructor shall forward the Incident Report to the Dean.
31. Should a person other than an instructor, a supervisor, a re-evaluator, an administrator, a Teaching Assistant or an invigilator of a centrally supervised examination have reasonable grounds to believe that a student has committed an offence, he/she may report his or her findings to the Department Chair, or equivalent. If the Chair, or equivalent, finds that there are reasonable grounds, he/she shall complete an Incident Report. The Chair or equivalent shall forward the Incident Report to the Dean.

##### **Centrally Supervised Examinations**

32. 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.

33. Communication with the student shall be restricted to requesting that he/she, in a written statement, choose one of the following options on a completed Academic Code of Conduct Incident Report, see Appendix A:
  - 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. Normally the exam should be written at the University's next offered exam period after the final disposition of the case; or
  - 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/she was required to leave the examination area; or
  - c. to acknowledge that the exam has been completed.
34. Should the student not indicate a choice, he/she shall be considered to have chosen to withdraw from the examination. Until such time as the student has indicated that he/she has chosen to withdraw from the examination or is deemed to have done so, he/she remains under examination conditions.
35. The invigilator shall file an Incident Report with the Dean, as defined in Article 12 of this Academic Code of Conduct, and shall include all examination materials 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**

36. 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 during an examination shall be so informed by the individual invigilating the exam and may be required to leave the examination area immediately. The procedures for completing and filing an Incident Report shall be those set forth at Articles 29 to 31 above.

#### **Notification Letter and Pending Notation**

37. Upon receipt of an Incident Report, the Dean shall send a copy to the student, the Registrar and the Secretary of the Tribunals and shall indicate in a Notification Letter whether or not he/she intends to interview the student to inquire into the alleged offence or whether or not the Incident Report is being transmitted directly to an AHP. The Dean shall, as well, include a copy of this Academic Code of Conduct. Notwithstanding the above, the Dean may, in all cases including when a student does not respond to the Dean's request for an interview or when a student fails to attend or refuses to attend an interview, choose to not interview the student.

38. Upon receipt of an Incident Report, the Registrar shall note on the academic record that the grade is "pending" (PEND) until the outcome of the charge and, if applicable, the sanction(s) is(are) imposed and final. If a student withdraws from the course, the Registrar will replace the withdrawal (DISC) notation by a pending (PEND) notation until the outcome of the charge and, if applicable, the sanction(s) is(are) imposed and final.

No degree, diploma or certificate of the University shall be conferred or awarded from the time of the receipt by the Registrar of an Incident Report until the final disposition of the charge.

### **Interviews**

39. Should the Dean decide to interview the student, the interview shall normally 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.
40. If the interview is for an alleged first offence, the purpose of such interview is for the Dean to ascertain whether or not an offence occurred and to obtain information regarding any and all circumstances and evidence that mitigate or aggravate such alleged offence. If the interview is for an alleged repeat offence, the purpose of such interview is for the Dean to ascertain whether or not an offence occurred.

In convening the interview with the student, the Dean shall inform the student that he/she may consult any person prior to the interview, and be accompanied or be represented by an advocate during the interview.

41. At the outset of the interview, the Dean shall inform the student that he/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 42 or cause the Dean to refer the case to an AHP or be the subject of testimony by both parties at any subsequent proceeding. Students may participate in interviews in either English or French.

### **Dean's Decision Letter**

42. Normally, within ten (10) days from the conclusion of the interview, the Dean shall write to the student indicating his or her decision to: (i.) dismiss the charge; or (ii.) uphold the charge. In the case of upholding the charge, the Dean must impose one or more of the sanctions listed at Article 21 or refer the case directly to an AHP. For all cases of repeat offences, the matter is to be referred directly to an AHP if the charge is upheld by the Dean.
43. If the Dean has decided not to interview the student, he/she shall transmit the decision letter directly to the student and to the Secretary of the Tribunals normally within fifteen (15) days of receipt of the Incident Report.
44. If the Dean has decided to dismiss the charge, a copy of the letter dismissing the charge shall be sent to the Secretary of the Tribunals, the Registrar, the instructor and the Department Chair, or equivalent, if applicable, and the Dean shall direct the instructor to submit a grade for the course in question, if applicable.



45. In the case of a sanction imposed by the Dean under Article 21, the letter to the student shall inform him or her of the right to obtain a hearing before an AHP by notifying the Secretary of the Tribunals, in writing, as per Article 51, 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 of the Tribunals, the Registrar, the instructor, the Graduate Program Director, and the Department Chair, or equivalent, if applicable.
46. Where the Dean has imposed a sanction under Article 21 and the student has not elected to have the case heard by an AHP under Article 45, the Secretary of the Tribunals 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 hearing before an AHP. Such report shall form a part of the student's permanent file maintained by the Registrar.
47. Upon receipt of the notification from the Secretary of the Tribunals pursuant to Article 46, the Dean shall direct the instructor to submit a grade for the course in question, if applicable.
48. When the student has elected to obtain a hearing under Article 45, the execution of any decision of the Dean relating to the Incident Report shall be suspended pending disposition by an AHP.

#### **The AHP**

49. An AHP of five (5) members, as well as a non-voting Chair, shall be selected by the Secretary of the Tribunals 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* (BD-6). 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).
50. With the consent of both parties, the AHP shall proceed with a reduced AHP. A reduced AHP shall be composed of the non-voting Chair as well as two (2) faculty members and one (1) student.
51. A hearing shall be convened as soon as possible after the receipt by the Secretary of the Tribunals of the notification. The Secretary of the Tribunals shall inform the parties of the academic term during which it is expected that the AHP will be held, within fifteen (15) days of the Secretary of the Tribunals' receipt of the notification, and shall inform the student that he/she may consult any person and to be accompanied or represented before the AHP by an advocate.

52. Once a hearing date is fixed by the Secretary of the Tribunals, both parties shall submit all documentation they wish considered by the AHP to the Secretary of the Tribunals no later than ten (10) days before the scheduled hearing date. Such documentation shall include all documents that a party wishes to use to support his/her case, and may include any documents submitted during the interview process, and a list of the witnesses, if any, that will appear.

Any documentation or any names of witnesses submitted after the above deadline may be accepted by the AHP, at the discretion of the Chair of the AHP, further to representations made by the parties. In making the decision as to whether to accept additional documentation or witnesses after the deadline, along with other considerations, the Chair of the AHP may take into account when the documentation or name(s) of the witness(es) was submitted, the reasons for the late submission, and any prejudice that either party may suffer due to such late submission, or any other relevant motives.

53. The Secretary of the Tribunals shall transmit the documentation submitted by the parties, together with a list of the members of the AHP selected for the case, the present Academic Code of Conduct and the Procedures of the AHP, to the parties no later than five (5) days before the scheduled hearing date.
54. Either party may object to the participation of a panelist on the grounds of potential bias. A reasoned objection shall be filed with the Secretary of the Tribunals in writing at least three (3) days prior to the hearing date. The Secretary of the Tribunals shall arrange for an alternate member of the AHP to serve if he/she determines that the objection is well-founded. If 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.
55. When the offence involves more than one student, either the student(s) or the Dean(s) may request that the Secretary of the Tribunals schedule a joint hearing. The consent of the other party and each of the students called upon to participate shall be obtained prior to proceeding with a joint hearing. The AHP has the discretion to uphold or dismiss the charge against each student and to apply the appropriate individual sanction(s).
56. If a student wishes to withdraw his or her request for a hearing, normally the student shall notify the Secretary of the Tribunals of the withdrawal at least twenty (20) days prior to the hearing date. Following such a withdrawal, the Secretary of the Tribunals shall inform the Dean of such withdrawal and the Dean shall file a report with the Registrar, according to Article 46, and include the information that the student withdrew his or her request for a hearing.
57. 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 recordings kept as part of the permanent record of the proceedings for a period of not less than five (5) years. Recordings shall be provided to a party to a hearing upon his/her written request to the Secretary of the Tribunals.

58. 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.
59. The hearing shall be closed unless both parties have consented in writing to the attendance of other people.
60. If either party fails to attend the hearing, the hearing may proceed in the other party's absence or, at the Chair's discretion the start of the hearing may be delayed. 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, 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.
61. At a Hearing for a student charged with a repeat offence, other than the fact that a previous charge has been upheld and is, therefore, relevant in relation to Article 25, any and all other information concerning the charge(s), including the nature of the offence(s) and the sanction(s) imposed, shall be excluded unless the student chooses to have such information discussed.
62. Decisions of the AHP shall be by majority vote. In its deliberations, the AHP shall first decide whether to uphold or dismiss the charge based on the applicable standard of proof. If the AHP decides to uphold the charge, with the exception of cases of repeat academic offences wherein Article 25 shall apply, it shall subsequently impose one or more of the sanctions that appear at Article 22.
63. 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, indicating its decision. The decision of the AHP shall be signed, dated and reasoned.

Furthermore, the decision of the AHP shall inform the parties of their right to submit a written request for authorization to appeal the decision of the AHP within fifteen (15) days after the date of transmission of the AHP decision.

64. The execution of any sanctions by an AHP shall be suspended, and the PEND notation shall remain on the student's record, until the expiry of the fifteen (15) day delay to request authorization to appeal or until the final rendering of the decision by an Appeals Authorization Panel and, if applicable, the Appeals Panel.

### **Appeals**

65. A request for authorization to appeal may be based only on the grounds of discovery of new evidence following the AHP or on the presence of serious and prejudicial procedural defects of the AHP. In his or her request for authorization to appeal, an appellant must set forth and explain in clear and precise terms, all grounds on which the appeal is based. Furthermore, if the appellant is requesting an appeal based on the grounds of discovery of new evidence following the rendering of the decision of the AHP, the appellant must provide such evidence as part of his or her request.

66. If neither the Dean nor the student has requested authorization to appeal within the fifteen (15) day delay stipulated at Article 63, the Secretary of the Tribunals shall so inform the Registrar including a statement to the effect that the Dean and the student concerned were notified in writing of the decision of the AHP and of their right to submit a request for authorization to appeal such decision. 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.
67. If the Dean or the student has requested authorization to appeal the decision of the AHP, the Secretary of the Tribunals shall forward such request to the other party, with a copy to the Registrar, soliciting his or her written response within ten (10) days. Any response received by the Secretary of the Tribunals within the ten (10) day period shall be forwarded to the appellant and, if the appellant wishes, he/she may submit a written rebuttal within a further ten (10) days.
68. An Appeals Authorization Panel shall be convened by the Secretary of the Tribunals as soon as possible after the expiry of the delay to submit written input and normally within fifteen (15) days.
69. The Appeals Authorization Panel shall be selected by the Secretary of the Tribunals and shall be composed of three (3) members, as well as a non-voting Chair, none of whom may have sat as members of the AHP under appeal. The Appeals Authorization 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).
70. The Appeals Authorization Panel must decide whether authorization to appeal the decision of an AHP will be granted having regard to the allowable grounds of appeal and the circumstances of the case.
71. The Appeals Authorization Panel shall be provided with all written evidence provided to the AHP, the decision of the AHP, the recording of the AHP, the request for authorization to appeal, and all written input received within the twenty (20) day period set forth at Article 67. The decision of the Appeals Authorization Panel shall be based solely upon the documents and recording listed in the present Article. Neither party is permitted to attend or make oral representations before the Appeals Authorization Panel.
72. The Appeals Authorization Panel shall have the authority to grant or deny authorization to appeal based only on the grounds for appeal set forth in the present Academic Code of Conduct. If it grants authorization to appeal based on the grounds of discovery of new evidence following the rendering of the decision of the AHP or the reasonableness of the student's excuse for not appearing before the AHP pursuant to Article 60, the Appeals Authorization Panel may order a new hearing of the case by a new AHP or may forward the file to an Appeals Panel. If it grants authorization to appeal based on the grounds of presence of serious and prejudicial procedural defects of the AHP, it shall forward the file before an Appeals Panel.

73. The Appeals Authorization Panel shall normally render its decision within ten (10) days of its consideration of the request. The decision of the Appeals Authorization Panel shall be signed, dated and reasoned and shall be sent to both parties and the Registrar.
74. If a file is forwarded to an Appeals Panel, a panel of three (3) members, as well as a non-voting Chair, shall be composed by the Secretary of the Tribunals. 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).
75. If the authorization to appeal is granted, the Appeals Panel shall normally take place within twenty (20) days of the decision to authorize the appeal. Notification of the scheduling of the Appeals Panel shall be sent to both parties.
76. The Secretary of the Tribunals shall transmit the documentation listed at Article 71 as well as the decision of Appeals Authorization Panel, together with a list of the panel members selected for the Appeals Panel and the present Academic Code of Conduct, to the parties no later than five (5) days before the scheduled hearing date.
77. If either party fails to attend the Appeals Panel, the hearing may proceed in the other party's absence or, at the Chair's discretion the start of the hearing may be delayed.
78. The Appeals Panel shall establish its own rules of procedure. All representations before the Appeals Panel shall be limited to representations as to the grounds further to which authorization to appeal was granted by the Appeals Authorization Panel.
79. 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.
80. 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 and the instructor.
81. The decision of the Appeals Authorization Panel and, if an appeal is authorized, the Appeals Panel shall be final.

## **V Miscellaneous Provisions**

### **Delays and Language**

82. In the calculation of any delay set out in the Academic Code of Conduct, the final examination period for the fall and winter academic terms and 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 Academic Code of Conduct shall apply.

83. Any party or witness participating in a hearing before an AHP or an Appeals Panel may make their presentation in either English or French. If an interpreter is required to satisfy the preceding, the request shall be made at the same time as the initial AHP request made in accordance with Article 45.

### **Notices**

84. Any written notice addressed to a student pursuant to this Academic Code of Conduct shall be sent by registered mail, with a copy sent by email, to the address of residence and the email address most recently provided by the student to the University, through his/her MyConcordia Portal. All written notices shall be deemed to be received one (1) day after delivery.

### **Notations on Student Record and Student Transcript**

85. When a charge of academic misconduct has been upheld, the charge and the sanctions shall be reflected on the student's Student Record with the sanction appearing as the appropriate Article (21 or 22) and the additional notation of "for academic and disciplinary reasons". When the sanction imposed is the one set forth at Article 21 g), the number of extra credits imposed shall also be noted.
86. 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 Student Transcript with no additional notations relating to academic misconduct. A grade obtained as the result of a penalty for academic misconduct shall remain in the calculation of all of the student's GPAs, whether or not the course has been repeated.
87. Suspensions imposed under this Academic Code of Conduct shall be recorded on the Student Record and the Student 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 student's Student Transcript but shall continue to appear on the student's Student Record.
88. The Provost may, upon written request from a student and in cases where the Provost considers it appropriate, direct that a notation of a sanction as stated at Article 85, with the exception of expulsion, be removed from the student's Student Record.
89. Any expulsion imposed under this Academic Code of Conduct shall be recorded on the Student Record and the Student Transcript as follows: "Required to withdraw for academic and disciplinary reasons. May not apply for re-admission."

### **Records and Confidentiality**

90. The Registrar shall maintain a record in the student's official file with respect to all sanctions imposed under this Academic Code of Conduct.
91. In all cases where a charge of academic misconduct has been upheld, the responsibility for maintaining the complete file shall rest with the Dean.

92. All records 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 at any level provided for in the Academic Code of Conduct, all information relating to the charge will be removed from the files held by the Dean 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 of the Tribunals and will be destroyed within the time-frame outlined by the University's archives retention rules.

93. 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 Academic Code of Conduct.

### **Annual Report**

94. An annual report detailing the number and type of charges laid under this Academic Code of Conduct and their disposition shall be prepared by the Secretary of the Tribunals and presented to Senate by September 30 of each year. The report shall be published on the University's website. In no circumstances shall any mention be made of the names of the students involved or of any information, which might lead to their identification.

### **Overall Responsibility for the Academic Code of Conduct**

95. The overall responsibility for the implementation and recommended amendments to this Academic Code of Conduct shall rest with the Secretary-General.

Adopted by Senate on May 30, 1997 and amended by Senate on May 29, 1998, September 14, 2001, November 9, 2001, May 23, 2003, September 12, 2003, May 4, 2007 and February 13, 2015 (implementation for the Summer 2015/1 academic term).