ACADEMIC CODE OF CONDUCT
For all courses taken as of summer session 2008

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. Therefore, for their part, 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.

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 Code. 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 is finalized.

Ambiguity

5. 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

6. 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

7. 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

8. Dean is defined as:

a. the Dean of the Faculty or School 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 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

c. if the student is a graduate student, the Dean of the School 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 and Vice-President, Academic Affairs shall assume all of the duties imposed on the Dean in this Code.

Invigilator

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

Examination

10. Examination means any evaluative exercise including tests, quizzes and like assignments as well as site supervised examinations and non-site supervised examinations.

Administrator

11. Administrator, as allowed for in article 27, 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, re-evaluators (see Academic Re-evaluation Procedures) and academic department staff.
Secretary of the Academic Hearing Panel

12. A Secretary of the Academic Hearing Panel shall be named and shall be responsible for the administrative functioning of the Academic Hearing Panels, including maintaining the confidential files and recordings of proceedings of the hearing panels.

Secretary of the Appeals Panel

13. A Secretary of the Appeals Panel shall be named and shall be responsible for the administrative functioning of the Appeals Panels, including maintaining the confidential files of the Appeals Panels. The Secretary of the Appeals Panel shall not be the same individual as named in article 12.

III Offences

14. 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.

15. 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.

16. Without limiting, or restricting, the generality of article 14 above and with the understanding that articles 16 a)-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, inserting pages into a booklet or taking a booklet 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 of the questions and/or answers of an examination or of any other University-related resource that one is not authorized to possess;
g. 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;

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. personation - 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 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

17. 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.

18. 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.

19. 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

20. 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.

21. Communication with the student shall be restricted to requesting that he or she, in a written statement, choose one of the following options on a completed Academic Code of Conduct Incident Report (“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 but no later than one calendar year from the date of the filing of the Incident Report; 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 or she was required to leave the examination area; or

c. to acknowledge that the exam has been completed.

22. 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.

23. The invigilator shall file an Incident Report with the Dean, as defined in article 8 of this Code, 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

24. 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 may be required to leave the examination area immediately. The invigilator shall file an Incident Report with the Dean, as defined in article 8 of this Code, 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.

Non-Examination Related Offences

25. 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 an Incident Report. The instructor shall forward the Incident Report to the Dean as defined in article 8 of this Code. The instructor may not, on his or her own authority, impose a sanction on the student. In the interim, and until there is a final outcome of any proceedings under this Code, the instructor shall enter a pending notation.

26. Should a person other than an instructor, as named in article 25, have reasonable grounds to believe that a student has committed a non-examination related offence, he or 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 or she shall complete an Incident Report. The Chair, or equivalent shall forward the Incident Report to the Dean as defined in article 8 of this Code.
The Chair, or equivalent, may not, on his or her own authority, impose a sanction on the student.

27. 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 8 of this Code. The administrator may not, on his or her own authority, impose a sanction on the student.

Interviews

28. 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.

29. 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. 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 the Student Advocate Program, the CSU Student Advocacy Centre or any other member of the University community.

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.

31. 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 32 or cause the Dean to refer the case to an Academic Hearing Panel or be the subject of testimony by both parties 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 49.

32. 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, in the case of upholding the charge, to impose one or more of the following sanctions:

a. Reprimand the student;

b. Direct that a piece of work be re-submitted;

b. Enter a grade of “0” for the piece of work in question;

d. Enter a grade reduction in the course;

e. 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 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.

After the interview, the Dean also has the option to refer the case directly to an Academic Hearing Panel, which must be done in all cases of repeat offences.

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.

33. In the case of a sanction imposed by the Dean under article 32, 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), in writing, 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, the instructor and the Departmental Chair, or equivalent, 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, the Registrar, the instructor and the Department Chair, or equivalent, if applicable.

34. Where the Dean has imposed a sanction under article 32 and the student has not elected to obtain a full hearing under article 33, 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.

35. When the student has elected to obtain a full hearing under article 33, 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.
Composition of the Academic Hearing Panels

36. 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 (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).

37. In the absence of one or more panelists and with the consent of both parties, it shall be permitted to proceed with a reduced Panel. A reduced AHP shall be composed of the non-voting Chair as well as two (2) faculty members and one (1) student.

Procedures Before an Academic Hearing Panel

38. 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.

39. A hearing shall be convened as soon as possible after the receipt by the Secretary of the notification and normally within fifteen (15) days. Once a hearing date is fixed by the Secretary, both 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 all supporting documents, including any submitted during the interview process, 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.

40. When not already evident from the case file, the Secretary shall inform the student of his or her right to consult any person and to be accompanied or represented by a student advocate from the Student Advocate Program, the CSU Student Advocacy Centre or any other member of the University community.

41. 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 in writing at least three (3) days prior to the hearing date. The Secretary 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.

42. When the offence involves more than one student, either the students(s) or the Dean(s) may request that the Secretary schedule a joint hearing. If the request is initiated by the student(s), it shall be made at the time of his or her initial hearing request. A request from the Dean(s) shall be made following receipt of the student’s hearing request notification. 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.
43. If a student wishes to withdraw his or her request for a hearing, normally the student shall notify the Secretary of the withdrawal at least seven (7) days prior to the hearing date. Following such a withdrawal, the Dean shall file a report with the Registrar, according to article 34, and include the information that the student withdrew his or her request for a hearing.

The Hearing

44. 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.

45. 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.

46. 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.

47. If the student fails to attend the hearing, the hearing may proceed in the student’s absence or, at the Chair’s 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.

48. 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 52, any and all other information concerning the charge(s) shall be excluded, including the nature of the offence(s) and the sanction(s) imposed.

49. 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 Dean must establish that his or her version of the facts is significantly more probable.

Sanctions

50. 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, indicating its decision to dismiss the charge against the student or, in the case of upholding the charge, 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 grade of “0” for the piece of work in question;
d. Enter a grade reduction in the course;
e. 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 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.
h. 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;
i. 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.

51. 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.

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

53. 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.

54. 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.

55. 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**

56. 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.

57. 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 of the AHP. 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.

58. 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).

59. 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.

60. 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.

61. 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.

62. 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 and the Registrar.

63. The decision of the Appeals Panel shall be final.

64. 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 take effect on a date to be determined by the Provost and Vice-President, Academic Affairs.

**V Miscellaneous Provisions**

**Delays and Language**
65. 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.

66. Students may participate in interviews conducted under article 29 in either English or French. Further, 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 33.

Notices

67. 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

68. When a charge of academic misconduct has been upheld, the charge and the sanctions shall be reflected on the student’s academic record with the sanction appearing as the appropriate article (32 or 50) and the additional notation of “for academic and disciplinary reasons”. When the sanction imposed is either 32 (g) or 50 (g), the number of extra credits imposed shall also be noted.

69. 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 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 the Annual WGPA, the Cumulative GPA and the Graduation GPA, whether or not the course has been repeated.

70. Suspensions imposed under this Code shall be recorded on the academic record and 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 student’s academic transcript but shall continue to appear on the student’s academic record.

71. The President may, upon written request from a student and in cases where the President considers it appropriate, direct that a sanction, with the exception of expulsion, be removed from the student’s academic record. Such written request can be made no sooner than five (5) years after the sanction has been imposed.

72. Any expulsion imposed under this Code shall be recorded on the academic record and the academic transcript as follows: "Required to withdraw for academic and disciplinary reasons. May not apply for re-admission."

73. 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 Registrar shall note on the academic record that both the grade and the sanction are “pending” until both the hearing and appeal process have been completed.

74. Further to article 73, in the case of a sanction of suspension or expulsion, the Registrar shall note on the academic transcript that the sanction is "pending”.

75. 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.

Records and Confidentiality

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

77. In all cases where a charge of academic misconduct has been upheld, the responsibility for maintaining the complete file shall rest with the Dean.

78. 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 Code, 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.

79. 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

80. 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

81. 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.