University Board on Student Discipline ("UBSD")

0.1 Preamble

Complaints of academic dishonesty and student misconduct may be resolved by informal means or without resort to adjudication. Designated University officials such as a Chair of a Department or course instructor may impose penalties in certain circumstances. Where an informal resolution is inappropriate or unsuccessful, an impartial forum is provided in which there will be a complete examination of allegations of academic dishonesty and misconduct on the part of students. That impartial forum is the University Board on Student Discipline ("UBSD").

The Tribunal will provide individuals with an opportunity to respond in a timely manner to allegations of academic dishonesty or misconduct and, if appropriate, will recommend a course of action to the President, or to the Vice-President, Academic if the President has already played a role in the case.

1.0 General

1.1 Students must be treated fairly before being penalized for academic dishonesty or misconduct. They are entitled to information about the alleged wrongdoing and to provide a response.

1.2 The UBSD is an internal administrative body, governed by the principles of natural justice and procedural fairness. Within this framework, it is free to develop procedures and practices to conduct hearings and is not constrained by strict rules of procedure and evidence.

1.3 The UBSD consists of eleven members named by the Vice-President, Academic from a list of nominees drawn from the various campus constituencies. The Board must be comprised of three faculty, four students and three staff, plus a Coordinator named by the Vice-President, Academic.

1.4 Normally, faculty and staff are appointed to the Board for terms of three years and students are appointed to the Board for one-year terms. Terms of office will be staggered to ensure some continuity of membership.

1.5 The Coordinator of the UBSD will appoint a Tribunal of three persons consisting of a Chair and two other members for each hearing. In deciding upon the composition of the Tribunal, the Coordinator of the UBSD shall take into account the nature of the allegations brought forward and the diversity of the University community. The membership of the Tribunal shall include at least one faculty member and one student.

1.6 In human rights cases, the UBSD consists of a single person appointed by the Vice-President, Academic. This person must be external to the University and must be experienced as an adjudicator in human rights proceedings.

1.7 In extenuating circumstances, the Coordinator of the UBSD may extend the time limits for a student to dispute the findings of fact made by an Instructor, a Chair, the Registrar, or the Associate Vice-President Students or designate.

2.0 UBSD Hearings

2.1 The neutrality of any member of the Committee scheduled to hear an appeal may be challenged and will be determined by the Chair. If the neutrality of the Chair is challenged, the issue will be determined by the other members of the hearing panel.
2.2 UBSD hearings shall be closed to the public unless both parties involved provide explicit written consent.

2.3 If a student is unable or unwilling to participate in a UBSD hearing for any reason, the UBSD Coordinator must determine if there are sufficient grounds to proceed in the student’s absence. If such a determination is made, the Coordinator will forward a recommendation to the Registrar that the student may not register in any courses at the University until the case has been dealt with.

2.4 Hearings may be held using telecommunications or other communications technology at the discretion of the Chair.

2.5 In exceptional circumstances, the Tribunal may permit the student to appear *in absentia* by delegate.

2.6 The parties to a hearing (i.e., the applicant and the respondent) may have a representative present at the hearing and/or may be accompanied by a support person.

2.7 If the applicant or respondent fails to appear before the Tribunal at the appointed time, the Tribunal may, and without further notice, proceed in such absence or dismiss the complaint or review.

2.8 If there are medical or compassionate reasons for non-appearance, the Secretary of the UBSD must be notified in writing immediately and evidence in support of the reasons for non-appearance must be sent to the Chair as soon as possible. The Chair will determine the acceptability of such reasons and whether the hearing should be postponed.

2.9 Both parties are entitled to be present throughout the hearing, but witnesses must be excluded until they have presented their evidence. Evidence will not be given under oath. Each party must be given the opportunity to ask questions of any witness.

2.10 The Tribunal is responsible for interpreting any policy under consideration.

2.11 The Chair of the Tribunal shall be responsible for maintaining an orderly hearing.

2.12 In cases brought before the UBSD by a University official, the Tribunal will first hear the evidence and determine the facts of the case. If the Tribunal finds that academic dishonesty or general misconduct is established, it will hold a second hearing to consider any recommendation on the penalty (penalty hearing). These two hearings may take place on the same or different days. When all parties are in agreement as to the facts, the Tribunal may proceed directly to consider any recommendation on the penalty.

2.13 The Tribunal may hear impact statements from witnesses or parties prior to making a recommendation about a penalty.

2.14 The burden of proof is on the person alleging general misconduct or academic dishonesty. The appropriate standard for a decision in this process is proof on a balance of probabilities.

3.0 Decision-making

3.1 The deliberations of the Tribunal must be closed with no record kept.

3.2 The Chair of the Tribunal votes only in the case of a tie. No member of the Tribunal may abstain.

3.3 In cases brought before the UBSD by a student, the Tribunal must confirm or overturn the findings of fact made by the person whose decision is under review. If the decision is confirmed, the penalty remains unaltered. If the decision is overturned, the Tribunal must decide upon an appropriate course of action consistent with the finding of fact of the Tribunal.

3.4 In cases brought before the UBSD by a University official, the Tribunal must convey its decision to the parties involved following deliberation with regard to the penalty, the facts of the case, or both.
3.5 Before formulating its recommendation to the President on penalty, the Tribunal will hear from both parties. At this stage, the Tribunal may have access to any other disciplinary information about the student that has been retained by the University.

3.6 The Tribunal must provide a written decision that includes the findings of fact, the reasons and the recommendation regarding penalty, if any, and provide both parties and the Registrar with a copy.

4.0 Penalties

4.1 The penalties for general misconduct, other than falsification and misrepresentation of documents, that may be recommended by the UBSD, and imposed by the President, may include but are not limited to one or more of the penalties listed in Appendix 1, section 5.

4.2 The penalties for misconduct that involves falsification and misrepresentation of documents, that may be recommended by the UBSD and imposed by the President, may include but are not limited to:
   i. one or more of the penalties listed in Appendix 1, section 5
   ii. any one or more of the penalties listed in Appendix 2, section 2; and,
   iii. any one or more of the penalties for academic dishonesty listed in paragraph 4.3 below.

4.3 The penalties for academic dishonesty that may be recommended by the UBSD and imposed by the President may include, but are not limited to, one or more of the penalties listed in Appendix 3, sections 7 and 10, as well as any one or more of the following:
   i. denial of admission or re-admission to the University;
   ii. de-registration, with or without a tuition fee refund;
   iii. forfeiture of University awards or financial assistance;
   iv. suspension or permanent suspension from the University; or
   v. revocation of a degree and return of the student's transcript and degree, certificate or diploma parchment to the Registrar.

5.0 Imposition of a Penalty by the President

5.1 The parties will have three weeks to provide the President with a response to the Tribunal’s recommendation.

5.2 The decision of the President must be communicated in writing to the parties, with the reasons for the decision. The student must be advised of the process for appeal to the Senate Committee on Disciplinary Appeals (SCODA), the time limits for initiating such an appeal, and the services of the Ombudsperson’s Office.

5.3 The President’s decision takes effect at the expiry of the time limit for the appeal, or when a decision on the appeal is made by SCODA.

5.4 A notation of a permanent or other suspension must be placed on the student's official transcript. A notation of such a suspension will be removed when it expires. The report will remain sealed and may be opened only on the authorization of the Registrar if the student is involved in other incidents of academic dishonesty or general misconduct, or as permitted or required by law.

5.5 Academic work undertaken by a student at another institution while under a penalty prohibiting attendance at SFU may not subsequently be transferred or in any other way credited to the student's academic record at SFU.

5.6 If the student's appeal is successful, the University must, if possible, take steps to return the student to the position he/she would have been in if the appealed decision had not been made.

6.0 Reporting

6.1 The Registrar and the Associate Vice-President Students or designate must maintain a statistical summary of cases handled through their offices each year, and these data must be included in the Annual Report to Senate on Student Discipline Matters.
6.2 In addition to the data referred to in section 6.1, the Annual Report on Student Discipline Matters must contain a summary of the UBSD Tribunal's findings, the President's decisions, SCODA's decisions and the penalties imposed. This report must be accessible to the University community and must be submitted to Senate for information except where the Tribunal, SCODA or the President determine that cases or parts of cases should not be disclosed. The Summary must not disclose the identities of the parties. A set of decisions that does not disclose the identities of the parties must be maintained in the office of the Secretary of the UBSD and be available for review upon reasonable notice.

7.0 Retention and Disposal of Records

7.1 Records created as a result of actions taken under this policy will be managed in accordance with a Records Retention Schedule and Disposal Authority (RRSDA). The University Archivist is responsible for approving all RRSDAs.

7.2 The Registrar must destroy any record of a student's alleged academic dishonesty that may be held in the Office of the Registrar if the UBSD or SCODA determines that the discipline of the student was unwarranted.
Appendix 1: Procedures for General Misconduct

1. A support person may accompany a student to any meeting concerning disciplinary matters for general misconduct.

2. If the Chair of a Department or another University official, including the Director of Campus Security, believes that a student has engaged in general misconduct other than academic dishonesty, the Chair or University official may prepare a written report of the incident and forward the report to the Associate Vice-President Students or designate.

3. When the report is prepared by a University official other than the Director of Campus Security, a copy must be sent to the Director of Campus Security.

4. If the misconduct involves a form of harassment, the written report of the investigation conducted under the auspices of GP 18 (Human Rights Policy) will be sent to the Associate Vice-President Students or designate, who is the responsible officer for students.

5. The Associate Vice-President Students or designate must give the student the opportunity to meet and discuss the situation, and may take one or more of the following courses of action:
   i. seek an informal resolution;
   ii. recommend the student receive counselling or other professional assistance and, if necessary, assist the student in obtaining counselling or other professional services;
   iii. issue a formal written reprimand to the student;
   iv. assess and recover costs to rectify the damage or loss caused by the student;
   v. require the student to write a letter of apology to any person adversely affected by the student's behaviour;
   vi. require the student to perform up to 50 hours of community service;
   vii. terminate the student's scholarships or other financial support;
   viii. refer the matter to the University Board of Student Discipline (UBSD).

6. The Associate Vice-President Students or designate must notify the student in writing of the action that will be taken.

7. If the Associate Vice-President Students or designate, takes action under 5(ii) through 5(vii) above, the student must be notified in writing that a copy of the documentation associated with the incident and a record of any actions taken will be retained by the University and that, in the event of any further reports of misconduct, the record may be used in determining the action to be taken for the subsequent misconduct.

8. In the case of 5(ii) through 5(vii) above, the student may dispute the facts of the incident by referring his or her case to the UBSD. In such cases, the student must state in writing and within three (3) weeks of the date of notification by the Associate Vice-President Students or designate, his or her reasons for disputing the facts.
Appendix 2:
Procedures for Falsified Documents or Other Forms of Misrepresentation

1. A support person may accompany a student at any meeting concerning disciplinary matters under this section.

2. If the Registrar has reasonable grounds to believe that a document has been falsified or a misrepresentation made that may create an incorrect perception of a student’s academic position or credentials, the Registrar must give the student an opportunity to meet and discuss the situation, and may take one or more of the following courses of action:

   i. issue a formal, written reprimand to the student and place a copy of the reprimand on the student’s University file;
   ii. deny the student admission to the University if the student has not yet been admitted;
   iii. require that the student write a letter of apology to any person adversely affected by the falsification or misrepresentation;
   iv. change any grade that the student may have received as a result of the falsification or misrepresentation;
   v. recommend that the student receive counselling or other professional assistance; or,
   vi. if the Registrar believes that a more severe penalty should be imposed, forward a report of the incident to the UBSD with a copy to the student.

3. If the Registrar takes action under 2(i) through 2(v) above, the student must be notified in writing that a copy of the documentation associated with the incident and a record of the action taken will be retained by the University and that, in the event of any further reports of misconduct, the record may be used in determining the action to be taken for the subsequent misconduct.

4. If an Instructor has reasonable grounds to believe that a student in his or her course has submitted a document that has been falsified, or has made a misrepresentation to gain a benefit or an advantage in a course, including the submission of a forged or altered medical certificate or death certificate, the Instructor must confer with the Chair of the Instructor’s Department and the Registrar to decide whether the misconduct should be dealt with as a case of general misconduct, or as a case of academic dishonesty, or as both.

5. If the Instructor, the Chair and the Registrar decide that the falsification or misrepresentation should be dealt with as general misconduct, the Registrar must proceed under Appendix 1 of this policy.

6. If the Instructor, the Chair and the Registrar decide that the falsification or misrepresentation should be dealt with as academic dishonesty, the Instructor must proceed under Appendix 3 of this policy.

7. If the Instructor, the Chair and the Registrar decide that the falsification or misrepresentation should be dealt with as both general misconduct and academic dishonesty, the matter must be dealt with by the Registrar under Appendix 1 of this policy. The Registrar may then impose any academic penalty recommended by the Instructor or the Chair and section 2 of this Appendix in addition to any of the penalties for general misconduct listed in section 5 of Appendix 1.

8. A student who disputes the facts of the case may refer his or her case to the UBSD for a hearing to determine the facts. The student must submit his or her request in writing within three weeks of the date of notification by the Registrar.
Appendix 3:  Procedures for Academic Dishonesty

1. Every academic unit should have at least one academic integrity advisor who can assist faculty with the handling of academic dishonesty cases.

2. A unit’s academic integrity advisor and/or the Chair of a Department may consult with another departmental academic integrity advisor, the Chair of another department, and/or the Academic Integrity Coordinator in the Office of the Registrar about cases of academic dishonesty involving a particular student, to determine whether the student has committed other acts of academic dishonesty, and related matters.

3. If an Instructor believes that a student in his or her course has engaged in academic dishonesty, the Instructor must outline the nature of the concern to the student in a timely manner and the student must be given the opportunity to discuss the matter with the Instructor.

4. If an Instructor is not available to handle the case, the Chair of the Department or his or her delegate, will take over the role of the Instructor.

5. If the Chair of the Department is the course Instructor, an Associate Chair or other appropriate administrator within the department must take over the role of the Chair.

6. A support person may accompany a student at any meeting concerning disciplinary matters under this section.

7. If an Instructor finds that a student has engaged in academic dishonesty, the Instructor may, after consulting with the departmental Academic Integrity Advisor or Chair, impose one or more of the following penalties:
   i. give the student a warning;
   ii. require the student to redo the work, or to do supplementary work;
   iii. assign a low grade for the work;
   iv. assign a grade of “F” for the work.

8. The student, the Chair of the Department and the Registrar must be informed in writing of the nature of the dishonesty and the decision in a timely manner. The student must be advised by the Instructor that the report will be retained by the University and that, in the event of any further reports of academic dishonesty, the report may be used to determine a penalty for the subsequent academic dishonesty. See Appendix 4 for a sample of the report form, copies of which are available from the Office of the Registrar, departmental academic integrity advisors or departmental offices.

9. If the Chair of the Department receives information that a student has been involved in more than one case of academic dishonesty, or believes that the academic dishonesty deserves a penalty more severe than that imposed by the Instructor, or the Instructor believes that a penalty is warranted beyond that provided for in section 7 above, the Chair may impose a different penalty.

10. Before imposing a penalty, the Chair must give the student an opportunity to discuss the matter and, after reviewing the facts of the case and any previous case or cases, may impose one or more of the following penalties:
   i. issue a formal reprimand to the student;
   ii. assign a grade less severe than “FD” (failed – academic dishonesty) for the course, including a grade of “F”;
   iii. assign a grade of “FD” (failed – academic dishonesty) for the course.

11. The Chair must inform the student in writing of his or her decision, with a copy to the Instructor and the Registrar. The student should be advised that the report will be retained by the University and, in the event of any further reports of academic dishonesty, the report may be used to determine a penalty for the subsequent case of academic dishonesty. See Appendix 4 for a sample of the report form, copies of which are available from the Office of the Registrar, departmental academic integrity advisors or departmental offices.
12. The Chair may delegate any of the Chair’s responsibilities under this section to an Associate Chair or other appropriate administrator within the department, excluding the imposition of penalties.

13. If the Chair believes that the academic dishonesty deserves a penalty beyond that provided for in section 10 above, the Chair may impose one of the penalties listed in section 10 and also refer the case to the University Board on Student Discipline (UBSD) with a recommendation that a more severe penalty be imposed.

14. The Chair who refers a case to the UBSD may recommend that a specific penalty or penalties be imposed by the UBSD.

15. If the Registrar receives a report of academic dishonesty that has resulted in the imposition of a penalty and subsequently determines there are reports of other incidents from the same academic unit involving the same student, including previous reports of academic dishonesty, the Registrar must notify the Chair of the academic unit involved and refer the matter back to the Chair for action under sections 7, 10 and/or 13 above.

16. If the Registrar receives a report of academic dishonesty that has resulted in the imposition of a penalty and subsequently determines that there are reports of other incidents of academic dishonesty from other academic units involving the same student, including previous reports of academic dishonesty, the Registrar must notify the Chairs of the academic units involved. The Registrar must then consult with the Chairs or Instructors who submitted the reports to ascertain their views on an appropriate academic penalty in light of the multiple reports of academic dishonesty.

17. Following the consultation mentioned in section 16, the Registrar must give the student an opportunity to discuss the matter and, after reviewing the facts of the case or cases and any previous case or cases, may impose one or more of the penalties listed in sections 7 or 10, or impose a penalty and refer the case to the UBSD in accordance with sections 13 and 14.

18. If the Registrar imposes a penalty under section 17, the Registrar must notify the student in writing of his or her decision, with copies to the Chairs of the affected academic units. The student should be advised that the report will be retained by the University and, in the event of any further reports of academic dishonesty, the report may be used to determine a penalty for the subsequent case of academic dishonesty.

19. If a student wishes to dispute the finding of fact of the Instructor, the Chair of the Department or the Registrar, the student may refer his or her case to the UBSD, in writing, stating the reasons for the referral, within three weeks of the date of notification by the Instructor, the Chair, or the Registrar.

Official Transcript Withheld

20. If a case is referred to the UBSD by the Chair of a Department or, in the case of student misconduct other than academic dishonesty, by a University official, the student's official transcript will not normally be made available to the student until the case is concluded.

21. In a case not referred to the UBSD, if the student wishes to dispute the severity of the penalty, the student may forward his or her case to the Senate Committee on Disciplinary Appeals (SCODA), in writing, stating reasons, within three weeks of the date of notification of the penalty.

22. If a student receives a grade of FD, the Registrar will automatically change the grade to F once two years have elapsed since the student’s graduation if the student did not commit further acts of academic dishonesty following the imposition of the FD grade.

Maintenance of a Registry

23. The Registrar shall create and maintain a Registry containing information about students who commit acts of academic dishonesty, incidents of academic dishonesty, the penalties imposed for acts of academic dishonesty, and any other relevant information.