Senate Committee on Disciplinary Appeals (“SCODA”)

0.1 Preamble

When the University imposes a penalty on a student for academic dishonesty or misconduct, the student may appeal to the Senate Committee on Disciplinary Appeals (“SCODA”).

SCODA is the standing committee of final appeal for students in matters of academic discipline as mandated in the University Act, and is also the forum of final appeal for students in matters of misconduct and such other matters as Senate or the Chair of Senate directs.

1.0 Structure of SCODA

1.1 SCODA is comprised of:

i. three faculty members and two alternate faculty members, who are not Chairs, Deans or Vice-Presidents, elected by Senate for overlapping two-year terms; and
ii. three students and two alternate students elected by Senate for one year terms.

1.2 The Chair of SCODA must be a faculty member of SCODA elected annually by the voting members of SCODA. A Vice-Chair who must be a faculty member must be elected at the same time as the chair.

1.3 The Secretary of the Senate or his/her designate serves as a non-voting secretary to the Committee.

2.0 Grounds of Appeal to SCODA

2.1 A student may appeal in writing to SCODA only on one or more of the following grounds:

i. that a procedural error occurred of sufficient magnitude that it may reasonably be said to have affected the fairness of the process or altered the outcome of the case against the student;
ii. that a factual error occurred of sufficient magnitude that it may reasonably be said to have altered the outcome of the case against the student;
iii. that the penalty imposed on the student is excessive in all the circumstances of the case; or
iv. that new, material evidence is available which, despite the exercise of due diligence by the party wishing to appeal, could not have been made available at the time of the hearing giving rise to the appeal.

2.2 Any notice of appeal must be in writing and must be received by the Registrar’s office within three weeks of the decision that is the subject of the appeal.

2.3 In exceptional circumstances, a student or the University may apply to either the Registrar or the Chair of SCODA for an extension of time to file the notice of appeal. The Registrar or the Chair of SCODA must decide whether or not to approve an extension. The decision of either the Registrar or the Chair of SCODA is final.

2.4 The Registrar must inform the respondent and the President of the notice of appeal in writing, and schedule a meeting of SCODA as quickly as possible.

2.5 The implementation of any penalty is stayed pending determination of the appeal by SCODA.
3.0 SCODA Hearings

3.1 SCODA, as an internal administrative body, must follow the principles of natural justice and procedural fairness. Within that framework, it is free to develop procedures and practices to conduct appeals and is not constrained by strict rules of procedure and evidence.

3.2 The number of members of SCODA required to hear an appeal is two faculty members, two students and the Chair. The quorum for other meetings of the committee is five members of the committee, including the Chair.

3.3 To ensure the impartiality of the Committee, no member with previous involvement in the case may hear the appeal.

3.4 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.

3.5 A SCODA hearing must be closed to the public. An appeal hearing may only be open to the public with the explicit written consent of the parties.

3.6 In exceptional circumstances, the Committee may permit the student to appear in absentia by delegate.

3.7 The appellant (or representative) must be given the opportunity to make a statement to the Committee to support the appeal.

3.8 The respondent may also appear at the appeal and be given an opportunity to make a statement. Where the appeal is under section 2.1 iv), the respondent is entitled to speak to the new evidence.

3.9 Both parties may be accompanied by a representative at the appeal and may be accompanied by a support person.

3.10 If the appellant fails to appear before the Committee on the appointed time, the Committee may, without further notice, proceed in such absence to determine the appeal.

3.11 If there are medical or compassionate reasons for non-appearance, the Secretary must be notified immediately. The Chair will determine the acceptability of such reasons and whether the appeal should be postponed.

3.12 Appeals must be based upon the record of the preceding hearing or decision and any other relevant documentation considered. The Committee may hear new evidence only when a case is being appealed under section 2.1 iv).

4.0 SCODA Decisions

4.1 The deliberations of the Committee must be closed. No transcript or electronic recording of the proceedings must be kept.

4.2 The Chair must cast the deciding vote in the event of a tie. No member hearing the appeal may abstain.

4.3 Having heard the appeal, the Committee may find:

   i. in favour of the student under section 2.1 i) or ii), and substitute its own finding or order a new hearing;
   ii. in favour of the student under section 2.1 iii) and vary the penalty;
   iii. in favour of the appellant under section 2.1 iv) and substitute its own finding or order a new hearing; or
   iv. against the appellant, confirming the original decision that remains unchanged.
4.4 If the Committee determines that discipline of the student is unwarranted, the University must, if possible, take steps to return the student to the position he or she would have been in had the appealed decision not been made.

4.5 The decision on an appeal must be communicated to the appellant, the respondent and the President in writing as soon as possible after the decision has been made, with reasons. If SCODA recommends the revocation of a degree, that recommendation must be forwarded to Senate for action.

4.6 The decision of the Committee is final.

5.0 Reporting

5.1 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 on Student Discipline Matters.

5.2 In addition to the data referred to in section 5.1, 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.

6.0 Retention and Disposal of Records

6.1 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.

6.2 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.

7.0 Access to Information and Protection of Privacy

Information and records created under this policy are subject to the access to information and protection of privacy provisions of British Columbia’s Freedom of Information and Protection of Privacy Act and the University’s Information (I) policies.

8.0 Miscellaneous

i. Cases forwarded to UBSD should be addressed to: Secretary, University Board of Student Discipline, Registrar’s Office.

ii. Cases forwarded to SCODA should be addressed to: Secretary, Senate Committee on Disciplinary Appeals, Registrar’s Office.
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 Senate Committee on Disciplinary Appeals (SCODA), in writing, stating reasons, within three weeks of the date of notification of the penalty.

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.

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.