

*Referred back
to Committee*

SIMON FRASER UNIVERSITY

MEMORANDUM

To: Senate

From: Alison Watt, Secretary, Senate Committee on Agenda and Rules

Subject: Report of the Ad Hoc Senate Committee to Review the Student
Conduct Policies

The Senate Committee on Agenda and Rules has received the report of the Ad Hoc Committee and forwards this to Senate for action:

Motion:

That Senate approve the revised student conduct policies T10.01, T 10.02 and T 10.03 and recommend that these revised policies take effect on 1 January, 2000.

Attachment

A handwritten signature in black ink, appearing to be 'JH' or similar, located to the right of the 'Attachment' label.

SIMON FRASER UNIVERSITY
School of Computing Science
MEMORANDUM

To: Senate
From: Joseph Peters
Chair, Ad Hoc Senate Committee to Review the Student
Conduct Policies
Subject: Student Conduct Policies review
Date: 16 September, 1999

The Ad Hoc Senate Committee to Review the Student Conduct Policies was established on October 5, 1998. The members of the committee were

Dr. Barbara Frisken, Department of Physics
Dr. Richard Harris, Department of Economics
Dr. Joseph Peters, School of Computing Science (chair)
Ms. Nicole Mahussier, Graduate Student, School of Criminology
Mr. Jon Tweedale, Undergraduate Student (did not continue on the committee after December 9, 1998)

The committee worked steadily from its first meeting on October 5, 1998, consulted widely on the existing policies, prepared an initial draft revision, circulated this for comment, and have prepared a final draft revision of the policies. The schedule of the committee's activities is attached as Appendix A.

The committee recommends that Senate approve the revised policies (Appendix B) and that the revised policies take effect on 1 January, 2000.

In addition to the revisions to the policies, the committee forwards to the administration a list of suggestions (Appendix C) which have come to light during the course of the committee's activities but which fall outside the committee's jurisdiction.

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The major elements of the revision of the T 10 policies are as follows:

**Changes to T 10.01      Code of Student Conduct**

- 1.0      Removal of the word "unreasonably" in the sentence which is felt to be unnecessary: "This Code shall not be construed to <unreasonably> prohibit peaceful assemblies, demonstrations or free speech."

- 2.0 Jurisdiction section added.
- 4.1 Addition of procedures to link with the powers under the University Act, and GP 25 to suspend a student temporarily.
- 4.2 Addition of penalties which might be necessary, including forfeiture of awards or financial assistance.

### **Changes to T 10.02 Code of Academic Honesty**

- 2.0 Jurisdiction section added.
- 3.0 Addition of wording to assist in determining whether or not draft papers, etc, are or are not subject to penalty.
- 4.0 Addition of wording to ensure that any special criteria including the course rules on group work are specified.
- 5.2 Addition of the penalty of revocation of a degree

### **Changes to T 10.03 University Board on Student Discipline and T 10.04 Senate Committee on Disciplinary Appeals.**

The two policies T 10.03 and T 10.04 have been combined so that the whole procedure is contained in one document.

Many references have been added regarding notification to students especially in sections 2.1, 2.2, 2.3, 2.4, and 5.3.

- 1.0 The statement (last paragraph) that cases can proceed even if they are being dealt with externally is the manner in which the UBSD has tried to operate over the past four years. It is included for clarification purposes only.
- 2.1 Additions have been made to require an instructor to identify a potential problem and attempt to discuss it with a student prior to imposing a penalty.

Clarifications are incorporated regarding the following:

- o meetings between the chair and the student,
- o what happens if the instructor is unable to handle a case, and
- o handling multiple cases at the department level.

- 2.4 Additional wording has been added to ensure that the new GP Harassment Policy will mesh with the student conduct policies. See 4.18 below.
- 2.6 Inclusion of the current practice that official transcripts will not normally be available until the conclusion of a disciplinary procedure.
- 3.3 An increased number of students was suggested for the UBSD (to assist with scheduling hearings), but the number of persons for any hearing remains at 3.
- 3.3 The Vice-President, Academic replaces the President as the person who appoints the Co-ordinator and members of the UBSD. The Vice-President, Academic will also appoint the person to hear harassment cases.
- 3.6 Wording is included to deal with cases where a student does not participate in cases.
- 4.1 The neutrality of members of the UBSD may be questioned as is currently the case for SCODA in section 9.4.
- 4.14 Clarification is included on the types of hearings that the Tribunal holds for the various types of cases which come before the Tribunals.
- 4.16 Witness impact statements are added, and witnesses are able to receive copies of the decision (See section 5.6).
- 4.17 The process for handling procedural fairness questions at stages before the UBSD is outlined.
- 4.18 In harassment cases, it is proposed that an outside professional takes the place of the UBSD Tribunal in determining the facts of any case where there facts are at issue, and recommending the appropriate penalty.
- 5.4 Additions are proposed to clarify what the Tribunal can have access to, and when, regarding prior misconduct.
- 6.5 Clarification about courses taken elsewhere during a suspension.
- 8.1 Allowing an appeal to be heard in cases where an injustice has taken place at the UBSD level.
- 8.2 Allowing the University to appeal a case in the event that new evidence has come to light.
- 10.3 Clarification about what SCODA can decide.

- 10.5 Specifying the procedures to be used in the event that SCODA recommends the revocation of a degree
- 11.1 Addition of a requirement to maintain statistical records in both the Registrar's office and the office of the Director of Campus Community Services which would be included in the annual report.

The only major area of dispute which remains between the Department Chairs and the CRSCP group centres around access by instructors to other possible cases of academic dishonesty in other departments. After careful consideration, the CRSCP members felt that, if properly applied, the procedures contained in the policies would provide a better balance than allowing "information shopping" on suspected students by faculty.

We want to thank the university community for participating in the revision of these policies.

We apologize for the delay in submitting our report and recommendations.

A handwritten signature in cursive script, reading "Joseph Peters".

J. Peters.  
Chair

The existing policies can be found on the web at:

<http://www.sfu.ca/policies/teaching/index.htm>

## Appendix A

### Meetings:

|                               |                                |
|-------------------------------|--------------------------------|
| October 15, 1998              | Committee meeting              |
| October 26, 1998              | Committee meeting              |
| November 2, 1998 (2 meetings) | Committee meeting              |
| November 26, 1998             | Meeting with Department Chairs |
| December 9, 1998              | Committee meeting              |
| December 17, 1998             | Committee meeting              |
| January 12, 1999              | Committee meeting              |
| January 28, 1999              | Committee meeting              |
| February 2, 1999              | Committee meeting              |
| February 11, 1999             | Committee meeting              |
| March 23, 1999                | Committee meeting              |
| May 27, 1999                  | Meeting with Department Chairs |
| June 9, 1999                  | Public meeting                 |
| June 14, 1999                 | Committee meeting              |
| June 21, 1999                 | Committee meeting              |
| September 10, 1999            | Committee meeting              |

### Individuals consulted:

Dr. Joan Brockman, Coordinator, UBSD  
 Ms. Brenda Taylor, Harassment Coordinator  
 Mr. W. Ron Heath, Registrar and Dean of Student Services  
 Mr. Michael Dinning, Director, Campus Community Services  
 Ms. Laurine Harrison, Ombudsperson (Staff)  
 Ms. Alexandra Flynn, Ombudsperson (Student)  
 Mr. Nick Coutu, Director, Campus Security  
 Mr. Jake Meijer, Manager, Operations

**SUBJECT: CODE OF STUDENT CONDUCT****T 10.01****1.0 STATEMENT OF PRINCIPLE**

Simon Fraser University is committed to creating a scholarly community characterized by civility, diversity, free inquiry, mutual respect and individual safety. The purpose of this policy is to define students' basic responsibilities as members of the academic community, to define inappropriate student conduct and to provide procedures and penalties to be invoked and applied if they engage in such unacceptable behaviour. Each student is responsible for his/her conduct which affects the University community. This Code shall not be construed to prohibit peaceful assemblies, demonstrations or free speech.

**2.0 JURISDICTION**

This policy covers the conduct of SFU students in university-related activities. University-related activities include an activity of any type operated under University auspices at any location.

**3.0 MISCONDUCT****3.1 DISRUPTIVE OR DANGEROUS BEHAVIOURS**

No student shall,

- (a) by word or action, disrupt University activities;
- (b) create a situation which endangers or threatens the health, safety or well-being of another individual; or
- (c) harm, injure or threaten any person on campus or in attendance at University activities or functions.

**3.2 DAMAGE, DESTRUCTION AND THEFT**

No student shall,

- (a) possess or use University property or property of any member of the University community without appropriate consent or authority;
- (b) misappropriate, destroy or damage University property or resources;
- (c) misappropriate, destroy or damage other's property on the University campuses; or
- (d) deface any University building or property, or
- (e) Possess or use property belonging to someone else, which is acquired in connection with a University activity, without appropriate consent or authority.

**3.3 FRAUD AND MISUSE**

No student shall,

- (a) forge, misuse or alter any University document or record in paper or electronic form; or
- (b) obtain any University equipment, material or service by fraudulent means.

### **3.4 UNAUTHORIZED ENTRY OR PRESENCE**

No student shall,

- (a) contrary to express instruction from a person in authority enter or remain in any University building or facility; or
- (b) enter, remain in, or willingly allow others to have access to areas designated for faculty or staff without proper authorization.

### **3.5 VIOLATION OF UNIVERSITY POLICIES**

No student shall contravene the Policy on the Fair Use of Information Resources (GP 24), the Harassment policy (GP 18) or any other University policy.

### **3.6 MISUSE OF STUDENT DISCIPLINARY PROCEDURES**

No student shall falsify or misrepresent information or cause others to falsify or misrepresent information which either leads to or is presented at an internal disciplinary hearing.

## **4.0 PROCEDURES AND PENALTIES**

### **4.1 PROCEDURES**

Procedures to be followed by the University in finding facts and imposing a penalty for acts of student misconduct or an appeal therefrom are detailed in the policy T10.03 establishing the University Board on Student Discipline (UBSD) and the Senate Committee on Disciplinary Appeals (SCODA). If circumstances warrant, the President may suspend a student under the provisions of the University Act, or the Policy on the Emergency Response to Threatening Behaviour (GP 25). An appeal of a suspension under the University Act or GP 25 shall be heard by SCODA, but if further action is deemed necessary, the normal procedures of UBSD and SCODA shall be followed. A student may be temporarily suspended from the University until the UBSD and SCODA processes are complete.

### **4.2 PENALTIES**

Penalties/remedies imposed by the University for misconduct may include but are not limited to one or more of the following: a warning, a verbal or written reprimand, exclusion from specified areas of the University, restitution or other ameliorative measures, counselling, denial of admission or readmission to the University, deregistration, forfeiture of University awards or financial assistance, suspension or permanent suspension from the University.

### **4.3 DETERMINATION OF PENALTIES**

In deciding on the appropriate sanction to be imposed for an act of student misconduct, consideration may be given to the following factors:

- (a) the extent of the misconduct;
- (b) the inadvertent or the deliberate nature of the misconduct;



- (c) whether the act in question is an isolated incident or part of repeated acts of misconduct; and
- (d) any other mitigating or aggravating circumstances.

**SUBJECT: CODE OF ACADEMIC HONESTY**

T 10.02

**1.0 STATEMENT OF PRINCIPLE**

All members of the University community share the responsibility for the academic standards and reputation of the University. Academic honesty is a cornerstone of the development and acquisition of knowledge. Academic honesty is a condition of continued membership in the university community.

Academic dishonesty, like other forms of dishonesty, includes misrepresentation with intent to deceive or without regard to the source or the accuracy of statements or findings. Academic dishonesty, in whatever form, is ultimately destructive of the values of the University; it is furthermore unfair and discouraging to the majority of students who pursue their studies honestly. Scholarly integrity is required of all members of the University.

**2.0 JURISDICTION**

This policy covers matters of academic dishonesty involving SFU students engaged in University-related scholarly activities. Scholarly activities include credit and non-credit courses, projects, essays, theses and research. This policy also covers matters of academic dishonesty in University-related scholarly activities involving SFU alumni if the matters occurred prior to graduation and were unknown at the time of graduation.

**3.0 FORMS OF ACADEMIC DISHONESTY**

The illustrations presented below are considered to be representative but not definitive nor exhaustive of activities which could be considered to constitute academic dishonesty.

- (a) Plagiarism is a form of academic dishonesty in which an individual submits or presents the work of another person as his or her own. Scholarship quite properly rests upon examining and referring to the thoughts and writings of others. However, when excerpts are used in paragraphs or essays, the author must be acknowledged using an accepted format for the underlying discipline. Footnotes, endnotes, references and bibliographies must be complete.

Plagiarism exists when all or part of an essay is copied from an author, or composed by another person, and presented as original work. Plagiarism also exists when there is inadequate recognition given to the author for phrases, sentences, or ideas of the author incorporated into an essay.

A draft paper, proposal, thesis or other assignment may be subject to penalty for academic dishonesty provided the instructor/supervisor has informed the student(s) before the work is submitted.

- (b) Submitting the same essay, presentation, or assignment more than once whether the earlier submission was at this or another institution, unless prior approval has been obtained.
- (c) Cheating on an examination or falsifying material subject to academic evaluation. This includes the unauthorized sharing of material, e.g. two or more students using the same textbook during an "open book" examination; or the use of course notes or any aids not approved by an instructor during a "closed book" examination; unauthorized possession or use of an examination or assignment.
- (d) Submitting as one's original work, essays, presentations or assignments which were purchased or otherwise acquired from another source.
- (e) Using or attempting to use other students' answers; providing answers to other students; failing to take reasonable measures to protect answers from use by other students in assignments, projects or examinations; or submitting identical or virtually identical assignments by students who studied together.
- (f) Impersonating a candidate in an examination or availing oneself of the results of such impersonation.
- (g) Submitting false records or information, in writing or orally. This includes the falsification or submission of false laboratory results, documents, transcripts or other academic credentials.
- (h) Stealing or destroying the work of another student.
- (i) Removing books or other library material without authorization, or mutilating or misplacing library materials, or engaging in other actions which deprive other members of the University community of their opportunity to have access to the academic resources of the library.
- (j) Unauthorized or inappropriate use of computers, calculators and other forms of technology in course work, assignments or examinations.

#### **4.0 NOTIFICATION OF STANDARDS OF ACADEMIC HONESTY**

All members of the university community have a responsibility to ensure that they themselves, and others, are familiar with generally accepted standards and requirements of academic honesty. Summaries of these shall be published in the University Calendar and in the Registration Handbook. Ignorance of these standards will not preclude the imposition of penalties for academic dishonesty.

Course instructors shall inform students at the beginning of the semester of any special criteria of academic honesty pertinent to the class or course. Encouragement of group work varies greatly between disciplines, and instructors shall convey to their students the acceptable level of group work.

## 5.0 PROCEDURES AND PENALTIES

### 5.1 PROCEDURES

Procedures to be followed by the University in finding facts and imposing a penalty for acts of academic dishonesty or an appeal therefrom are detailed in the policy establishing the University Board on Student Discipline and the Senate Committee on Disciplinary Appeals.

### 5.2 PENALTIES

Penalties imposed by the University for academic dishonesty may include but are not limited to one or more of the following: a warning, a verbal or written reprimand, reassessment of work, failure on a particular assignment, failure in a course, denial of admission or readmission to the University, deregistration, forfeiture of University awards or financial assistance, suspension or permanent suspension from the University or revocation of a degree.

### 5.3 DETERMINATION OF PENALTIES

In deciding on the appropriate sanction to be imposed for an act of academic dishonesty, consideration may be given to the following factors:

- (a) the extent of the dishonesty;
- (b) the inadvertent or the deliberate character of the dishonesty;
- (c) the importance of the work in question as a component of the course or program;
- (d) whether the act in question is an isolated incident or part of repeated acts of academic dishonesty; and
- (e) any other mitigating or aggravating circumstances.

Filed as 10.1 16sep99

**SUBJECT: ACADEMIC DISHONESTY AND MISCONDUCT PROCEDURES T 10.03****1.0 GENERAL PRINCIPLES**

Complaints of academic dishonesty and student misconduct may be resolved by informal means. Where 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. This examination is undertaken by a Tribunal of 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, recommend a course of action to the President or the Vice-President, Academic if the President has already played a role in the case.

In any situation in which the University imposes a penalty for academic dishonesty or misconduct on the part of a student, 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, harassment, and such other matters as Senate or the Chair of Senate directs.

The Tribunal and SCODA will adhere to principles of natural justice and fairness. The appropriate standard for a decision in this process is proof on the balance of probabilities.

A student may be accompanied by a support person at any meeting concerning disciplinary matters.

The Office of the Registrar, Secretariat Services is available to discuss procedural issues. Students may also consult the SFSS Ombuds Office.

The University may proceed with a case even if it is also being dealt with in proceedings external to the University.

**2.0 PROCESS FOR HANDLING ACADEMIC DISHONESTY AND MISCONDUCT****2.1 ACADEMIC DISHONESTY IN COURSE WORK**

If a course instructor<sup>1 2</sup> believes that academic dishonesty may have taken place, the instructor shall outline the nature of the concern to the student and the student shall be given the opportunity to discuss this with the instructor.

<sup>1</sup> If an instructor is no longer available to handle the case, the chair of the curriculum committee or equivalent will take over the role of the instructor.

<sup>2</sup> If the Chair of the Department is the instructor, an appropriate administrator within the department shall take the role of the Chair in this policy.

When a course instructor finds that a student in one of his or her courses has been academically dishonest, the course instructor may take one or more of the following courses of action:

- (a)
  - (i) give the student an oral warning ;
  - (ii) require the student to redo the work or do supplementary work;
  - (iii) assign a grade penalty less harsh than "F" for the work;
  - (iv) impose a failing mark for the work.

In cases of (ii) to (iv) the student shall be informed of the nature of the academic dishonesty and the decision in writing in a timely manner, with a copy to the Chair of the Department. The student should be advised that the report will be retained in the departmental student file and that, in the event of any further reports of academic dishonesty, the report may be used in determining a penalty for the subsequent academic dishonesty.

If the Chair receives notification that a student has been involved in more than one case of academic dishonesty, the Chair may take action under (c).

- (b) If the instructor believes that some penalty beyond that provided for in (a) is warranted, he/she shall submit a written report of the facts to the Chair of the department with a copy to the student.
- (c) In the case of (b) or multiple cases of academic dishonesty, the Chair shall give the student an opportunity to meet and discuss the matter, and after reviewing the facts of this case and any previous case or cases in the student's departmental file, may take one or more of the following courses of action:
  - (i) issue a formal reprimand to the student;
  - (ii) assign a grade penalty less harsh than "F" for the course;
  - (iii) assign a grade penalty of "F" for the course;
  - (iv) refer the case to the UBSD.

The Chair shall communicate his/her decision, in writing, to the student with a copy to the Registrar. The student should be advised that the report will be retained in the student file in the Office of the Registrar and that, in the event of any further reports of academic dishonesty, the report may be used in determining a penalty for the subsequent case of academic dishonesty.

- (d) If in any case except (c) (iv) the student wishes to dispute the finding of fact of the instructor or department Chair, the student may refer his/her case to the UBSD, in writing, stating reasons, within three weeks of the date of notification by the instructor or department Chair.

Cases referred to the UBSD should be addressed to the Secretary, University Board on Student Discipline, Registrar's Office.

## **2.2 FALSIFICATION OR MISREPRESENTATION OF DOCUMENTS**

When the Registrar has reasonable grounds to believe that any document has been falsified or a misrepresentation made that may create an incorrect perception of a student's academic position or credentials, the Registrar shall give the student the opportunity to present clarification or comments on the case, and may issue a reprimand to the student, or, if he/she believes a more serious penalty should be applied, shall forward a report of the incident to the UBSD with a copy to the student. If the Registrar issues a reprimand, the student should be advised that a copy of the reprimand will be retained in the student file in the Office of the Registrar and that, in the event of any further reports of academic dishonesty, the report may be used in determining a penalty for subsequent offences. A student who disputes the facts in the case of a reprimand may refer his/her case to the UBSD for a hearing to determine the facts. The student shall submit his/her request in writing within 3 weeks of the date of notification by the Registrar.

## **2.3 MULTIPLE REPORTS OF ACADEMIC DISHONESTY**

If the Registrar receives a report of academic dishonesty which has resulted in the application of a penalty by a department Chair and subsequently determines that there are previous reports of other incidents, the Registrar shall give the student the opportunity to meet and discuss these cases. The Registrar may refer the matter to the UBSD. The Registrar shall notify the student and the departments involved.

## **2.4 MISCONDUCT**

In the case of an incident of student misconduct, a written report of the incident should be forwarded to the Director of Campus Community Services with a copy to the Director, Campus Security, unless the report comes from Campus Security. In harassment cases, the written report of the investigator under GP 18 will be sent to the Director of Campus Community Services who is the responsible officer for students.

The Director of Campus Community Services will give the student the opportunity to meet and discuss the situation and may take one or more of the following courses of action which he/she shall put in writing and send to the student:

- (a) seek an informal resolution;
- (b) recommend professional assistance with the intention of assisting the student;
- (c) issue a formal reprimand;
- (g) assess and recover costs to rectify the damage or loss caused by the student;
- (e) require the student to write a letter of apology;

- (f) allow the student to perform up to 50 hours of community service;
- (g) terminate scholarships or other financial support;
- (h) refer the matter to the UBSD.

If the Director of Campus Community Services takes action under (b) through (g), the student should be advised that a copy will be retained in the student file in the Office of Campus Community Services and that in the event of any further reports of misconduct, the report may be used in determining a penalty for subsequent offences.

In the case of (b) through (g), the student may dispute the facts by referring his/her case to the UBSD, in writing, stating reasons, within three weeks of the date of notification by the Director of Campus Community Services. Cases referred to the UBSD should be addressed to the Secretary, University Board on Student Discipline, Registrar's Office.

## **2.5 CASES NOT REFERRED TO UBSD WHERE STUDENT DISPUTES THE PENALTY**

In a case not referred to the UBSD, if the student wishes to dispute the severity of the penalty, the student may forward his/her case to the Senate Committee on Disciplinary Appeals, in writing, stating reasons, within three weeks of the date of notification of the penalty. Cases forwarded to SCODA should be addressed to the Secretary, Senate Committee on Disciplinary Appeals, Registrar's Office.

## **2.6 OFFICIAL TRANSCRIPT WITHHELD**

In a case which is referred to the UBSD by a University official, the student's official transcript will not normally be made available to the student until the case has been concluded.

## **3.0 UNIVERSITY BOARD ON STUDENT DISCIPLINE - UBSD**

- 3.1 In extenuating circumstances, the Co-ordinator of the UBSD may extend the time limits for a student to dispute the findings of fact of the instructor, Department Chair, the Registrar or the Director of Campus Community Services.
- 3.2 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.
- 3.3 The UBSD shall consist of eleven members named by the Vice-President, Academic from a list of nominees drawn from the various campus constituencies. The Board shall be comprised of three faculty, four students and three staff, plus a Co-ordinator named by the Vice-President, Academic. In harassment cases the UBSD shall consist of a single person appointed by the Vice-President, Academic. This person shall be external to the University and shall be experienced as an adjudicator in harassment proceedings.



- 3.4 Normally, faculty and staff shall be appointed to the Board for terms of three years and students shall be appointed to the Board for one year terms. Terms of office will be staggered to ensure some continuity of membership.
- 3.5 For each hearing, the Co-ordinator of the UBSD will appoint a Tribunal of three persons consisting of a Chair and two other members. In deciding on the composition of the membership of the Tribunal, the Co-ordinator of the UBSD shall take into account the nature of the charges brought forward and the diversity of the University community. The membership of the Tribunal shall include at least one faculty member and one student.
- 3.6 When a case is unable to proceed because the student is unable or unwilling to participate in the hearings at the UBSD level, the UBSD Co-ordinator may examine the case. If the Co-ordinator determines that there are sufficient grounds to proceed, the Co-ordinator will forward a recommendation to the Registrar to place a note on the student's file, such that the student may not register again at the University until the case has been appropriately dealt with.

#### 4.0 UBSD HEARINGS

- 4.1 The neutrality of any member of the Tribunal scheduled to hear a case may be challenged and will be determined by the Chair. If the neutrality of the Chair is challenged, it will be determined by the other members of the Tribunal.
- 4.2 A Tribunal hearing shall be open to the public except when the Tribunal is of the opinion that intimate financial or personal matters may be disclosed. The Tribunal, on its own motion or on application from a party, may exclude the public from the hearing or parts thereof.
- 4.3 The student shall be the applicant when asking for a review of a decision by the respondent (i.e. the instructor, Department Chair, the Registrar or the Director of Campus Community Services). In other cases, the instructor, Department Chair, Registrar or Director of Campus Community Services (or their delegates) shall be the applicant and bring the case to the Tribunal. In these cases the student shall be the respondent.
- 4.4 Hearings may be held using telecommunications at the discretion of the Chair of the Tribunal.
- 4.5 In exceptional circumstances, the Tribunal may permit the student to appear *in absentia* by delegate.
- 4.6 The parties to a Tribunal hearing (i.e. the applicant and the respondent) may have a representative present at the hearing.
- 4.7 If the applicant or respondent fails to appear before the Tribunal at the appointed time, the Tribunal may, without further notice, proceed in such absence or dismiss the complaint or review.

- 4.8 If there are medical or compassionate reasons for non-appearance, the Secretary of the UBSD must be notified immediately. The Chair will determine the acceptability of such reasons and whether the hearing should be postponed.
- 4.9 All parties may be present throughout the hearing but witnesses shall be excluded until they have presented their evidence.
- 4.10 Evidence will not be given under oath.
- 4.11 Each party shall be given the opportunity to ask questions of any witness.
- 4.12 The Tribunal is responsible for interpreting any policy under consideration.
- 4.13 The Chair of the Tribunal shall be responsible for the maintenance of an orderly procedure in the hearing.
- 4.14 In cases referred to the UBSD by a student, the Tribunal will hear the evidence and determine the facts of the case. If the Tribunal finds that the offense took place, the penalty originally imposed will stand, and there will be no penalty hearing.

When cases are referred to the UBSD by a University official, the Tribunal will first hear the evidence and determine the facts of the case (initial hearing). If the Tribunal finds that academic dishonesty or misconduct has taken place, the Tribunal will hold a second hearing to consider the 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 considering the recommendation on the penalty.

- 4.15 The Tribunal hearing determining the facts shall be audio-taped, and the tape is to be used only for purposes of appeal.
- 4.16 At a penalty hearing, the Tribunal may hear impact statements from witnesses or parties.
- 4.17 Arguments about procedural fairness at stages prior to the UBSD shall be raised and dealt with at the Tribunal hearing that determines the facts of the case.
- 4.18 In harassment cases, the initial fact-finding will have been undertaken under GP 18. If the student disputes the facts, the UBSD shall consist of a single person appointed by the Vice-President, Academic. This person shall be external to the University and shall be experienced as an adjudicator in harassment proceedings.

## **5.0 THE DECISION OF THE UBSD TRIBUNAL**

- 5.1 The deliberations of the Tribunal shall be closed with no record kept.
- 5.2 The Chair of the Tribunal shall vote only in the case of a tie. No member of the Tribunal shall abstain.

- 5.3 In those cases referred to the UBSD by the student, the Tribunal shall 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 shall decide on an appropriate course of action consistent with the finding of fact of the Tribunal. The Tribunal's decision shall be communicated to the student and the relevant department(s).
- 5.4 For cases referred to the UBSD by a University official the Tribunal shall convey its decision to the parties following deliberation with regard to the finding of fact.

If the Tribunal finds that academic dishonesty or misconduct has taken place, the Tribunal shall hear from the parties regarding its recommendation to the President on a penalty. At this stage, the Tribunal shall have access to any other disciplinary information about the student which is in the Registrar's file in any case of academic dishonesty or the Director of Campus Community Services' file in any case of misconduct. In addition, for those cases referred by Department Chairs, information about other cases involving the student in that department shall also be made available to the Tribunal.

If the Tribunal finds that academic dishonesty or misconduct has not taken place, the Tribunal shall decide on an appropriate course of action consistent with the finding of fact of the Tribunal. The Tribunal's decision shall be communicated to the student and the original departments.

- 5.5 Penalties which the Tribunal can recommend are those set out in the Code of Student Conduct T 10.01 or in the Code of Academic Honesty T 10.02. The Tribunal is not bound by previous penalties imposed.
- 5.6 The Tribunal shall state, in writing, findings of fact, reasons and recommendation regarding penalty and provide all parties and the Registrar with a copy.

#### 6.0 IMPOSITION OF A PENALTY BY THE PRESIDENT<sup>3</sup>

- 6.1 The parties shall be given the opportunity to respond in writing within three weeks to the Tribunal's recommendation to the President<sup>3</sup> regarding penalty.
- 6.2 The decision of the President<sup>3</sup> shall be communicated in writing to the parties. The student will 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 Ombuds Office.
- 6.3 The decision of the President<sup>3</sup> will take effect at the expiry of the time limit for the appeal, or when a decision on the appeal is made by SCODA.

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<sup>3</sup> Or the Vice-President, Academic. See paragraph 1.0

- 6.4 A notation of a suspension or expulsion shall be placed on the student's official transcript. A notation of a suspension will be removed when it expires. The report will remain in a sealed envelope in the student file in the Office of the Registrar or the Director of Campus Community Services until the student has graduated, and may only be opened on the authorization of the Registrar if the student is involved in other incidents of academic dishonesty or misconduct.
- 6.5 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.
- 6.6 A report of a penalty imposed by an instructor shall remain in the student file in the Department until the student has graduated.
- 6.7 A report of a penalty imposed by a department Chair or by the Director of Campus Community Services shall remain in the student's file in the department or in Campus Community Services and in the Office of the Registrar until the student has graduated.
- 6.8 All records or information on a particular penalty or proceeding will be removed from the student's file if the student's appeal is successful, and the University shall, 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.

#### **7.0 SENATE COMMITTEE ON DISCIPLINARY APPEALS (SCODA)**

##### **7.1 SCODA shall be comprised of the following:**

- (a) Three faculty members and two alternate faculty members, who are not also Chairs, Deans or Vice-Presidents, elected by Senate for overlapping 2 year terms;
- (b) Three students and two alternate students elected by Senate for 1 year terms;
- (c) The chair of SCODA shall be a faculty member of SCODA elected annually by the voting members of SCODA.

##### **7.2 The Secretary of the Senate or his/her designate shall serve as a non-voting secretary to the Committee.**

#### **8.0 GROUNDS OF APPEAL TO SCODA**

##### **8.1 A student may appeal to SCODA on one or more of the following grounds:**

- (a) 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;
- (b) 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; or

- (c) that the penalty imposed on the student is excessive in all the circumstances of the case.

A student may appeal to SCODA in writing setting out each ground of appeal. The notice of appeal must be received by the Registrar's office within three weeks of the decision which is the subject of the appeal.

- 8.2 A student or the University may appeal to SCODA in writing on the ground that new evidence is available which is material and which could not have been made available at the time of the hearing giving rise to the appeal despite the exercise of due diligence by the party wishing to appeal. The notice of appeal must be received by the Registrar's office within three months of the decision which is the subject of the appeal.
- 8.3 In exceptional circumstances, student or, in the case of an appeal under Clause 8.2, a student or the University may apply to the Registrar for an extension of time to file the notice of appeal. The Registrar shall decide whether or not to approve an extension. The Registrar's decision shall be final.
- 8.4 The Registrar shall inform the respondent and the President of the notice of appeal in writing, and schedule a meeting of SCODA as quickly as possible.
- 8.5 The penalty shall be stayed pending determination of the appeal by SCODA.
- 8.6 In extenuating circumstances, the Chair of SCODA may extend the time limits for filing an appeal.

## 9.0 SCODA HEARINGS

- 9.1 SCODA, as an internal administrative body, will follow 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.
- 9.2 The number of members of SCODA required for hearing an appeal shall be two faculty members, two students and the Chair. The quorum for other meetings of the committee shall be five members of the committee, including the Chair.
- 9.3 To ensure the impartiality of the Committee, no member with previous involvement in the case may hear the appeal.
- 9.4 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, it will be determined by the other members of the hearing panel.
- 9.5 A student appeal shall be open to the public except when the Committee is of the opinion that intimate financial or personal matters may be disclosed. The Committee, on its own motion or on application from the appellant, may exclude the public from the appeal or parts thereof.

- 9.6 In exceptional circumstances, the Committee may permit the student to appear *in absentia* by delegate.
- 9.7 The appellant (or representative) shall be given the opportunity of making a statement to the Committee to support the appeal.
- 9.8 The respondent may also appear at the appeal. Where the appeal is under 8.2 she/he shall be entitled to speak to the new evidence.
- 9.9 Both parties may be accompanied by a representative at the appeal.
- 9.10 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.
- 9.11 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.
- 9.12 Appeals shall be based on the record of the preceding hearing or decision and any relevant documentation considered.
- 9.13 Only when a case is being appealed under 8.2 shall the Committee hear new evidence.

#### 10.0 THE DECISION OF THE COMMITTEE

- 10.1 The deliberations of the Committee shall be closed with no record kept.
- 10.2 The Chair shall cast the deciding vote in the event of a tie. No member hearing the appeal shall abstain.
- 10.3 Having heard the appeal, the Committee may
- (a) find in favour of the student under 8.1 (a) or (b) and substitute its own finding or order a new hearing;
  - (b) find in favour of the student under 8.1 (c) and vary the penalty;
  - (c) find in favour of the appellant under 8.2 and substitute its own finding or order a new hearing;
  - (d) find against the appellant, confirming the original decision which remains unchanged.
- 10.4 If the Committee determines that discipline of the student is unwarranted, the University shall, 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.

- 10.5 The decision on an appeal shall be communicated to the appellant, the respondent and the President in writing as soon as possible after the decision has been made. If SCODA recommends the revocation of a degree, that recommendation shall be forwarded to Senate for action.
- 10.6 The decision of the Committee is final.

## 11.0 REPORTING

- 11.1 The Registrar and the Director of Campus Community Services shall maintain a statistical summary of cases which are handled through their offices each year, and these data shall be included in the Annual Report on Student Discipline Matters.
- 11.2 In addition to the data in 11.1, the Annual Report on Student Discipline Matters will contain a summary of the UBSD Tribunal's decisions, the President's decisions, SCODA's decisions and the penalties imposed. This report will be accessible to the University community and will be submitted to Senate for information except cases or parts of cases that the Tribunal, SCODA or the President decides should not be disclosed. Such summary shall not disclose the identities of the parties. A set of decisions which does not disclose the identities of the parties shall be maintained in the office of the Secretary of the UBSD and is available for review upon reasonable notice.

## 12.0 RETENTION OF RECORDS

Any information and records relating to an action under these policies will be handled by the University in compliance with British Columbia's Freedom of Information and Protection of Privacy Act.

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Recommendations to accompany the revisions to the Student Conduct Policies

1. Comments were heard by the Committee about delays in scheduling hearings of the UBSD and apparently the scheduling of SCODA can have similar delays. The Committee recommends that the Co-ordinator of the UBSD, the Chair of SCODA and the respective members, work to arrange a better coordination of schedules in order that hearings can be arranged in a timely manner.
2. The T 10 policies interact with Policy GP 25 Emergency Response to Threatening Behaviour. The Committee recommends that the references in GP 25 to the T10 policies be clarified in order to ensure a smooth transition between both policies. In particular, Policy GP 25 should be amended to refer to SCODA and to the T 10. Policies.
3. The Committee received comments that the campus community hears very little about misconduct matters. It is recommended that reports be advertised more widely, possibly in the Student newspaper.
4. The Committee heard that Campus Security members feel unable to enforce provisions of the conduct policies because Campus Security is not explicitly mentioned in the policy and not explicitly authorized to act under the policy. In the view of the Committee, this is a wider concern than the student conduct policies and goes to the root of the mandate of Campus Security, and consequently, the committee recommends that this matter be referred to the VP Finance and Administration.
5. Other policies which may link into the student conduct policies including GP 24 Fair Use of Information Resources, GP 18 Harassment Policy should be amended to explicitly link to the avenues contained within the Student Conduct Policies, and to provide correct references to the new T 10.03 policy.
6. UBSD and SCODA should each prepare explanatory notes on the procedures that they follow. These explanatory notes should be available to individuals who will be participating in hearings.
7. There should be a campus wide policy that the terms of committee members may continue until the conclusion of a case.