

S.81-60

(SADC 89 - as amended and approved
by Senate at its meeting of March
2, 1981.)

TERMS OF REFERENCE
SENATE COMMITTEE ON ACADEMIC DISCIPLINE

A.1. Membership and Voting

- (a) Chairman - elected by and from Senate for a 1-year term
 - (b) 3 faculty members elected by Senate for over-lapping 2-year terms
 - (c) 1 faculty member (alternate) elected by Senate for a 1-year term
 - (d) 3 students selected by the Student Society for 1-year terms
 - (e) 1 student (alternate) selected by the Student Society for a 1-year term
 - (f) The Registrar or his or her designate shall serve as non-voting secretary to the Committee.
2. "Student" means a person who is presently enrolled at the university in a credit course or who is designated by resolution of the Senate as a student; for these purposes for undergraduate students it includes i) Those registered in a credit course or courses in the semester in which nominations are due, or ii) Those in good standing who were registered in a credit course or courses in the immediately previous semester who certify that they intend to register again at Simon Fraser University before missing two consecutive registrations. For these purposes for graduate students it includes any student duly registered as a graduate student other than one who currently is designated with "on leave" status.
 3. Each member shall have one vote, but alternates may vote only as set out in paragraph A.4 and the Chairman or Acting Chairman shall vote only in the case of ties.
 4. The faculty member alternate shall be eligible to vote when one of the other faculty members is absent or involved in the case being heard by the Committee and the student alternate shall be eligible to vote when one of the other student members is absent or involved in the case being heard by the Committee.
 5. Faculty Deans and Department Chairmen are not eligible for election to this Committee.
 6. The President shall not be a member of this Committee.

B. Responsibilities

1. The Committee is the "standing committee of final appeal for students in matters of academic discipline" referred to in various sections of the University Act.
2. The Committee is established to hear appeals from penalties imposed on students under "Procedures for Dealing with Incidents of Intellectual Dishonesty" and to hear such other appeals and deal with such other matters as Senate or the Chairman of Senate so directs.
3. Senate delegates to the Committee its power and authority to deal with all appeals in matters of academic discipline of students.

C. Procedures

1. The procedures described in this document and related documents have been developed with regard to appropriate principles of natural justice in order to ensure that a student subject to disciplinary proceedings is treated fairly, while recognizing that such proceedings will not normally be conducted in the same manner as those of a court of law.
2. The Committee may adopt such procedures as it considers appropriate and shall, if the student so requests, give the student opportunity to make representations concerning the matter.
3. The Committee shall observe the following standards and procedures while carrying out its responsibilities:
 - (a) If the Chairman is absent from any Committee meeting, a quorum of the Committee shall elect an Acting Chairman from among voting members present to act as Chairman of the meeting while the Chairman remains absent.
 - (b) A quorum of the Committee is 5 members entitled to vote at the meeting.
 - (c) If a member is involved in a case before the Committee, he or she shall not act as a member of the Committee with respect to that case.
 - (d) When an appeal has been initiated and new evidence is to be made available the Chairman of the Committee, on consideration of the new evidence, may instruct that the case be further considered with the new evidence by the previous review body, or may permit the appeal to proceed to the Committee with the new evidence to be considered at that level.
4. The Committee shall consider each relevant part of the full record concerning the alleged offence or conduct, as well as all additional relevant evidence and representations made to the Committee in connection with the case.

A student who appeals to the Senate Committee on Academic Discipline pursuant to these procedures shall be entitled to a copy of the full record of the case under appeal. The "full record" of the case consists of all available documentary evidence submitted to, and the decision of, each prior decision maker. The Senate Committee may withhold that portion of any evidence which does not relate to the appeal of the student, or that identifies a person whose privacy might be unfairly invaded by disclosure provided that the Committee is of the opinion that non-disclosure would not prejudice the right of the student to have a fair hearing.

5. The Senate Committee on Academic Discipline shall hold a hearing in respect of each appeal made to it pursuant to these procedures to hear such evidence as it considers appropriate and such representations as the student wishes to make. The student shall have the right to attend and have a representative of his choice attend each hearing in respect of his or her appeal, but not during the Committee's deliberations.

The Chairman of the Department Committee on Academic Discipline may be present and permitted to testify at any appeal hearing of the Senate Committee on Academic Discipline, but may not be present during the Committee's deliberations. Similarly the course instructor may be present and permitted to testify, but may not be present during the Committee's deliberations.

6. The Committee determining any matter pursuant to these procedures may receive and act upon such evidence and information as it considers to be reliable, whether such evidence or information would be admissible in a court of law. Every reasonable effort shall be made to adjudge the accuracy of such evidence or information.
7. Appeals shall be heard and decisions made with due dispatch. Each decision on appeal shall be communicated to the student with reasons in writing. Each decision of the Committee is final and there is no right of appeal from its decision except as provided for in Section C.10.

A decision sent by registered or certified mail to the student at his or her current address as shown on the records of the Registrar shall be deemed to have been received by the student on the fourth day of mail service after the date of mailing if it was not earlier delivered to that address.

8. Meetings of the Senate Committee on Academic Discipline are closed.
9. The Committee has discretionary power in exceptional cases to waive technical requirements which in the Committee's opinion would otherwise cause undue hardship

10. Upon the written request of the student or the President, the Senate Committee on Academic Discipline on written reasons satisfactory to the Committee, may initiate proceedings to consider amelioration or reduction of a penalty previously imposed. Upon instruction by the President the Committee shall initiate such proceedings but with the final disposition to rest with the Committee other than in those cases where imposition of the penalty rested initially with the President in which case, in consultation with the Committee, he/she may act directly to ameliorate perceived injustice.

D. Reporting

The Committee shall report its decisions in summary, anonymous form to Senate at least annually and more frequently if appropriate. It will also provide Senate with an annual report reviewing the operation of the procedures referred to in paragraph B.2. The Committee has the responsibility of making recommendations to Senate concerning necessary modifications of University policies and procedures in the area of intellectual honesty and academic discipline.

Summaries of information on offences and on penalties assigned will be available in the Office of the Registrar.