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MEMORANDUM

ATTENTION: Senate

FROM: Peter Keller, Vice-President, Academic and Provost

A handwritten signature in black ink, appearing to read "Peter Keller".

RE: Revised Policies for Student Academic Integrity, UBSD, SCODA and Student Conduct (non-academic)

DATE: September 17, 2018

The Code of Academic Integrity and Good Conduct, S10.01, is being revised and it is proposed that two separate Policies be established, one for Student Academic Integrity and another for Student Conduct (non-academic). The revised Student Academic Integrity Policy (S10.01) and its related Policies, University Board on Student Discipline (S10.02) and Senate Committee on Disciplinary Appeals (S10.03) are being presented to Senate for approval. The revised Student Conduct Policy (Policy number to be determined) and its associated Procedures and Schedules are being presented to Senate for information.

A package of materials, including current and revised Policies, and related Schedules and Procedures, is attached.

Motion:

That Senate approve revisions to policies:

- S 10.01 Student Academic Integrity Policy (formerly titled Code of Academic Integrity and Good Conduct, S10.01 and portions of Principles and Procedures for Student Discipline, S10.02)
- S 10.02 University Board on Student Discipline (formerly numbered S10.03)
- S 10.03 Senate Committee on Disciplinary Appeals (formerly numbered S10.04)

Subject to approval from the Simon Fraser University Board of Governors, these revised policies would take effect on January 1, 2019.

Revised Policies for Student Academic Integrity and Student Conduct

Two SFU Policies are being presented to Senate: Student Academic Integrity Policy and Student Conduct Policy. The draft Policies have been presented to many University committees and groups, Student Societies, SFUFA, TSSU, and administrative departments responsible for implementing the Policies. The Policies and their associated procedures and schedules were posted for official community consultation from late August to mid-September. Background information explaining the rationale for the revisions to the existing Policy on Academic Integrity and Good Conduct and summary of substantive changes is provided below. The Policies for the University Board on Student Discipline (UBSD) and the Senate Committee on Disciplinary Appeals (SCODA) are also being revised and included for approval.

This package includes the revised Policies and related schedules & procedures:

- 1) Student Academic Integrity Policy (S10.01)
 - 2) University Board on Student Discipline (S10.02)
 - 3) Senate Committee on Disciplinary Appeals (S10.03)
 - 4) Forms of Academic Dishonesty and Misconduct (S10.01 Schedule A) *for information*
 - 5) Academic Dishonesty and Misconduct Procedure (S10.01 Procedure) *for information*
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- 1) Student Conduct Policy (Sxx.xx) *for information*
 - 2) Prohibited Conduct (Sxx.xx Schedule A) *for information*
 - 3) Disciplinary Measures (Sxx.xx Schedule B) *for information*
 - 4) Student Conduct Procedure (Sxx.xx Procedure) *for information*

Also included are the relevant current Policies:

- 1) Code of Academic Integrity and Good Conduct (S10.01)
- 2) Principles and Procedures for Student Discipline (S10.02)
- 3) University Board on Student Discipline (S10.03)
- 4) Senate Committee on Disciplinary Appeals (S10.04)

Background

SFU has had some form of policy on academic integrity and good conduct for many years. The current Policy: Code of Academic Integrity and Good Conduct (S.10.01) was created in 2009 (see: <http://www.sfu.ca/policies/gazette/student/s10-01.html>). The current Policy deals with matters of academic integrity and general student misconduct within the one Policy. In light of the creation and implementation of the University's Policy Sexual Violence and Misconduct Prevention, Education and Support (GP 44) (see: <http://www.sfu.ca/policies/gazette/general/gp44.html>) the University will address cases of sexual violence involving students through the Student Conduct Policy. This decision necessitated changes to the existing policy. It has also afforded the opportunity to make timely revisions to address evolving issues of academic integrity.

It is proposed that instead of having one policy, there will be two; one for academic integrity matters and one for matters related to non-academic conduct. It is important to emphasize that, as outlined in the current and proposed Student Conduct Policy, “nothing in this Policy shall be

interpreted to prohibit peaceful assemblies or demonstrations, lawful picketing, or to impinge upon freedom of expression.” It should be noted that the revised Policies have Schedules and Procedures which outline the prohibited behaviour or actions and procedures rather than having all the information in the Policies themselves. From time-to-time it is necessary to revise the examples of prohibited behaviour and procedures and the use of these Schedules and Procedures allows for modifications without having to seek approval for changes to the Policies themselves.

Proposed Changes

The following is a high-level summary of proposed changes to the Policy and is not intended to be exhaustive.

Updated Student Conduct Policy:		
Jurisdiction	Prohibited Behaviour & Disciplinary Measures	Procedures
<p>This Policy applies only to Student Misconduct that is alleged to have occurred: a) on any property that is controlled by the University and used for University purposes; b) at an event or during an activity sponsored by, or under the auspices of, the University; or c) using the University’s Information and Communications Technology resources.</p> <p>Some changes to who is defined as a student:</p> <ul style="list-style-type: none"> • It clarifies that it applies to students who are eligible to register even if they are not currently in courses • It includes auditors and applicants to the University 	<p>The behaviour outlined in the Policy is substantively the same although specified at a greater level of detail.</p> <p>It specifically names sexual violence as misconduct in keeping with SFU’s new Policy (GP44).</p> <p>The Policy applies regardless of the “mode” of conduct (i.e., face-to-face, on-line, etc.).</p> <p>Issues related to fraud are addressed in both this Policy as well as the Student Academic Integrity Policy. The nature of the fraud will determine which policy applies. For example, if the fraud is for the purposes of academic advantage, it is a matter for the Policy on Academic Integrity. If the fraud is, for example, identity theft, it would be subject to this Policy.</p>	<p>It should be noted that the community is being asked for feedback on the Policies and the procedures are provided for information. The Senate is charged with overseeing academic matters. The authority for all University Policies rests with the Board of Governors. Authority to suspend a student rests with the President of the University as outlined in the University Act of British Columbia.</p> <p>The current procedures may result in the student appearing before the University Board on Student Discipline (UBSD). That process will remain in place for matters of academic integrity. In recent years the use of tribunals for conduct has been identified as a barrier for those reporting misconduct such as sexual violence as the survivor/complainant must face the respondent/perpetrator at the</p>

Revised Policies for Student Academic Integrity and Student Conduct

	<p>The Policy specifies non-disciplinary interim measures that may be imposed between an incident being reported and the conclusion of an investigation (similar interim measures are used currently as they are outlined in the procedures and not the Policy itself).</p> <p>The Policy outlines an expanded range of disciplinary measures.</p>	<p>tribunal and there is an expectation of cross examination.</p> <p>The proposed procedures aim to allow for behaviour to be addressed after a preliminary review by the University and where possible issues will be resolved informally. Serious breaches of the Policy will be investigated. A report will be provided to the Executive Director, Student Affairs (EDSA) who will determine if a breach of the Policy has occurred. The EDSA will meet with the student. The EDSA may impose disciplinary measures except for suspension, which can only be done by the President of the University.</p> <p>If any disciplinary measures are imposed by the EDSA or the President, the student may appeal. For all disciplinary matters except suspension, the appeal is to the Vice-Provost Students and International (VPSI). To appeal the decision of the President to suspend a respondent, the appeal will be heard by a committee of Senate. In all cases appeals must be made on specified grounds. That is to say the case will not be “re-heard” but if procedural or factual errors have occurred, the student perceives the discipline to be excessive, or if new evidence is available.</p>
<p>Updated Student Academic Integrity Policy</p>		

Jurisdiction	Prohibited Behaviour & Disciplinary Measures	Procedures
<p>Some changes to who is defined as a student:</p> <ul style="list-style-type: none"> • It clarifies that it applies to students who are eligible to register even if they are not currently in courses • It includes auditors and applicants to the University 	<p>The forms of academic dishonesty (within a course) and academic misconduct (outside a course) outlined in the Policy are substantively the same.</p> <p>However, a more comprehensive set of prohibited behaviours during examinations has been established and three additional forms of academic dishonesty are identified:</p> <p>(1) unauthorized or undisclosed use of an editor (2) engaging in actions which disadvantage the access of other students to enrollment in a course or course materials (3) Unauthorized sharing, selling, or use of proprietary instructional, examination, textbook, assignment, or other course materials.</p>	<p>The principles & procedures for student discipline are currently contained in S10.02. The principles have been subsumed in the revised Student Academic Integrity Policy (S10.01) and the procedures have been moved into a separate Procedures document. As a result, S10.02 has been repurposed for the UBSD policy.</p> <p>The procedures for handling cases of academic dishonesty and academic misconduct are largely unchanged but have been rewritten for clarity and consistency.</p> <p>Provision has been made for non-disciplinary interim measures that may be imposed while an allegation of academic dishonesty or misconduct is being resolved.</p> <p>UBSD and SCODA will continue to be responsible for hearing appeals for academic discipline matters.</p>
<p>Updated UBSD and SCODA Policies:</p>		
<p>The only substantive change is that UBSD will no longer have jurisdiction for matters related to non-academic student misconduct. UBSD will retain jurisdiction for matters related to academic integrity. Appeals of decisions related to student misconduct made by the Executive Director, Student Affairs will be heard by the Vice-Provost Students and International.</p>		

Revised Policies for Student Academic Integrity and Student Conduct

SCODA will remain the standing committee of final appeal for students in matters related to academic discipline. In cases of non-academic student conduct, appeals of decisions made by the President will not be heard by a committee of Senate.



Student Academic Integrity Policy

SIMON FRASER UNIVERSITY	Date	Number
Policy and Procedures	May 1, 2009	S 10.01
	Revision Date	Revision No.
	TBD	2.0

Policy Authority: Vice-President, Academic and Provost

Associated Procedure(s): S 10.01 Student Academic Integrity Procedure
S 10.01 Forms of Academic Dishonesty and Misconduct (Schedule A)

1.0 PREAMBLE

- 1.1 Academic integrity is a cornerstone of the development and acquisition of knowledge, and a commitment to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. Academic integrity includes a commitment not to engage in or tolerate acts of falsification, misrepresentation, or deception – acts which violate the fundamental ethical principles of the University community and compromise the worth of work completed by others. The terms “academic integrity” and “academic honesty” are used interchangeably in this policy.
- 1.2 Simon Fraser University is committed to creating a scholarly community characterized by honesty and free inquiry.
- 1.3 Each student is responsible for their own conduct as it affects the University community.
- 1.4 All members of the University community share the responsibility for the academic standards and reputation of the University. Upholding academic integrity is a condition of continued membership in the university community.
- 1.5 Academic dishonesty is contrary to the values of the University, and unfair and discouraging to the majority of students who pursue their studies honestly. Scholarly integrity is required of all members of the University.
- 1.6 Students must be treated fairly before being penalized for academic dishonesty or academic misconduct. They are entitled to information about the alleged wrongdoing and to provide a response. The decision-maker must be impartial. An internal Board is established to adjudicate matters of student academic discipline and there is a body of final appeal, as required by the British Columbia *University Act*.

2.0 PURPOSE

- 2.1 The purpose of this policy is to define: students' basic responsibilities as members of the academic community; inappropriate student behaviour, whether deliberate or inadvertent, in relation to academic and scholarly activities; and principles for student discipline in academic matters.

3.0 SCOPE AND JURISDICTION

- 3.1 This policy covers the conduct of students involved in any kind of University-related academic and scholarly activities.
- 3.2 This policy covers matters of academic dishonesty and academic misconduct in University-related scholarly activities, including activities involving SFU alumni when the matters occurred prior to graduation and were unknown at the time of graduation, or involve the misrepresentation of their credentials from their scholarly work at SFU.
- 3.3 The forms of academic misconduct and academic dishonesty set out in this policy include attempts to engage in misconduct or dishonesty, as well as aiding and abetting misconduct or dishonesty.

4.0 DEFINITIONS

- 4.1 Academic Advantage
refers to a situation that may result in a student gaining an unearned or unfair benefit in their academic matters, such as their academic work, academic record, or academic progress.
- 4.2 Academic Dishonesty
refers to an act or omission that occurs within or as part of a course and contravenes the standard of academic integrity.
- 4.3 Academic Integrity
refers to the values on which good academic work must be founded: honesty, trust, fairness, respect, responsibility, and courage. Academic integrity includes a commitment not to engage in or tolerate acts of falsification, misrepresentation, or deception. Such acts of dishonesty violate the fundamental ethical principles of the University community and compromise the worth of work completed by others. The terms “academic integrity” and “academic honesty” are used interchangeably in this policy.
- 4.4 Academic Misconduct
refers to behaviour, not related to a specific course, that contravenes the standard of academic integrity.
- 4.5 Academic Unit
refers to an academic department, school, or program; in some cases, the academic unit will be the Faculty, e.g. Faculty of Education.

- 4.6 Applicant
means the party initiating a case before the UBSD. For example, a student who asks for a review of a decision made by the instructor, the Chair, or the Registrar is the “**applicant**”. The other party in a UBSD case is known as the “**respondent.**”
- 4.7 Chair of a Department
means the head of the academic unit or a person authorized by the head of an academic unit, and includes the Chair of an academic department, the Director of a School, or the Director of a Program.
- 4.8 Instructor
means the course supervisor and includes faculty members, sessional instructors, and course supervisors for distance education courses.
- 4.9 Scholarly Activities
include work or material, in any media and format, that is submitted as part of credit and non-credit courses, projects, essays, theses, research, practicums, internships, and co-op work placements.
- 4.10 Student
includes any of the following: a person who is applying for admission to the University; an undergraduate who is enrolled for one or more of the last three (3) terms and is eligible to continue; a graduate student who is enrolled at the University in the current term and is eligible to continue; a graduate student who is not enrolled in the current term but is eligible to enroll at the University when the approved leave ends; a visiting, exchange, or special audit student who has been admitted to the University for the purposes of taking courses, or to take part in an approved research term; or a person enrolled at the University in a non-credit program or course.
- 4.11 University Community
means all students and employees of the University, and all people who have a status at the University mandated by legislation or other University policies, including: research assistants, post-doctoral fellows, members of Senate and the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.

5.0 POLICY

5.1 Notification of Standards of Academic Honesty

5.1.1 Students are responsible for ensuring they are familiar with the generally accepted standards and requirements of academic honesty (e.g. as published in the University Calendar). Ignorance of these standards will not excuse a student from consequences, including penalties, for academic dishonesty.

5.1.2 Instructors are responsible to inform their students at the beginning of each term if there are additional specific criteria for academic honesty that pertain to a class or course (e.g. the format for acknowledging the thoughts and writings of authors acceptable to the underlying discipline, and the acceptable level of group work, use of an editor or tutoring service, and/or online resources).

5.1.3 A draft paper, proposal, thesis, or other assignment may be subject to a penalty for academic dishonesty, providing the instructor or supervisor informed the student(s) before the work was submitted that drafts are subject to academic honesty requirements.

5.2 Academic Integrity Requirements for Students

5.2.1 Any action that contravenes the standard of academic integrity is prohibited, including any act of dishonesty, falsification, misrepresentation, or deception in one's academic work.

5.2.2 All forms of academic dishonesty that occur within or as part of a course are prohibited. See Schedule A for examples of academic dishonesty.

5.2.3 All forms of academic misconduct that are not related to a specific course are prohibited. See Schedule A for examples of academic misconduct.

5.2.4 It is a violation to help others or attempt to help others engage in any forms of academic dishonesty or misconduct.

6.0 PRINCIPLES FOR STUDENT DISCIPLINE

6.1 Complaints of student academic dishonesty or academic misconduct may be resolved under the policy without penalty. Designated University officials such as a Chair of a Department, course instructor, or the Registrar may impose penalties in certain circumstances.

6.2 In determining whether academic misconduct has occurred, it is not necessary to show that a student has achieved an improper academic advantage or benefit. Some acts of plagiarism or collusion, or other acts of academic misconduct, may not actually confer an academic advantage or benefit.

6.3 The University Board on Student Discipline (UBSD) provides an impartial forum for a complete examination of student allegations of academic dishonesty or academic misconduct. The Tribunal will provide students with an opportunity to respond in a timely manner to allegations of academic dishonesty or academic misconduct and, if appropriate, will recommend a course of action to the President, or to the Vice-President, Academic and Provost if the President has already played a role in the case.

6.4 When the University imposes a penalty on a student for academic dishonesty or academic 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*.

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

6.6 A support person may accompany a student to any meeting concerning academic disciplinary

matters. Students may also consult the University Ombudsperson for assistance.

- 6.7 In deciding upon the appropriate penalty to be imposed for an act of academic dishonesty or academic misconduct, consideration must be given to the following factors:
- a. the extent of the academic dishonesty or academic misconduct;
 - b. whether the academic dishonesty or academic misconduct was deliberate;
 - 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, academic misconduct, and/or non-academic misconduct; and
 - e. any other mitigating or aggravating circumstances.

7.0 ROLES AND RESPONSIBILITIES

- 7.1 The Vice-President, Academic and Provost has oversight of this policy.
- 7.2 The Registrar is responsible for implementing and monitoring the operational aspects and procedures for this policy.
- 7.3 The Registrar, Academic Integrity Co-ordinator, Academic Integrity Advisors, Chairs, and Instructors are jointly responsible for administering the procedures under this policy.
- 7.4 The University's Academic Integrity Advisory Committee provides advice to the Registrar on matters related to the policy and associated procedures.

8.0 REPORTING

- 8.1 The Registrar must maintain a statistical summary of cases handled through their office each year, and this data must be included in the Annual Report to Senate on Student Discipline Matters.
- 8.2 In addition to the data referred to in section 8.1, 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 determines 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.

9.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

9.1 The legal and other University policy authorities that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

- a. *University Act*;
- b. University Board on Student Discipline (S 10.02);
- c. Senate Committee on Disciplinary Appeals (S 10.03);
- d. Retention and Disposal of Student Exams and Assignments (I 10.09);
- e. Fair Use of Information and Communications Technology (GP 24); and
- f. Student Conduct Policy.

10.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

10.1 The information and records made and received to administer this policy are subject to the provisions of British Columbia's *Freedom Of Information and Protection of Privacy Act* and the University's Information Policy series. To the extent possible, the information and records will be treated in a confidential manner, in compliance with the Act and with applicable University policies.

10.2 A University employee who is involved in addressing or investigating a case of alleged academic dishonesty or academic misconduct must:

- a. make every reasonable effort to protect personal information and maintain confidentiality;
- b. collect the minimum information about individuals that relates directly to a case of academic dishonesty or academic misconduct, which is considered to be supplied in confidence;
- c. use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking action;
- d. limit disclosure of information about individuals to those within the University who need to know to perform their duties; and
- e. disclose personal information in all other circumstances only as permitted under the *Freedom of Information and Protection of Privacy Act*.

10.3 The University may disclose personal information where appropriate, including where:

- a. it is needed to prepare or obtain legal advice for the University;

b. it uses the information for the purpose for which it was obtained or compiled or for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness); or

c. an employee needs the information to perform their employment duties.

11.0 RETENTION AND DISPOSAL OF RECORDS

11.1 Information and records made and received to administer this policy are evidence of the University's actions to respond to academic dishonesty or academic misconduct. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

11.2 The Registrar must destroy any record of a student's alleged academic dishonesty or academic misconduct that may be held in the Office of the Registrar if the UBSD or SCODA determines that the discipline of the student was unwarranted.

12.0 POLICY REVIEW

12.1 This policy will be reviewed once every five (5) years.

13.0 AUTHORITY

13.1 This policy is administered under the authority of the Vice-President, Academic and Provost.

14.0 INTERPRETATION

14.1 Questions of interpretation and application of this policy will be referred to the Vice-President, Academic and Provost and the University's General Counsel, who will jointly make a decision, which will be final.

15.0 ASSOCIATED PROCEDURE

15.1 The associated procedure for this policy is Student Academic Integrity Procedure (S 10.01 - Procedure) {hyperlink to be added} and associated schedule is Forms of Academic Dishonesty and Misconduct (S 10.01 - Schedule A) {hyperlink to be added}.



University Board on Student Discipline

SIMON FRASER UNIVERSITY	Date	Number
Policy and Procedures	May 1, 2009	S 10.02
	Revision Date	Revision No.
	TBD	2.0

Policy Authority: Vice-President, Academic and Provost

Associated Procedure(s): None

1.0. PURPOSE

1.1 The purpose of this policy is to provide an impartial forum to examine allegations of student academic dishonesty or academic misconduct. That impartial forum is the University Board on Student Discipline (UBSD).

2.0 SCOPE AND JURISDICTION

- 2.1 Cases of alleged academic dishonesty or academic misconduct under the Student Academic Integrity Policy (S 10.01) may be brought forward to the UBSD by either the Chair of a Department or the Registrar.
- 2.2 Cases of academic dishonesty or academic misconduct under the Student Academic Integrity Policy (S 10.01) may be brought forward by students wishing to dispute the finding of fact by the instructor, the Chair of the Department, or the Registrar.

3.0 POLICY

3.1 UBSD AND TRIBUNAL MEMBERSHIP

3.1.1 The UBSD consists of eleven members named by the Vice-President, Academic and Provost 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 and Provost.

3.1.2 Normally, faculty and staff are appointed to the Board for three (3) years and students are appointed to the Board for one-year terms. Terms of office will be staggered to ensure some continuity of membership.

3.1.3 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.

4.0 PROCEDURAL FAIRNESS

- 4.1 The UBSD is an internal administrative body, governed by the principles of 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.
- 4.2 Students must be treated fairly before being penalized for academic dishonesty or academic misconduct. They are entitled to receive information about the alleged wrongdoing and to provide a response.
- 4.3 The Tribunal will provide individuals with an opportunity to respond in a timely manner to allegations of academic dishonesty or academic misconduct and, if appropriate, will recommend a course of action to the President, or to the Vice-President, Academic and Provost if the President has already played a role in the case.
- 4.4 In exceptional 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, or the Registrar.

5.0 UBSD HEARINGS

- 5.1 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 so, the Coordinator may decide to proceed with a hearing without the student. If a determination is made that there are not sufficient grounds to proceed, the Coordinator will inform the Registrar. The Registrar will determine, as outlined in the Procedures for Academic Dishonesty and Misconduct, whether academic restrictions will be placed on the student until the case has been dealt with.
- 5.2 The impartiality of any member of the Committee scheduled to hear an appeal may be challenged and will be determined by the Chair. If the impartiality of the Chair is challenged, the other members of the Tribunal will determine the issue.
- 5.3 UBSD hearings shall be closed to the public unless both parties involved provide explicit written consent.
- 5.4 Hearings may be held using video, teleconference, or other communications technology at the discretion of the Chair.
- 5.5 In exceptional circumstances, the Tribunal may permit the student to appear *in absentia* by delegate.
- 5.6 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.

- 5.7 If the applicant or respondent fails to appear before the Tribunal at the appointed time, the Tribunal may proceed or dismiss the complaint or review.
- 5.8 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.
- 5.9 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.
- 5.10 The Tribunal is responsible for interpreting any policy under consideration.
- 5.11 The Chair of the Tribunal shall be responsible for maintaining an orderly hearing.
- 5.12 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 academic 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.
- 5.13 The Tribunal may hear impact statements from witnesses or parties prior to making a recommendation about a penalty.
- 5.14 The burden of proof is on the person alleging academic misconduct or academic dishonesty. The appropriate standard for a decision in this process is proof on a balance of probabilities.

6.0 DECISION-MAKING

- 6.1 The deliberations of the Tribunal must be closed with no record kept.
- 6.2 The Chair of the Tribunal votes only in the case of a tie. No member of the Tribunal may abstain.
- 6.3 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.
- 6.4 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.
- 6.5 Before formulating its recommendation to the President on penalty, the Tribunal will hear from both parties. At this stage, after the findings of fact, the Tribunal may have access to any other

disciplinary information about the student that has been retained by the University.

- 6.6 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.

7.0 PENALTIES

- 7.1 The penalties for academic misconduct that may be recommended by the UBSD and imposed by the President, may include but are not limited to:

- a. one or more of the following:
 - i. recommend the student receive counselling or other professional assistance and, if necessary, assist the student in obtaining counselling or other professional services;
 - ii. issue a formal written reprimand to the student;
 - iii. assess and recover costs to rectify the damage or loss caused by the student;
 - iv. require the student to write a letter of apology to any person adversely affected by the student's behaviour;
 - v. require the student to perform up to 50 hours of community service;
 - vi. terminate the student's scholarships or other financial support.
 - vii. change any grade that the student may have received as a result of academic misconduct.
- b. any one or more of the penalties for academic dishonesty listed in section 7.2 below.

- 7.2 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 6.1, as well as any one or more of the following:

- a. denial of admission or re-admission to the University;
- b. de-registration, with or without a tuition fee refund;
- c. forfeiture of University awards or financial assistance;
- d. suspension or permanent suspension from the University;
- e. revocation of a degree and return of the student's transcript and degree, certificate or diploma parchment to the Registrar; or
- f. removal of all relevant documents from the SFU Library, including papers and/or theses.

8.0 IMPOSITION OF A PENALTY BY THE PRESIDENT

- 8.1 The parties will have three (3) weeks to provide the President with a response to the Tribunal's recommendation.
- 8.2 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.
- 8.3 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. At the discretion of the Registrar (or designate), students who are registered in and attending courses in the current term may request to have their suspension take effect immediately or at the beginning of the following term.
- 8.4 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 academic misconduct, or as permitted or required by law.
- 8.5 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.
- 8.6 If the student's appeal is successful, the University must, if possible, take steps to return the student to the position would have been in if the appealed decision had not been made.

9.0 REPORTING

- 9.1 The Registrar 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.
- 9.2 In addition to the data referred to in section 9.1, 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.

10.0 RELATED LEGAL AND POLICY AUTHORITIES

10.1 The legal and other University policy authorities that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

- a. *University Act*;
- b. Student Academic Integrity Policy (S 10.01);
- c. Senate Committee on Disciplinary Appeals (S 10.03);
- d. Retention and Disposal of Student Exams and Assignments (I 10.09); and
- e. Student Conduct Policy.

11.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

11.1 The information and records made and received to administer 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 Policy series. To the extent possible, the information and records will be treated in a confidential manner, in compliance with the Act and with applicable University policies.

11.2 A University employee who is involved in addressing or investigating a case of academic dishonesty or academic misconduct must:

- a. make every reasonable effort to protect personal information and maintain confidentiality;
- b. collect the minimum information about individuals that relates directly to and is necessary to respond to a case of academic dishonesty or academic misconduct, which is considered to be supplied in confidence;
- c. use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking action;
- d. limit disclosure of information about individuals to those within the University who need to know to perform their duties; and
- e. disclose personal information in all other circumstances only as permitted under the *Freedom of Information and Protection of Privacy Act*.

11.3 The University may disclose personal information where appropriate, including where:

- a. it is needed to prepare or obtain legal advice for the University;
- b. it uses the information for the purpose for which it was obtained or compiled or for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of

procedural fairness); or

- c. an employee needs the information to perform their employment duties.

12.0 RETENTION AND DISPOSAL OF RECORDS

- 12.1 Information and records made and received to administer this policy are evidence of the University's actions to respond to academic dishonesty or academic misconduct. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.
- 12.2 The Registrar must destroy any record of a student's alleged academic dishonesty or academic misconduct that may be held in the Office of the Registrar if the UBSD or SCODA determines that the discipline of the student was unwarranted.

13.0 POLICY REVIEW

- 13.1 This policy will be reviewed every five (5) years.

14.0 AUTHORITY

- 14.1 This policy is administered under the authority of the Vice-President, Academic and Provost.

15.0 INTERPRETATION

- 15.1 Questions of interpretation and application of this policy shall be referred to the Vice-President, Academic and Provost and the University's General Counsel, who will jointly make a decision, which will be final.



Senate Committee on Disciplinary Appeals

SIMON FRASER UNIVERSITY	Date	Number
Policy and Procedures	May 1, 2009	S 10.03
	Revision Date	Revision No.
	TBD	2.0

Policy Authority: Vice-President, Academic and Provost

Associated Procedure(s): None

1.0 PURPOSE

1.1 The purpose of this policy is to provide a student the means to appeal the severity of a penalty imposed by the University for academic dishonesty or academic misconduct.

2.0 SCOPE AND JURISDICTION

2.1 The Senate Committee on Disciplinary Appeals (SCODA) is the standing committee of final appeal for students:

- a. in matters of academic discipline as mandated in the University Act pursuant to section 37(1)(v), and
- b. in other matters as Senate or the Chair of Senate directs.

3.0 POLICY

3.1 SCODA MEMBERSHIP

SCODA is comprised of:

- a. 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
- b. three students and two alternate students elected by Senate for one-year terms.

3.2 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.

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

4.0 GROUNDS OF APPEAL TO SCODA

4.1 A student may appeal in writing 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;
- b. that a factual error occurred of sufficient magnitude that it may reasonably be said to have altered the outcome of the case;
- c. that the penalty imposed on the student is excessive in all the circumstances of the case;
or
- d. 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.

4.2 Applications to SCODA should be addressed to: Secretary, Senate Committee on Disciplinary Appeals, Registrar's Office.

4.3 Any notice of appeal must be in writing and must be received by the Registrar's office within three (3) weeks of the decision that is the subject of the appeal.

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

4.5 The Registrar's Office must inform the respondent and the President of the notice of appeal in writing and schedule a meeting of SCODA as quickly as possible.

4.6 The implementation of any penalty is stayed pending determination of the appeal by SCODA.

5.0 SCODA HEARINGS

5.1 SCODA, as an internal administrative body, must follow the principles of 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.

5.2 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.

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

- 5.4 The impartiality of any member of the Committee scheduled to hear an appeal may be challenged and will be determined by the Chair. If the impartiality of the Chair is challenged, the other members of the hearing panel will determine the issue.
- 5.5 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.
- 5.6 In exceptional circumstances, the Committee may permit the student to appear *in absentia* by delegate.
- 5.7 The student or representative must be given the opportunity to make a statement to the Committee to support the appeal.
- 5.8 The respondent may also appear at the appeal and be given an opportunity to make a statement. Where the appeal is under section 4.1.d the respondent is entitled to speak to the new evidence.
- 5.9 Both parties may be accompanied by a representative at the appeal and may be accompanied by a support person.
- 5.10 If the appellant fails to appear before the Committee at the appointed time, the Committee may, without further notice, proceed in such absence to determine the appeal.
- 5.11 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.
- 5.12 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 4.1.d.

6.0 SCODA DECISIONS

- 6.1 The deliberations of the Committee must be closed with no record kept.
- 6.2 The Chair must cast the deciding vote in the event of a tie. No member hearing the appeal may abstain.
- 6.3 Having heard the appeal, the Committee may find:
- a. in favour of the student under section 4.1.a or 4.1.b, and substitute its own finding or order a new hearing;
 - b. in favour of the student under section 4.1.c and vary the penalty;
 - c. in favour of the student under section 4.1.d and substitute its own finding or order a new hearing; or

- d. against the student, confirming the original decision that remains unchanged.
- 6.4 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 they would have been in had the appealed decision not been made. The responsibility for this will fall to the Registrar.
- 6.5 The decision on an appeal must be communicated in writing to the student, the person, or body who imposed the penalty 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.
- 6.6 The decision of the Committee is final.

7.0 REPORTING

- 7.1 The Registrar 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.
- 7.2 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.

8.0 RELATED LEGAL AND POLICY AUTHORITIES

- 8.1 The legal and other University policy authorities that may bear on the administration of this policy and may be consulted as needed include, but are not limited to:
 - a. *University Act*;
 - b. Student Academic Integrity Policy (S 10.01);
 - c. University Board on Student Discipline (S 10.02);
 - d. Retention and Disposal of Student Exams and Assignments (I 10.09); and
 - e. Student Conduct Policy.

9.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

9.1 The information and records made and received to administer 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 Policy series. To the extent possible, the information and records will be treated in a confidential manner, in compliance with the *Act* and with applicable University policies.

9.2 A University employee who is involved in addressing or investigating a case of academic dishonesty, academic misconduct, or non-academic misconduct must:

- a. make every reasonable effort to protect personal information and maintain confidentiality;
- b. collect the minimum information about individuals that relates directly to and is necessary to respond to a case of academic dishonesty or academic misconduct, which is considered to be supplied in confidence;
- c. use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking action;
- d. limit disclosure of information about individuals to those within the University who need to know to perform their duties; and
- e. disclose personal information in all other circumstances only as permitted under the *Freedom of Information and Protection of Privacy Act*.

9.3 The University may disclose personal information where appropriate, including where:

- a. it is needed to prepare or obtain legal advice for the University;
- b. it uses the information for the purpose for which it was obtained or compiled for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness); or
- c. an employee needs the information to perform their duties.

10.0 RETENTION AND DISPOSAL OF RECORDS

10.1 Information and records made and received to administer this policy are evidence of the University's actions to respond to academic dishonesty, academic misconduct, or non-academic misconduct. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

10.2 The Registrar must destroy any record of a student's alleged academic dishonesty, academic misconduct, or non-academic misconduct that may be held in the Office of the Registrar if the

UBSD or SCODA determines that the discipline of the student was unwarranted.

11.0 POLICY REVIEW

11.1 This policy will be reviewed every five (5) years.

12.0 AUTHORITY

12.1 This policy is administered under the authority of the Vice-President, Academic and Provost.

13.0 INTERPRETATION

13.1 Questions of interpretation and application of this policy shall be referred to the Vice- President, Academic and Provost and the University's General Counsel, who will jointly make a decision, which will be final.

DRAFT



Student Academic Integrity Policy: Forms of Academic Dishonesty and Misconduct (Schedule A)

SIMON FRASER UNIVERSITY	Date	Number
Policy and Procedures	September 15, 2018	S 10.01 (Schedule A)
	Revision Date	Revision No.
	TBD	

1.0 PURPOSE

- 1.1 To list examples of prohibited forms of academic dishonesty and misconduct pursuant to the Student Academic Integrity Policy. See Section 5.2 of the Student Academic Integrity Policy (S10.01).

2.0 FORMS OF ACADEMIC DISHONESTY AND MISCONDUCT

- 2.1 Any action that contravenes the standard of academic integrity, as defined in Section 4.2 of the policy, is prohibited and may result in disciplinary measures.
- 2.2 Examples of academic dishonesty and misconduct are listed below to illustrate the types of behaviours that will be subject to University action and that might lead to intervention or discipline by the University. The list of examples is not exhaustive and any conduct that a student knows, or ought reasonably to know, is misconduct is subject to this policy.

2.3 Forms of Academic Dishonesty

The following acts or omissions that occur within or as part of a course constitute academic dishonesty and are prohibited:

- a. Plagiarism, including:
 - i. submitting or presenting the work of another person, including artistic imagery, as that of the student without full and appropriate accreditation;
 - ii. copying all or part of an essay or other assignment from an author or other person, including a tutor or student mentor, and presenting the material as the student's original work;

- iii. failing to acknowledge the phrases, sentences, or ideas of the author of published and unpublished material that is incorporated into an essay or other assignment.
- b. Submitting the same, or substantially the same, essay, project, presentation, or other assignment more than once, whether or not the earlier submission was at Simon Fraser University or another institution, unless prior approval has been obtained from the instructor to whom the work is being submitted.
- c. Cheating during an examination, including:
 - i. the unauthorized sharing of material such as textbooks during an “open book” examination;
 - ii. concealing information pertaining to the examination in the examination room, in washrooms, or other places in the vicinity of the examination room;
 - iii. the unauthorized possession or use of course notes or any other aids not approved by an instructor during an examination;
 - iv. the unauthorized possession, use, or sharing of an examination question sheet, an examination answer book, a completed examination or assignment, or other examination material;
 - v. the unauthorized use of devices, such as mobile phones, to receive or share information pertaining to the examination; or
 - vi. the unauthorized access or sharing of information or resources, in any format, pertaining to the examination.
- d. Submitting as one's original work an essay, project, thesis, presentation, other assignment, or examination, or part thereof, that was purchased or otherwise acquired from another source, unless the work is commercially available data, images, or other intellectual property the source and acquisition of which is properly and fully described and cited by the student and approved by the course instructor or supervisor.
- e. Unauthorized or undisclosed use of an editor, whether paid or unpaid. An editor is an individual or service, other than the instructor or supervisory committee, who manipulates, revises, corrects, or alters a student’s written or non-written work. Students must seek direction from the instructor about the type of editor and the extent of editing that is allowed in the course. Students may access authorized academic support services such as the Student Learning Commons, Centre for English Language Learning, Teaching, and Research, and WriteAway, which do not provide editing.
- f. Cheating in assignments, projects, examinations, or other forms of evaluation by:
 - i. using, or attempting to use, another individual’s answers;
 - ii. providing questions and/or answers to other individuals;

- iii. in the case of students who work or study together, submitting identical or virtually identical assignments for evaluation unless permitted by the course instructor or supervisor.
- g. Impersonating a candidate or being impersonated in an examination.
- h. Falsifying material that is subject to academic evaluation.
- i. Submitting false records or information, in writing or orally, including the falsification of laboratory results or research findings.
- j. Engaging in misrepresentation, including falsifying documents, to gain a benefit or advantage in a course (e.g. establishing entitlement to accommodations on protected grounds, such as a disability), the Withdrawal Under Extenuating Circumstances process, or the Deferred Grade Process (e.g. the submission of a forged or altered medical certificate or death certificate).
- k. Engaging in any action intended to disadvantage students in a course including destroying, stealing, or concealing library resources.
- l. Stealing, destroying, or altering the work of another individual.
- m. Unauthorized possession of or inappropriate use of computers, calculators and other forms of technology in course work, assignments, or examinations.
- n. Misconduct in research as defined in Policy R 60.01.
- o. Unauthorized sharing, selling, or use of proprietary instructional, examination, textbook, assignment, or other course materials, e.g. using proprietary course materials for the purpose of teaching or tutoring.

2.4 Forms of Academic Misconduct

The following behaviours, not related to a specific course, are prohibited.

- a. Falsification, Misrepresentation, Fraud, or Misuse, the dominant purpose of which is academic advantage, including:
 - i. forging, misusing, or altering any University document or record;
 - ii. engaging in misrepresentation that may create an incorrect perception of the student's academic position or credentials;
 - iii. obtaining any textbooks, study aids, equipment, materials, or services by fraudulent means;
 - iv. submitting a manufactured, forged, altered, or converted document, including a forged or altered medical certificate, death certificate, or travel document to a University official, which the student knows, or ought reasonably to have known, to be altered;

- v. impersonating an instructor, student, or other member of the University community;
- vi. engaging in any action which disadvantages the access of students to course enrollment or course materials; or
- vii. unauthorized sharing, selling, or use of proprietary instructional, examination, textbook, assignment, or other course materials, e.g. using proprietary course materials for the purpose of teaching or tutoring.

2.5 It is a violation to help others or to attempt to help others engage in any of the conduct described above.

3.0 INTERPRETATION

3.1 Questions of interpretation and application of this Policy or its Procedures shall be referred to the Vice-President, Academic and Provost and the University's General Counsel, who will jointly make a decision, which will be final.



Student Academic Integrity Procedure

SIMON FRASER UNIVERSITY	Date	Number
Policy and Procedures	September 15, 2018	S 10.01 (Procedure)
	Revision Date	Revision No.

Policy Authority: Vice-President, Academic and Provost

Parent Policy: S 10.01 Student Academic Integrity Policy

1.0 PURPOSE

1.1 The purpose of these procedures is to describe the process that will be followed to resolve allegations of student academic dishonesty and academic misconduct.

2.0 DEFINITIONS

2.1 Academic Integrity Advisor

means the individual(s) in the academic unit who is responsible for providing assistance to instructors and Chairs in handling academic dishonesty cases.

2.2 Academic Integrity Coordinator

means the staff member in the Registrar's Office who is a central resource for all members of the University Community and coordinates the implementation of the policy and associated procedures.

2.3 Student Conduct Office

means the University administrative office assigned the mandate to carry out the operational procedures under the Student Conduct Policy.

3.0 PROCEDURES – GENERAL

3.1 Procedures for resolving allegations of Academic Dishonesty, prohibited behaviours listed in Schedule A (S10.01), are contained in Section 4.0 below.

3.2 Procedures for resolving allegations of Academic Misconduct, prohibited behaviours listed in Schedule A (S10.01), are contained in Section 5.0 below.

- 3.3 Determining procedures for cases of alleged falsification, misrepresentation, fraud, or misuse follow:
- 3.3.1 If an instructor has reasonable grounds to believe that a student has engaged in falsification, misrepresentation, fraud, or misuse, as listed in Schedule A (S10.01), the instructor must confer with the Chair of the instructor's Department and the Registrar to decide whether the dominant purpose of the alleged misconduct was academic advantage. If it is determined that the dominant purpose of the alleged falsification, misrepresentation, fraud, or misuse was academic advantage within or as part of a course, it will be dealt with as a case of alleged academic dishonesty. The instructor must then proceed under Section 4.0 of these procedures.
- 3.3.2 If the Registrar decides that the dominant purpose of the alleged falsification, misrepresentation, fraud, or misuse, as listed in Schedule A (S 10.01), was academic advantage, not related to a specific course, it will be dealt with as a case of alleged academic misconduct. The Registrar must then proceed under Section 5.0 of these procedures.
- 3.3.3 If the Registrar decides that the dominant purpose of the alleged falsification, misrepresentation, fraud, or misuse was not academic advantage, the Registrar must report the matter to the Student Conduct Officer as an allegation of non-academic misconduct under the Student Conduct Policy.
- 3.4 Every academic unit should have at least one Academic Integrity Advisor who can assist instructors and Chairs with the handling of academic dishonesty cases.
- 3.5 A support person may accompany a student at any meeting concerning disciplinary matters under this procedure.
- 3.6 The instructor, Chair, or Registrar, on advice from the Academic Integrity Coordinator, may seek support from the Student Conduct Office in investigating more complex cases of academic dishonesty or academic integrity.
- 3.7 The Academic Integrity Coordinator serves as a resource for all members of the University Community in the implementation and administration of these procedures.

4.0 PROCEDURES FOR ACADEMIC DISHONESTY

4.1 Responsibilities of the Instructor

4.1.1 Upon becoming aware that a student may have engaged in academic dishonesty in their course, an instructor must notify the student, outlining the nature of the concern, within two (2) weeks. The student must be given the opportunity to discuss the matter with the instructor in a timely manner. Instructors should consult with their unit's academic integrity advisor or the Academic Integrity Coordinator in the Office of the Registrar for advice on individual cases and implementation of these procedures.

4.1.2 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.

4.1.3 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.

4.1.4 If an instructor finds, on a balance of probabilities, that a student has engaged in academic dishonesty, the instructor may, after consulting with the departmental Academic Advisor or Chair, impose one or more of the following penalties:

- a. give the student a warning;
- b. require the student to redo the work, or to do supplementary work, which may be related to academic integrity;
- c. assign a low grade for the work;
- d. assign a grade of “F” for the work.

4.1.5 The instructor must submit an academic incident report regarding the nature of the dishonesty or misconduct and the decision in a timely manner. The instructor must advise the student that the University will retain the report 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. Submitting a report using the online system will automatically notify the student, the Chair of the Department, and the Registrar. Paper copies of the report form are available through the Office of the Registrar.

4.2 Responsibilities of the Chair

4.2.1 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 4.1.4 above, the Chair may impose a different penalty. Chairs should consult with the Academic Integrity Coordinator in the Office of the Registrar for advice on individual cases and implementation of these procedures.

4.2.2 The Chair must give the student an opportunity to discuss the matter. After reviewing the facts of the case and any previous case(s), if the Chair finds, on a balance of probabilities, that a student has engaged in academic dishonesty, the Chair may impose one or more of the following penalties:

- a. issue a formal reprimand to the student;
- b. assign a grade less severe than “FD” (failed – academic dishonesty) for the course, including a grade of “F”;
- c. assign a grade of “FD” (failed – academic dishonesty) for the course.

4.2.3 The Chair must submit an academic incident report regarding the nature of the dishonesty or misconduct and the decision in a timely manner. Paper copies of the report form are available through the Office of the Registrar. A copy of the report must be sent to the student regarding the decision, with a copy to the instructor and the Registrar. The Chair must advise the student that the University will retain the report 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.

4.2.4 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. The delegate would provide a recommendation, with rationale, to the Chair on appropriate penalties.

4.2.5 If the Chair believes that the academic dishonesty deserves a penalty beyond that provided for in section 4.2.2 above, the Chair may impose one of the penalties listed in section 4.2.2 and also refer the case to the University Board on Student Discipline (UBSD) with a recommendation that a more severe penalty be imposed.

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

4.3 Responsibilities of the Registrar (or Delegate)

4.3.1 If the Registrar receives a report of academic dishonesty and subsequently determines there are reports of other incidents from the same academic unit involving the same student, the Registrar must notify the Chair of the academic unit involved and refer the matter back to the Chair for action under sections 4.1.4, 4.2.2 and/or 4.2.5 above.

4.3.2 If the Registrar receives a report of academic dishonesty and subsequently determines that there are reports of other incidents of academic dishonesty from other academic units involving the same student, 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.

4.3.3 Following the consultation mentioned in section 4.3.2, the Registrar must give the student an opportunity to meet and discuss the matter. The Registrar may temporarily suspend the procedures for academic dishonesty on the basis of extenuating circumstances. After reviewing the facts of the case and any previous case(s), if the Registrar finds, on a balance of probabilities, that a student has engaged in academic dishonesty, the Registrar may impose one or more of the following penalties:

- a. give the student a warning;
- b. issue a formal reprimand to the student;
- c. require the student to redo the work, or to do supplementary work, which may be related to academic integrity;
- d. assign a low grade for the work;
- e. assign a grade of "F" for the work;

- f. assign a grade less severe than “FD” (failed – academic dishonesty) for the course, including a grade of “F”;
- g. assign a grade of “FD” (failed – academic dishonesty) for the course;
- h. impose a penalty and refer the case to the UBSD in accordance with sections 4.2.5 and 4.2.6.

4.3.4 If the Registrar imposes a penalty under section 4.3.3, the Registrar must notify the student in writing of his or her decision, with copies to the Chairs of the affected academic units. The Registrar must advise the student that the University will retain the report and that, 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.

4.3.5 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.

5.0 PROCEDURES FOR ACADEMIC MISCONDUCT

5.1 Responsibilities of the Register (or delegate)

5.1.1 If the Registrar has reasonable grounds to believe that a student has:

engaged in falsification, misrepresentation, fraud, or misuse, that may create an incorrect perception of a student's academic position or credentials

or

helped or attempted to help another student engage in academic misconduct

the Registrar must give the student an opportunity to meet and discuss the matter. If the Registrar is concerned about the student’s state of mental health, the Registrar may temporarily suspend the procedures for academic misconduct. After reviewing the facts of the case and any previous case(s), if the Registrar finds, on a balance of probabilities, that a student has engaged in academic misconduct, the Registrar may impose one or more of the following penalties:

- a. issue a formal, written reprimand to the student and place a copy of the reprimand on the student’s University file;
- b. deny the student admission to the University if the student has not yet been admitted;
- c. require that the student write a letter of apology to any person adversely affected by the falsification or misrepresentation;
- d. change any grade that the student may have received as a result of the falsification or misrepresentation;

- e. recommend that the student receive counselling or other professional assistance; or,
- f. if the Registrar believes that a more severe penalty should be imposed, forward a report of the incident to the University Board on Student Discipline (UBSD) with a copy to the student.

5.1.2 If the Registrar takes action under 5.1(a) through 5.1(f) 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 academic misconduct, the record may be used in determining the action to be taken for the subsequent academic misconduct.

6.0 CASE REGISTRY

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

7.0 INTERIM MEASURES

- 7.1 The University may impose interim measures while an allegation of academic dishonesty or academic misconduct is being resolved, investigated, or determined. Such measures will be precautionary and are expressly non-disciplinary.

- 7.2 The Registrar is responsible for imposing interim measures which may include, but are not limited to, prohibiting the student from:

- a. further enrollment in classes;
- b. receipt of official transcripts or other official university documents;
- c. withdrawing or receiving final grades for courses in which there is an allegation of academic dishonesty;
- d. use of SFU information and communication technology resources;
- e. graduation; and/or
- f. admission to other academic programs at the university.

- 7.3 If a case is referred to the UBSD by the Chair of a Department or by a University official, the student's official transcript will not normally be made available to the student until the case is concluded.

8.0 APPEALS

- 8.1 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 their case to the University Board on Student Discipline (UBSD), in writing, stating the reasons for the referral, within three (3) weeks of the date of notification by the instructor, the Chair, or the Registrar.

8.2 If the student wishes to dispute the severity of the penalty, the student may refer their case to the Senate Committee on Disciplinary Appeals (SCODA), in writing, stating reasons, within three (3) weeks of the date of notification of the penalty.

9.0 APPLICATION TO TRIBUNALS

9.1 Applications to UBSD will be addressed to the Secretary, University Board on Student Discipline, Registrar's Office.

9.2 Applications to SCODA will be addressed to the Secretary, Senate Committee on Disciplinary Appeals, Registrar's Office.



Student Conduct Policy

SIMON FRASER UNIVERSITY	Date	Number
Policy and Procedures	September 21, 2018 (draft)	S xx.xx
	Revision Date	Revision No.

Policy Authority: Vice-President, Academic and Provost

Related Procedure(s): S xx.xx of Student Conduct Policy Procedures

1.0 PREAMBLE: STATEMENT OF PRINCIPLES

- 1.1 Simon Fraser University is a place of research, teaching, and learning, where people value civility and respectful interactions with each other. These values are supported by an atmosphere of safety and good conduct.
- 1.2 As members of the University Community, all Students are expected to behave in a manner that assures other members of the University Community can learn, live, and work in a positive and constructive environment.
- 1.3 The University respects each Student’s autonomy in their personal lives but it also expects every Student to make responsible decisions about their conduct when it affects, or reasonably has the potential to affect, other members of the University Community and visitors to the University. Students are individually responsible for their own conduct, whether acting individually or in a group.
- 1.4 The University recognizes its role as an educational institution and aims, whenever appropriate, to take an educational and developmental approach to issues of alleged Student Misconduct, informed by knowledge of mental health and well-being, and cultural differences.
- 1.5 In accordance with Section 3.0 below, this Policy governs Students’ conduct to the extent necessary to:
 - 1.5.1 assure a scholarly community characterized by honesty, diversity, free inquiry, and mutual respect;
 - 1.5.2 protect the safety of members of the University Community and visitors to the University;

- 1.5.3 protect University property;
 - 1.5.4 safeguard the integrity and proper functioning of the University; and
 - 1.5.5 ensure the orderly and safe enjoyment of University facilities by members of the University Community and visitors to the University.
- 1.6 The University will adhere to the principles of procedural fairness and natural justice, as outlined in Section 10 of this policy, when investigating alleged Misconduct and when taking steps to establish consequences or impose discipline.

2.0 PURPOSE

- 2.1 The purpose of this Policy is to:
- 2.1.1 define, and provide examples of, behaviour that is prohibited and considered to be Misconduct;
 - 2.1.2 set out the procedures that the University will follow when an allegation of Misconduct is made against a Student; and
 - 2.1.3 make provisions to address Student Misconduct.

3.0 SCOPE AND JURISDICTION

- 3.1 This Policy applies to Misconduct, as defined in Section 4.4, by a Student, as defined in Section 4.8 and include University-related activities involving SFU alumni when the matters occurred prior to graduation and were unknown at the time of graduation.
- 3.2 This Policy applies only to Student Misconduct that is alleged to have occurred:
- 3.2.1 on any property that is controlled by the University and used for University purposes;
 - 3.2.2 at an event or during an activity sponsored by, or under the auspices of, the University; or
 - 3.2.3 using the University's Information and Communications Technology resources.
- 3.3 A Complaint must be received normally within four (4) months of the incident of alleged Student Misconduct or of the University learning about the incident.
- 3.4 Nothing in this Policy shall be interpreted to prohibit peaceful assemblies or demonstrations, lawful labour action including picketing, or to impinge upon freedom of expression.
- 3.5 Students enrolled at Fraser International College (FIC) are not governed by this Policy. FIC has its own policies related to student conduct. FIC student misconduct that is alleged to have occurred, as described in section 3.2, will be addressed under FIC's policies.

4.0 DEFINITIONS

4.1 **Behavioural Contract**

means a written agreement negotiated between the University and the Respondent to a Complaint of Misconduct. The Contract outlines the expectations and responsibilities of the Respondent and the University. The Contract will usually include conditions that the Respondent must meet and any consequences for the Student if they fail to fulfill them. The Contract is not normally part of a Student's record and is maintained in the Student Conduct Office; it will be retained and disposed of in accordance with Section 15 of this Policy. In certain circumstances, the University and the Respondent may agree to retain the Contract on the Student's file.

4.2 **Complainant**

means any member of the University Community who makes a Complaint under the Policy. The University may also be a Complainant.

4.3 **Complaint**

means a Complaint regarding behaviour made to Campus Public Safety or the Student Conduct Office (SCO) by a member of the University Community or a visitor outlining the behaviour and its circumstances. In the case where the Complaint is from a visitor, the University reserves the right to take on the role of Complainant. The Complaint will set out the allegations made pursuant to the Policy by a Complainant with respect to a Respondent or Respondents.

4.4 **Misconduct**

means behaviour the Student knows, or ought reasonably to know, would have an adverse effect on:

- a. the safety of members of the University Community and visitors;
- b. the integrity or the proper functioning of the University and its activities;
- c. the use of University facilities; or
- d. the condition of University property.

This includes a Student engaging in, attempting to engage in, or assisting another Student to engage in, such conduct.

Misconduct is prohibited and may result in actions by the University pursuant to Sections 6.0, 7.0, and 9.0 of this Policy. Examples of Misconduct are listed in Section 5.2 of this Policy.

4.5 **Resolution Agreement**

means a written agreement between the Respondent and the University, whereby the Respondent agrees to the terms and conditions set out in the Resolution Agreement to

resolve the matter without recourse to Formal Investigation or discipline. This is considered an informal resolution; it is non-disciplinary. The agreement is confidential and held in the Student Conduct Office.

4.6 Respondent

means a Student or Students against whom an allegation of Misconduct has been made pursuant to this Policy.

4.7 Responsible Officer

means the Vice-Provost and Associate Vice-President, Students and International (VPSI).

4.8 Student

includes any of the following: an undergraduate who is enrolled at the University for one or more of the last three terms and is eligible to continue in a program of study; a graduate student who is enrolled at the University in the current term and is eligible to continue; a graduate student who is on leave and eligible to enroll at the University when the approved leave ends; a visiting or exchange student who has been admitted to, or enrolled in, the University for the purposes of taking courses or to take part in an approved research term; a graduate student who is enrolled in courses at the University as a qualifying student; or a person enrolled at the University in a non-credit program or course.

4.9 Student Conduct Office

means the University administrative office assigned the mandate to carry out the operational procedures under this Policy.

4.10 Suspension

means a Student ceases to be a Student of the University for a specified period of time, which may be temporary or permanent. A notation is made on the Student's academic transcript during the period of Suspension.

4.11 Withdrawal

means a Student is de-registered from their course(s) or is removed from particular academic and/or non-academic activities. The Student may be subsequently granted permission to register for those courses or activities in another term. A notation may be made on the transcript and the normal fee penalties may apply.

4.12 University Community

means all Students and employees of the University, and all people who have a status at the University mandated by legislation or other University policies, including: research assistants, post-doctoral fellows, members of Senate and the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.

5.0 POLICY – PROHIBITED CONDUCT

- 5.1** Misconduct, as defined in Section 4.4, is prohibited and may result in University action that may lead to the imposition of disciplinary measures pursuant to Section 7.1 of this Policy. See Schedule A for examples of Student Misconduct.

6.0 POLICY – INTERIM MEASURES

- 6.1** The University may impose interim measures while an allegation of Misconduct is being resolved, investigated, or determined. Such measures will be precautionary and are expressly non-disciplinary. Interim measures will be reassessed on a weekly basis and the parties involved will be notified of any changes to interim measures as soon as possible.
- 6.2** The Executive Director, Student Affairs is responsible for imposing Interim Measures is specified in the Procedures associated with this Policy.
- 6.3** Interim Measures may include, but are not limited to, the following:
- 6.3.1** the exclusion of individuals from all or any part of the University campuses;
 - 6.3.2** limiting proximity or contact to specific individuals;
 - 6.3.3** limiting participation in campus activities;
 - 6.3.4** limiting the use of the University’s information and communications technology;
or
 - 6.3.5** requiring the Student to meet regularly with designated University staff members.
- 6.4** The Student Conduct Office (SCO) may request that the Registrar impose interim measures which may include but are not limited to, prohibiting the student from:
- a. further enrollment in class
 - b. receipt of official transcripts or other official university documents
 - c. use of SFU information and communication technology resources;
 - d. graduation: and/or
 - e. admission to other academic programs at the university
- 6.5** If a threat or the potential of harm to others arises at any time during a process pursuant to this Policy, the matter will be addressed under the University’s Policy on Response to Violence and Threatening Behaviour (GP 25).

7.0 POLICY – DISCIPLINARY MEASURES

- 7.1** See Schedule B for examples of the disciplinary measures that may be imposed for Misconduct. Disciplinary measures may be imposed singly, or in combination, and are not limited to those listed in Schedule B.

8.0 ROLES AND RESPONSIBILITIES

- 8.1** The Vice-President, Academic and Provost has oversight of this Policy.
- 8.2** The Vice-Provost and Associate Vice-President, Students and International (VPSI) is the Responsible Officer responsible for implementing and monitoring the operational aspects and procedures for this Policy. The Responsible Officer is responsible for reviewing and deciding the outcome of a Student's appeal of the Executive Director, Student Affairs finding or discipline except in cases where it has been recommended to the President that the respondent be suspended from the University.
- 8.3** The Executive Director, Student Affairs is responsible for reviewing decisions of the Student Conduct Office; imposing non-punative interim measures while an incident is being resolved, investigated, or decided; determining if the Policy has been breached, and imposing sanctions up to but excluding suspension
- 8.4** The Student Conduct Office is responsible for administering the procedures under this Policy.
- 8.5** A Committee of Senate is responsible for hearing appeals of the imposition of suspension by the President

9.0 PROCEDURES

- 9.1** Complaints of alleged Misconduct will be received and managed according to the Policy of Student Conduct Procedures, except:
- 9.1.1** in cases where the conduct is prohibited under another University policy, procedure, or regulation; the processes provided for under those authorities will normally be followed unless the Executive Director, Student Affairs, in consultation with the appropriate administrative authority, decide the case should proceed under this Policy;
- 9.1.2** in cases involving alleged Misconduct that may fall within the definition of "sexual harassment" in the University's Human Rights Policy (GP 18), as outlined in the University's Policy on Sexual Violence and Misconduct Prevention, Education, and Support (GP44) the Complainant may choose to proceed under GP 18. The choice, once made, is irrevocable unless it is determined by the Human Rights Office that the behaviour does not fall within

the scope of the Human Rights policy. In that circumstance, the Complainant may choose to proceed under this Policy.

10.0 PROCEDURAL FAIRNESS

- 10.1** The University will deal with all alleged Misconduct in a fair, unbiased, and timely manner.
- 10.2** An impartial and appropriately qualified person will be responsible for the management and/or investigation of Complaints of Misconduct.
- 10.3** A Respondent may be accompanied by a support person of their choice to meetings related to this Policy. Any SFU student may seek out the services of the Ombudsperson, an independent, impartial and confidential resource. The Ombudsperson can provide information and guidance on students' rights and responsibilities, and University regulations, policies and procedures.
- 10.4** A Complainant and a Respondent will each be advised of the procedures that will be followed.
- 10.5** A Respondent will be informed of the particulars of the allegation and will be given an opportunity to respond.

11.0 MULTIPLE PROCEEDINGS

- 11.1** The University reserves the right to:
 - a. proceed with, defer, or suspend its own processes where criminal, civil, or administrative proceedings are commenced about the alleged Misconduct;
 - b. inform the relevant law enforcement agency without the consent of the Complainant if it has a reasonable belief that the safety of one or more persons may be at risk. Where practical, the University will inform the Complainant of its decision in advance.
 - c. undertake proceedings under this Policy where the matter is also being investigated or reviewed by authorities external to the University and, if the University determines that there has been a breach of this Policy, the University may discipline a Student regardless of the outcome of any processes external to the University.

12.0 REPORTING

- 12.1** The Responsible Officer will report annually through the President to the Board of Governors on the administration of this policy.

13.0 RELATED LEGAL, POLICY AUTHORITIES, AND AGREEMENTS

13.1 The legal and other University policy authorities that may bear on the administration of this Policy, and may be consulted as needed, include, but are not limited to:

- a. *University Act*;
- b. *Sexual Violence and Misconduct Policy Act*;
- c. *Human Rights Code*;
- d. *Freedom of Information and Protection of Privacy Act*;
- e. Policy on Student Academic Integrity (SX.XX)
- f. Sexual Violence and Misconduct Prevention, Education and Support Policy (GP 44)
- g. Residence Handbook and Residence License Agreement;
- h. Human Rights Policy (GP 18);
- i. Response to Violence and Threatening Behaviour (GP 25);
- j. Fair Use of Information and Communications Technology (GP 24); and
- k. The University's Information Policy Series, which includes:
 - l. Access to Information and Protection of Privacy (I 10.04);
 - m. Collection of Personal Information (I 10.05); and
 - n. Confidentiality Policy (I 10.10).
- o. Student Misconduct Appeal Committee mandate (XX).

14.0 ACCESS TO INFORMATION, CONFIDENTIALITY, AND PROTECTION OF PRIVACY

14.1 The information and records made and received to administer 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 Policy series. The information and records will be treated in a confidential manner, in compliance with the *Act* and with the University's policies.

14.2 A University employee who is involved in addressing or investigating any Complaints under this Policy must:

- 14.2.1** make every reasonable effort to protect personal information and maintain confidentiality;

- 14.2.2 collect the minimum information about individuals that relates directly to, and is necessary to, respond to a Complaint, which is considered to be supplied in confidence;
 - 14.2.3 use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking disciplinary action;
 - 14.2.4 limit disclosure of information about individuals to those within the University who need to know how to perform their duties as an employee; and
 - 14.2.5 disclose personal information in all other circumstances only as permitted under the *Freedom of Information and Protection of Privacy Act*.
- 14.3 The University may disclose personal information, including where:
- 14.3.1 it determines that compelling circumstances exist that affect anyone's health or safety;
 - 14.3.2 a law authorizes or requires its disclosure;
 - 14.3.3 it prepares or obtains legal advice for the University;
 - 14.3.4 it complies with a subpoena, a warrant, or an order issued by a court, person, or body in Canada with jurisdiction to compel the production of information;
 - 14.3.5 it uses the information for the purpose for which it was obtained, compiled, or for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness);
 - 14.3.6 an employee needs the information to perform their employment duties; or
 - 14.3.7 it is to a law enforcement agency in Canada to assist in a specific investigation.

15.0 RETENTION AND DISPOSAL OF RECORDS

- 15.1 Information and records made and received to administer this Policy are evidence of the University's actions to respond to Student Misconduct. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

16.0 POLICY REVIEW

- 16.1 This Policy will be reviewed at least once every three (3) years.

17.0 AUTHORITY

- 17.1 The authority of this Policy is vested with the Simon Fraser University Board of Governors in accordance with its powers under the British Columbia *University Act*, Part 6, sections 27(1) and 27(2)(x), (x.1), (x.2), and (y).

17.2 This Policy is administered under the authority of the Vice-President, Academic and Provost.

17.3 The Responsible Officer has the authority to implement and monitor the operational procedures for this Policy.

18.0 INTERPRETATION

18.1 Questions of interpretation and application of this Policy or its Procedures shall be referred to the Responsible Officer and the University's General Counsel, who will jointly make a decision, which will be final.

19.0 ASSOCIATED PROCEDURE

19.1 The associated procedure for this policy is Student Conduct Policy Procedure (S.XX.XX) {hyperlink to be added} and associated schedules.



SIMON FRASER UNIVERSITY
Policies and Procedures

Date
September 21, 2018 (draft)

Number
SXX.OX
Schedule A

Revision Date

Revision No.

Student Conduct Policy - Prohibited Conduct

1.0 PURPOSE

- 1.1 To list examples of prohibited conduct pursuant to The Student Conduct Policy. See Section 5 of Policy S.XX.OX.

2.0 PROHIBITED CONDUCT

- 2.1 Misconduct, as defined in Section 4.4, is prohibited and may result in University action that may lead to the imposition of disciplinary measures pursuant to Section 7.1 of this Policy.
- 2.2 Examples of Misconduct are listed in Subsections 5.2.1 to 5.2.15 of this Policy, to illustrate the types of conduct that will be subject to University action and that might lead to intervention or discipline by the University. This list of examples is not exhaustive and any conduct that a Student knows, or ought reasonably to know, is Misconduct is subject to this Policy.

2.2.1 Misconduct Against People

includes, by word or action:

- a. physical aggression, assault, intimidation, threat, or coercion;
- b. threatening or endangering the health, safety, or well-being of any person;
- c. sexual violence and misconduct, which means a sexual act or acts targeting a person's sexuality, gender identity, or gender expression that is committed, threatened, or attempted against a person without the person's consent and may involve physical contact. This includes, but is not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, and the distribution of sexually explicit photographs or videos of a person without their consent; or
- d. behaviour that the Student knows, or ought reasonably to know, would be unwelcome and would cause another person to feel threatened, intimidated, or harassed.

2.2.2 Hazing

means engaging in initiation ceremonies or other rituals that are dehumanizing or degrading, including initiation ceremonies associated with sports teams or clubs. This includes individual or collective acts to intimidate or humiliate another person.

2.2.3 Disruption

means engaging in unruly or threatening behaviour that causes a disturbance and disrupts or threatens to disrupt a University event, activity, or process.

2.2.4 Unauthorized Possession or Use of Dangerous Substances

includes possessing or using toxic, or otherwise dangerous, substances or materials on University premises without the knowledge and prior written permission of the University's Chief Safety Officer or designate.

2.2.5 Unauthorized Possession or Use of Weapons or Dangerous Objects

includes possessing or using real or replica firearms (including registered firearms) or other weapons, explosives (including fireworks), ammunition, or other dangerous objects on University premises without the knowledge and prior written permission of the University's Chief Safety Officer or designate.

2.2.6 Alcohol

means possessing or consuming alcoholic beverages, except as permitted by law or by University policy.

2.2.7 Illegal or Controlled Substances

includes the manufacture, sale, delivery, possession, or use, in any amount, of any illegal or controlled substance and/or possession of drug paraphernalia, except as permitted by law.

2.2.8 Misconduct Against Property

includes:

- a. possessing or using University property, or property that does not belong to the Student, without the owner's consent or authority;
- b. destroying, interfering with, or damaging University property or resources, or property that does not belong to the Student;
- c. defacing any University property including buildings or premises;
- d. removing books or other library or archival material without authorization;
or

- e. defacing or deliberately misplacing library or archival materials, or engaging in actions which deprive other members of the University Community or the public of their opportunity to access these University resources.

2.2.9 Unauthorized Entry or Presence

means entering or remaining in any University building, facility, or premises, or allowing others to have access to areas designated for faculty or staff, without authorization or contrary to express instructions from persons in authority (such as instructors, administrators, or security personnel).

2.2.10 Fraud, Misuse, and Impersonation

include:

- a. forging, misusing, misrepresenting, or altering any University record;
- b. obtaining any textbooks, study aids, equipment, materials, or services by fraudulent means;
- c. submitting a manufactured, forged, altered, or converted document, including a forged or altered medical certificate, death certificate, or travel document to a University official which the Student knows, or ought reasonably to have known, to be altered;
- d. impersonating an instructor, Student, or other member of the University Community;
- e. obtaining a financial or other advantage by fraudulent means; or
- f. misrepresenting identity, status, qualifications, or authority.

2.2.11 Violation of University Policies

means contravening a University policy, rule, regulation, or the like including, but not limited to, the Fair Use of Information and Communications Technology Policy (GP 24), the Human Rights Policy (GP 18), the Confidentiality Policy (I 10.10), and the Sexual Violence and Misconduct Education, Prevention, and Support Policy (GP 44).

2.2.12 Violation of Residence and Housing Handbook or Residence Contract

means a violation of the published rules and community standards governing University Residence as set out in the Residence and Housing Handbook or violation of the Residence License Agreement.

2.2.13 Misuse of Disciplinary Procedures

means falsifying or misrepresenting information, or causing others to falsify or misrepresent information, which either leads to, or is presented as, part of a University disciplinary process. This includes making false, vexatious, trivial, or repetitious allegations under this Policy or any other policy against any member of the University Community.

2.2.14 Failure to Comply with Disciplinary Measures or a Resolution Agreement

means failing to comply with measures imposed pursuant to the procedures under this Policy, failing to comply with the terms of a Resolution Agreement entered into pursuant to the procedures under this Policy, or failing to comply with any other disciplinary measures imposed by the University. Failure to comply could result in further disciplinary measures.

2.2.15 Illegal Conduct

includes criminal convictions for behaviour that is University-related and is contrary to the purpose, spirit, and intent of this Policy.

3.0 INTERPRETATION

- 3.1** Questions of interpretation and application of this Policy or its Procedures shall be referred to the Responsible Officer and the University's General Counsel, who will jointly make a decision which will be final.



SIMON FRASER UNIVERSITY
Policies and Procedures

Date
September 21, 2018 (draft)

Number
SXX.0X
Schedule B

Revision Date

Revision No.

Student Conduct Policy - Disciplinary Measures

1. PURPOSE

- 1.1 To list examples of Disciplinary Measures pursuant to The Student Conduct Policy. See Section 7 of Policy S.XX.0X.

2.0 DISCIPLINARY MEASURES

- 2.1 Pursuant to Section 7.1 of the Student Conduct Policy, disciplinary measures may be imposed singly or in combination, and are not limited to those listed below.
- 2.1.1 **Warning or Reprimand** – a written warning or reprimand to the Student.
- 2.1.2 **Non-Academic Probation** – a written reprimand and order for a designated probationary period in which the Student must fulfill certain conditions, demonstrate good conduct, or otherwise be subject to the imposition of further or more severe disciplinary sanctions.
- 2.1.3 **Restitution** – payment of compensation for loss, damage, or harm that may be monetary or in the form of appropriate service or material replacement.
- 2.1.4 **Apology** – issuance of a statement, apology, or retraction in an appropriate form in public or in private.
- 2.1.5 **Loss of Privileges** – a denial of specified privileges for a specified period, including services or privileges for which the Student pays fees. Privileges include, but are not limited to, those that, if restricted, may affect full participation in campus life and/or residence life, but do not make it impossible to complete academic requirements. Loss of privileges for which a fee has been paid will not result in a partial or full refund of that fee.
- 2.1.6 **Restriction or Prohibition of Access or Use** – a denial for a specified period, or conditions imposed on, the Student's right to access or use of any part or all of the University's premises, equipment, facilities, services, activities, programs, meetings, or events, or those held by or in association with the University. This includes restricting or prohibiting a Student from visiting Residence as the guest of another person.
- 2.1.7 **Restriction on Contact** – restriction or limitation from contact (i.e., in person, on-line, text message, phone, etc.) with an individual or individuals for a specified period of time. This may include a requirement that the Student

removes themselves from an area of campus or on-line venue/forum/discussion should they encounter an individual or individuals.

2.1.8 Conditions for (Re)enrollment – include, but are not limited to, any of the following:

- a. Behavioural contracts;
- b. Work assignments, service to the University, or other such discretionary assignments that are considered appropriate, provided that any such work or service is available and not otherwise prohibited;
- c. Agreed upon mental health support service(s), such as participation in counselling or mental health services at SFU, or coordinated with an external mental health provider acceptable to the University; or
- d. Agreed upon participation in an SFU-based or externally-based program of academic or personal support.

2.1.9 Loss of Fees - includes the forfeiture or loss of payments, fees, or refunds.

2.1.10 Financial Sanctions – includes fines, disentitlement to, or revocation of, bursaries, awards, and scholarships.

2.1.11 Withdrawal – removal of the Student from one or more courses for one or more terms (which may require re-application for admission to a program or faculty or withdrawal from any internship, practicum, or research project).

2.1.12 Suspension from the University – Suspension of the Student from the University, either for a specified period after which the Student is eligible to return, or a permanent Suspension from the University. Suspensions will normally also result in withdrawal and/or the imposition of an academic hold.

3.0 INTERPRETATION

3.1 Questions of interpretation and application of this Policy or its Procedures shall be referred to the Responsible Officer and the University's General Counsel, who will jointly make a decision which will be final.



Student Conduct Policy Procedure

SIMON FRASER UNIVERSITY

Date

Number

Policy and Procedures

Sept 21, 2018 (draft)

S xx.xx
(Procedure)

Revision Date

Revision No.

Policy Authority: Vice-President, Academic and Provost

Parent Policy: S xx.xx Policy of Student Conduct

1.0 PURPOSE

1.1 The purpose of this procedure is to establish the process that will be followed to resolve, informally or formally, a Complaint of Student Misconduct.

2.0 DEFINITIONS

2.1 **Complainant**

means any member of the University Community who makes a Complaint under the Policy. The University may also be a Complainant.

2.2 **Complaint**

means a Complaint regarding Student Conduct made to Campus Public Safety or the Student Conduct Office (SCO) by a member of the University Community or a visitor to the University, outlining the behaviour and its circumstances. In the case where the Complaint is from a visitor, the University reserves the right to take on the role of Complainant. The Complaint will set out the allegations made by a Complainant with respect to a Respondent or Respondents.

2.3 **Formal Investigation**

means a Formal Investigation process, whether conducted by the Student Conduct Office (SCO) or by an internal or external Investigator, to determine what occurred.

2.4 **Informal Resolution**

means the process whereby the University and Respondent intend to resolve the matter through a written Resolution Agreement.

2.5 **Investigator**

means the person responsible for conducting the Formal Investigation.

2.6 Investigator's Report

means the written report from the Investigator setting out the process that they followed in the Formal Investigation and their findings of fact.

2.7 Preliminary Review

means a review of a Complaint of alleged Misconduct as described in Section 3.3.

2.8 Procedural Fairness

means that the University shall deal with all alleged Misconduct in a fair, unbiased, and timely manner by ensuring that an impartial and appropriately qualified person will be responsible for the management and/or investigation of Complaints of Misconduct, that Complainants and Respondents will be advised of the procedures and options for support, the Respondent will be informed about the particulars of the allegation and be given the opportunity to respond to the allegations. Procedural Fairness is described in Section 10 of the Policy.

2.9 Resolution Agreement

means a written agreement between the Respondent and the University whereby the Respondent agrees to the terms and conditions set out in the Resolution Agreement to resolve the matter without recourse to Formal Investigation or discipline. This is considered a non-disciplinary Informal Resolution; the agreement is confidential and held in the SCO.

2.10 Respondent

means a Student or Students against whom an allegation of Misconduct has been made pursuant to the Policy.

2.11 Responsible Officer

means the Vice-Provost and Associate Vice-President, Students and International (VPSI).

2.12 Student

includes any of the following: an undergraduate who is enrolled at the University for one (1) or more of the last three (3) terms and is eligible to continue in a program of study; a graduate student who is enrolled at the University in the current term and is eligible to continue; a graduate student who is on leave and eligible to enroll at the University when the approved leave ends; a visiting or exchange student who has been admitted to, or enrolled in, the University for the purposes of taking courses or to take part in an approved research term; a graduate student who is enrolled in courses at the University as a qualifying student; or a person enrolled at the University in a non-credit program or course.

2.13 Student Conduct Office (SCO)

means the University administrative office assigned the mandate to carry out the operational procedures under the Policy.

2.14 University Community

means all Students and employees of the University and all people who have a status at the University mandated by legislation or other University policies, including research assistants, post-doctoral fellows, members of Senate and the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.

3.0 PROCEDURES

3.1 Role of the Student Conduct Office

3.1.1 SCO activities include but are not limited to:

- a. receiving Complaints of alleged Student Misconduct;
- b. advising the Responsible Officer regarding interim measures;
- c. undertaking a Preliminary Review and, when appropriate, resolving Complaints informally by means of a Resolution Agreement;
- d. investigating or engaging an internal or external Investigator to provide a report outlining findings of fact for the Responsible Officer to decide if there was a breach of the Policy;
- e. tracking open cases of alleged Student Misconduct;
- f. tracking cases that are resolved with conditions placed on the Respondent;
- g. acting as the office of record for all Student Misconduct records and files;
and
- h. preparing the annual report to the Board of Governors regarding Student Misconduct cases.

3.2 Making a Complaint of Student Misconduct to the University

3.2.1 Complaints related to safety, security, and other urgent matters should be made to Campus Public Safety, who will respond to ensure the safety and security of members of the University Community as well as visitors, and safeguard the operation of the University and its property. Campus Public Safety will document the incident (i.e. the “Incident Report”), including their observations and any other relevant circumstances. This information will be forwarded to the SCO in a timely manner, normally within 24 hours.

3.2.2 Complaints related to Student Misconduct should be made to the SCO as soon as possible after the alleged Misconduct occurs and, normally, within four (4) months of the incident having occurred. In cases where no Complaint has been brought forward, the University may act as the Complainant within four (4) months of learning about the incident. The SCO will conduct a Preliminary Review of the Complaint.

3.2.3 The SCO may receive Complaints outside of the four-month limitation period but will undertake a Preliminary Review (see Section 3.3) to assess its ability to proceed, which may include considerations relating to the availability of witnesses and evidence.

3.2.4 The SCO may forward a Complaint to Campus Public Safety if there appears to be some threat to safety or security, or if it may be required to safeguard the operation of the University or to protect its property.

3.3 Preliminary Review

- 3.3.1** The SCO, based on available information, may reject a Complaint on the grounds that:
- a. the Complaint lies outside the scope and jurisdiction of the Policy;
 - b. the Complaint is false, vexatious, trivial, or repetitious;
 - c. the alleged Misconduct is minor and does not require corrective action; or
 - d. an investigation is unlikely to find facts that would result in disciplinary action.
- 3.3.2** In such circumstances, the SCO will communicate its decision in writing to the Complainant with reasons for the decision.
- 3.3.3** The Complainant may ask the Executive Director, Student Affairs to review this decision. The decision of the Responsible Officer is final.
- 3.3.4** The SCO may refer a Complaint of alleged Misconduct to the Registrar if it appears there are aspects of the Misconduct related to the Policy of Student Academic Integrity (S10.01). If the SCO is unclear about jurisdiction under the Academic Integrity policy, they may confer with the Academic Integrity Coordinator or the Registrar.
- 3.3.5** The Complainant will not necessarily be identified to the Respondent during a Preliminary Review.
- 3.3.6** If the SCO determines through a Preliminary Review that a Complaint should proceed, the SCO will, whenever possible and appropriate, attempt to address the Respondent's conduct using Informal Resolution and a Resolution Agreement.

3.4 Interim Measures

- 3.4.1** The Executive Director, Student Affairs may impose interim measures while an alleged incident of Misconduct is being resolved, investigated, or decided. Such measures will be precautionary and are expressly not disciplinary. Interim measures will be reassessed on a weekly basis and the parties involved will be notified of any changes to interim measures as soon as possible.
- 3.4.2** Interim measures may include, but are not limited to, the following:
- a. the exclusion of the Respondent(s) from all or any part of the University campuses;
 - b. limiting proximity to, or contact with, specific individuals;
 - c. limiting participation in campus activities;
 - d. limiting the use of the University's information and communications technology; or
 - e. requiring the Respondent(s) to meet regularly with designated University staff members.

- 3.4.3** The SCO may add a temporary notation to the Respondent's file in the Student Information System, limiting the Student's activity in the system with permission from the Executive Director, Student
- 3.4.4** If there are active or imminent acts of violence or threats of violence, the matter may be addressed under the University's Policy on Response to Violence and Threatening Behaviour (GP 25).
- 3.4.5** If at any time there is a concern with the Complainant's or Respondent's state of mental health, the SCO will recommend to the Complainant or Respondent that they participate in a mental health assessment to determine if the misconduct/ disciplinary process should be suspended so the individual can seek medical or mental health assistance.
- In such cases:
- a. the SCO or Responsible Officer will determine the nature and qualifications of the professional to provide any assessment;
 - b. any assessment must be provided to the Responsible Officer before imposing disciplinary measures; and
 - c. the assessment must be shared with the Responsible Officer or the President of the University in cases involving suspension of the Respondent from the University.

3.5 Informal Resolution

- 3.5.1** If the SCO believes that Student Misconduct has occurred, the SCO may discuss the matter with the Respondent to determine possible steps the Respondent could take to correct or resolve the issue. The SCO may refer the Respondent to University and/or community-based support services.
- 3.5.2** A Respondent may be accompanied by a support person of their choice to the Informal Resolution meeting(s).
- 3.5.3** If the Complaint is not resolved by Informal Resolution, the matter may proceed to Formal Investigation under Section 3.6 of these procedures.
- 3.5.4** If the Respondent agrees to the resolution proposed by the SCO, the SCO will prepare a written agreement outlining action to be taken by the Respondent, which the Respondent will sign.
- 3.5.5** The Resolution Agreement will be revoked if the Respondent breaches the agreement. If the Respondent fails to adhere with any aspect of the Resolution Agreement, the SCO will proceed to Formal Investigation under Section 3.6 of these procedures.
- 3.5.6** The Student Conduct Office will retain a copy of the signed Resolution Agreement and will monitor the Respondent's adherence with the Resolution Agreement. Failure to adhere with a signed Resolution Agreement is prohibited under the Policy of Student Conduct (section 5.2.14). In the event the Respondent does not adhere with the conditions of the Resolution Agreement, the University may pursue both the original conduct addressed by the Resolution Agreement and the breach of the Resolution Agreement.

3.5.7 A Resolution Agreement may be entered into at any time prior to the Responsible Officer imposing disciplinary measures.

3.6 Formal Investigation

Purpose and Conduct of Investigation

- 3.6.1 When a Resolution Agreement is deemed not an appropriate course of action, was breached or could not be reached, the SCO may initiate a Formal Investigation. The purpose of the Formal Investigation is to obtain all information necessary in order for the Responsible Officer to decide if there was a breach of the Policy.
- 3.6.2 The SCO will notify the Complainant and Respondent in writing that a Formal Investigation is being initiated.
- 3.6.3 The SCO may either conduct the Formal Investigation or select an internal or external Investigator.
- 3.6.4 Within the following parameters, the Investigator has the discretion to conduct the Formal Investigation in the manner they deem most appropriate in the circumstances, but always in accordance with the principles of Procedural Fairness. In cases involving allegations of sexual violence and misconduct, the Investigator will also have training in trauma-informed investigations.
- 3.6.5 The Investigator will be provided with, and will adhere to, the terms of reference for the Formal Investigation, protocols for conducting the Formal Investigation, and a timeline for completing the Formal Investigation.
- 3.6.6 A Complainant or Respondent may be accompanied by a support person of their choice to the Formal Investigation meeting(s).
- 3.6.7 The Formal Investigation will normally be completed within four (4) weeks from assigning an Investigator to look into the matter.
- 3.6.8 If criminal, civil, or administrative proceedings are commenced regarding allegations of Misconduct, the University reserves the right to proceed with, defer, or suspend its own processes. Where practical, the University will discuss its intentions with the Complainant before making its decision.
- 3.6.9 The Investigator will interview whomever the Investigator determines might have relevant information and who is willing to participate in the process. The Investigator may request one or more interviews with the Complainant and Respondent. The Investigator will also consider any evidence they decide is relevant for the Investigation Report.
- 3.6.10 If the Complainant or Respondent refuses to cooperate with the Formal Investigation, the Investigator may proceed with the Formal Investigation without the Complainant or Respondent.
- 3.6.11 The Investigator will prepare the Investigator's Report in a manner that facilitates compliance with the access to information and protection of privacy provisions of British Columbia's *Freedom of Information and Protection of Privacy Act*. The SCO will provide the Investigator with the terms of reference, guidelines, notices, and report template they are to use.

Investigator's Report

- 3.6.12** Upon conclusion of the Formal Investigation, the Investigator will submit the Investigator's Report, which will include the findings of facts in the case, disputed and undisputed.
- 3.6.13** The Investigator will deliver the Investigator's Report to the Responsible Officer.

Decision, Disciplinary Measures, and Notice of Right to Appeal

- 3.6.14** The Executive Director, Student Affairs will:
- a. review the Investigator's Report;
 - b. provide the Respondent with a copy of the Investigator's Report (redacted if necessary); and
 - c. provide the Respondent with the opportunity to meet with the Executive Director, Student Affairs to discuss the Investigator's Report and to provide any submissions regarding the Investigator's Report or about consequences which may be Executive Director, Student Affairs and the Respondent may choose to enter into a Resolution Agreement which would be administered by the Student Conduct Policy as described in Section 3.5.6. Resolution Agreements do not constitute Disciplinary Measures.
- 3.6.15** The Executive Director, Student Affairs will consider the Investigator's Report, the discussion and submissions from the meeting with the Respondent, if any, and will decide whether, on a balance of probabilities, there was a breach of the Policy.
- 3.6.16** If the Executive Director, Student Affairs decides there was no breach of the Policy, they will dismiss the Complaint and their decision is final.
- 3.6.17** If the Executive Director, Student Affairs decides there was a breach of the Policy, they may do any of the following:
- a. impose one or more of the Disciplinary Measures set out in the Policy, except suspension; or
 - b. recommend that the President suspend the Respondent.
- 3.6.18** In deciding upon the appropriate University response to a finding of a breach of the Policy, consideration must be given to the Principles in Section 1.0 of the Policy and to the following factors:
- a. the extent of the Misconduct;
 - b. the impact of the Misconduct on members of the University Community;
 - c. the inadvertent or the deliberate nature of the Misconduct;
 - d. whether the act in question is an isolated incident or part of repeated acts of Misconduct; and
 - e. any other mitigating or aggravating circumstances.
- 3.6.19** If the Executive Director, Student Affairs recommends to the President

that the Respondent be suspended, the Respondent will be provided with an opportunity to meet with, or make a written submission to, the President.

- a. The President may suspend the respondent or refer the matter back to the Executive Director, Student Affairs to impose a lesser sanction. If the President suspends the respondent, they may appeal (see Section 3.7 below)

3.6.20 The Executive Director, Student Affairs will communicate in writing to the Respondent, normally within four weeks of receiving the Investigator's Report:

- a. their decision, with reasons, as to whether there was a breach of the Policy;
- b. the Disciplinary Measures imposed, if any; and
- c. notice that the Respondent has the right to appeal the decision and the Disciplinary Measures, where to direct the appeal, and the time limit and process for bringing an appeal.

3.6.21 The Executive Director, Student Affairs will, where appropriate, provide the Registrar with a copy of the decision, including any Disciplinary Measures.

3.6.22 The Registrar is responsible for taking any relevant actions in accordance with the decision, including making a notation on a Student's transcript and placing an academic hold on a Student's academic status for the duration of a suspension.

3.6.23 The Student Conduct Office will determine if any members of the University Community or academic or administrative departments need to be notified of any relevant actions related to the decision.

3.6.24 Upon request, the Executive Director, Student Affairs will provide the Complainant with a written decision outlining the outcome of their Complaint.

3.7 Appeals

3.7.1 A Respondent may appeal the decision made by the Executive Director, Student Affairs and any Disciplinary Measures they imposed to the Responsible Officer.

3.7.2 In cases referred to the President with a recommendation of suspension, a Respondent may appeal the decision made by the President, to a committee of Senate

3.7.2 Appeals can be submitted 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 Respondent;

- 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 Respondent;
- c. that the penalty imposed on the Respondent is excessive considering all the circumstances of the case; or
- d. that new material evidence is available which, despite the exercise of due diligence by the Respondent wishing to appeal, could not have been made available to the decision-maker at the time of the decision giving rise to the appeal.

3.7.3 The procedure for an appeal to the Student Misconduct Appeal Committee is [specific details to be added]

4.0 Related Legal, Policy Authorities, and Agreements

4.1 The legal and other University policy authorities that may bear on the administration of this Procedure, and may be consulted as needed, include, but are not limited to:

- 4.1.1** *University Act*;
- 4.1.2** *Sexual Violence and Misconduct Policy Act*;
- 4.1.3** *Human Rights Code*;
- 4.1.4** *Freedom of Information and Protection of Privacy Act*;
- 4.1.5** Code of Academic Integrity (SX.XX);
- 4.1.6** Sexual Violence and Misconduct Prevention, Education, and Support Policy (GP 44);
- 4.1.7** Residence Handbook and Residence License Agreement;
- 4.1.8** Human Rights (GP 18);
- 4.1.9** Response to Violence and Threatening Behaviour (GP 25);
- 4.1.10** Fair Use of Information and Communications Technology (GP 24); and
- 4.1.11** The University's Information Policy Series, which includes:
 - a. Access to Information and Protection of Privacy (I 10.04);
 - b. Collection of Personal Information (I 10.05); and
 - c. Confidentiality Policy (I 10.10).

4.1 12 Student Misconduct Appeal Committee mandate.



SIMON FRASER UNIVERSITY
Policies and Procedures

Date
May 1, 2009

Number
S 10.01

Revision Date

Revision No.

Code of Academic Integrity and Good Conduct

1.0 Preamble: Statement of Principles

- 1.1** Simon Fraser University is committed to creating a scholarly community characterized by honesty, civility, diversity, free inquiry, mutual respect, individual safety and freedom from harassment and discrimination.
- 1.2** Each student is responsible for his or her conduct as it affects the University community. This Code shall not be construed so as to unreasonably limit peaceful assemblies, demonstrations or the free expression of ideas.
- 1.3** All members of the University community share the responsibility for the academic standards and reputation of the University. Academic integrity is a cornerstone of the development and acquisition of knowledge. It is founded on principles of respect for knowledge, truth, scholarship and acting with honesty. Upholding academic integrity is a condition of continued membership in the university community.
- 1.4** Academic dishonesty, in whatever form, is ultimately destructive of the values of the University. Furthermore, it is 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 Purpose:

- 2.1** The purpose of this policy is to define students' basic responsibilities as members of the academic community and to define inappropriate student behaviour.

3.0 Definitions

"Academic Integrity" refers to the values on which good academic work must be founded: honesty, trust, fairness, respect and responsibility. Academic integrity includes a commitment not to engage in or tolerate acts of falsification, misrepresentation or deception. Such acts of dishonesty violate the fundamental ethical principles of the University community and compromise the worth of work completed by others. The terms "academic integrity" and "academic honesty" are used interchangeably in this policy.

"Firearm" refers to any device consisting essentially of a straight tube to propel shot, shell, or bullets by the explosion of gunpowder. For the purposes of this policy, "firearm" includes an imitation firearm, or a part of a firearm.

"Member of the University community" means any employee of, student at, or volunteer working for Simon Fraser University and includes any faculty member, temporary or sessional instructor, or volunteer member of a University body.

"Offensive weapon" means any article made or adapted for use to cause injury to a person or property, or is intended by the person having it with him/her to be used for to cause injury to a person or property.

"Scholarly activities" include credit and non-credit courses, projects, essays, theses and research.

"University related activities" include any activity operated under University auspices at any location, including on-line activities (e.g., dialogue on social networking websites) that involve or refer to the University, to University activities, or to members of the University community.

4.0 Policy

4.1 Academic Integrity Requirements for Students

4.1.1 Notification of Standards of Academic Honesty

- a. Students have a responsibility to ensure they are familiar with the generally accepted standards and requirements of academic honesty. Summaries of these must be published in the University Calendar. Ignorance of these standards will not preclude the imposition of penalties for academic dishonesty.
- b. Faculty members have a responsibility to inform their students at the beginning of each semester of the criteria for academic honesty that pertain to a class or course, including the format for acknowledging the thoughts and writings of authors that is acceptable to the underlying discipline. Faculty should also impart other relevant information, such as the acceptable level of group work in the class or course.
- c. A draft paper, proposal, thesis or other assignment may be subject to a penalty for academic dishonesty, providing the instructor or supervisor informed the student(s) before the work was submitted, that drafts are subject to academic honesty requirements.

4.1.2 Forms of Academic Dishonesty

The following acts or omissions constitute academic dishonesty and are prohibited.

- a. Plagiarism, including:
 - i. submitting or presenting the work of another person, including artistic imagery, as that of the student without full and appropriate accreditation;
 - ii. copying all or part of an essay or other assignment from an author or other person, including a tutor or student mentor, and presenting the material as the student's original work;
 - iii. failing to acknowledge the phrases, sentences or ideas of the author of published and unpublished material that is incorporated into an essay or other assignment.
- b. Submitting the same, or substantially the same, essay, project, presentation or other assignment more than once, whether or not the earlier submission was at Simon Fraser University or another institution, unless prior approval has been obtained from the instructor to whom the work is being submitted.
- c. Cheating in an examination, including
 - i. the unauthorized sharing of material such as textbooks during an "open book" examination;
 - ii. concealing information pertaining to the examination in the examination room, or in washrooms or other places in the vicinity of the examination room;
 - iii. using course notes or any other aids not approved by an Instructor during an examination; or,
 - iv. the unauthorized possession or use of an examination question sheet, an examination answer book, or a completed examination or assignment.
- d. Submitting as one's original work an essay, project, thesis, presentation or other assignment, or part thereof, that was purchased or otherwise acquired from another source, unless the work is commercially available data, images, or other intellectual property the source and acquisition of which is properly and fully described and cited by the student and approved by the course Instructor or supervisor.
- e. Cheating in assignments, projects, examinations or other forms of evaluation by:
 - i. using, or attempting to use, another student's answers;
 - ii. providing answers to other students;
 - iii. failing to take reasonable measures to protect answers from use by other students; or
 - iv. in the case of students who study together, submitting identical or virtually identical assignments for evaluation unless permitted by the course Instructor or supervisor.

- f. Impersonating a candidate or being impersonated in an examination.
- g. Falsifying material that is subject to academic evaluation.
- h. Submitting false records or information, in writing or orally, including the falsification of laboratory results or research findings.
- i. Engaging in misrepresentation, including falsifying documents, to gain a benefit or advantage in a course including the submission of a forged or altered medical certificate or death certificate.
- j. Engaging in any action intended to disadvantage students in a course including destroying, stealing, or concealing library resources.
- k. Stealing, destroying or altering the work of another student.
- l. Unauthorized or inappropriate use of computers, calculators and other forms of technology in course work, assignments or examinations.
- m. Misconduct in research as defined in Policy R 60.01.

4.2 Good Conduct Requirements for Students

The behaviours enumerated below are prohibited.

4.2.1 Disruptive or Dangerous Behaviour

- a. By word or action
 - i. disrupting University activities without just cause;
 - ii. creating a situation that endangers or threatens the health, safety or well-being of any individual;
 - iii. harming, injuring or threatening any person.
- b. Engaging in
 - i. initiation ceremonies or other rituals that are dehumanizing or degrading, including the initiation ceremonies associated with sports teams and clubs, or
 - ii. individual or collective acts of intimidation or retaliation against another person(s).
- c. Making or conspiring to make
 - i. vexatious, frivolous or malicious complaints against a member of the University community;
 - ii. frivolous or unnecessary requests or demands of a member of the University community after being asked to cease and desist;

4.2.2 Damage, Destruction and Theft

- a. Possessing or using University property, the property of any member of the University community, or property belonging to a third party acquired in connection with a University activity, without appropriate consent or authority;
- b. Misappropriating, destroying or damaging University property or resources, or the property of others on any of the University campuses;
- c. Defacing any University building or property;
- d. Removing books or other library or archival material without authorization; or,
- e. Defacing, mutilating or deliberately misplacing library or archival 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 or the University Archives.

4.2.3 Fraud, Misuse, and Impersonation

- a. forging, misusing or altering any University document or record in paper or electronic form;
- b. obtaining any textbooks, study aids, equipment, materials or service by fraudulent means;
- c. submitting a manufactured, forged, altered, or converted document, including a forged or altered medical certificate or death certificate, to a University official, with intent to deceive;
- d. Impersonating an instructor, student or other member of the University community.

4.2.4 Unauthorized Entry or Presence

Entering or remaining in any University building or facility or entering, remaining in, or allowing others to have access to areas designated for faculty or staff without proper authorization, contrary to express instructions from a person in authority such as an instructor, an administrator, or a security officer.

4.2.5 Violation of University Policies

Contravening University policies, including the Fair Use of Information and Communications Technology Policy (GP 24), the Human Rights Policy (GP 18) and the Confidentiality Policy (I 10.10).

4.2.6 Misuse of Disciplinary Procedures

Falsifying or misrepresenting information or causing others to falsify or misrepresent information which either leads to or is presented at an internal disciplinary hearing.

4.2.7 Firearms, Explosives and Offensive Weapons

Keeping or carrying a firearm, including a registered firearm, the ammunition for a firearm or other weapon, an explosive device or substance or any other offensive weapon without the knowledge and written permission of the Director of Campus Security.

4.3 Illegal Conduct

A criminal conviction or civil court judgement for behaviour that is University related constitutes misconduct under this Policy.

5.0 Scope:

- 5.1** This policy covers the conduct of undergraduate and graduate SFU students involved in any kind of University-related activities, scholarly and otherwise.
- 5.2** This policy covers matters of academic dishonesty in University-related scholarly activities involving SFU alumni when the matters occurred prior to graduation and were unknown at the time of graduation.
- 5.3** The forms of general misconduct and academic dishonesty set out in this Code include attempts to engage in misconduct or dishonesty, as well as aiding and abetting misconduct or dishonesty.

6.0 Roles and Responsibilities

The roles and responsibilities for administering this policy are set out in S10.02 **Principles and Procedures for Student Discipline**.

7.0 Authority:

- 7.1** This policy is administered under the joint authority of the Vice President, Academic and General Counsel.

**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. Upon receipt of the report, the Associate Vice-President, Students may impose interim measures while the incident is being resolved, investigated or decided. Such measures will be precautionary, not disciplinary, and may include, but are not limited to: the exclusion of individuals from all or any part of the University campuses, limiting proximity to specific individuals, limiting participation in campus activities, or limiting the use of the University's IT and communication network. The Associate Vice-President, Students will reassess the interim measures weekly.
6. 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).
7. The Associate Vice-President Students or designate must notify the student in writing of the action that will be taken.
8. 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.
9. 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.



**SIMON FRASER UNIVERSITY
Policies and Procedures**

Date
May 1, 2009

Number
S 10.02

Revision Date

Revision No.

Principles and Procedures for Student Discipline

0.1 Preamble

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. The decision-maker must be impartial. An internal Board is established to adjudicate matters of student discipline and there is a body of final appeal, as required by the *University Act of BC*.

1.0 Principles

- 1.1 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.
- 1.2 The University Board on Student Discipline ("UBSD") provides an impartial forum in which there will be a complete examination of allegations of academic dishonesty or misconduct on the part of students. 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.
- 1.3 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.
- 1.4 The UBSD and SCODA will adhere to principles of fairness and natural justice. The appropriate standard for a decision in this process is proof on the balance of probabilities.
- 1.5 A support person may accompany a student to any meeting concerning disciplinary matters. Students may also consult the University Ombudsperson for assistance.
- 1.6 The University may proceed with a case even if it is also being dealt with in proceedings external to the University.
- 1.7 Where University policies set out procedures that are invoked in particular contexts (e.g., GP 25 – Response to Violent or Threatening Behaviour; GP 18 – Human Rights; and GP 24 – Fair Use of Information and Communications Technology), those procedures must be followed before any disciplinary action is taken under the Code of Student Conduct (Policy T 10.01).
- 1.8 In deciding upon the appropriate penalty to be imposed for an act of student misconduct other than academic dishonesty, consideration must be given to the following factors:
 - i. the extent of the misconduct;
 - ii. the impact that the misconduct has had on members of the University community;
 - iii. the inadvertent or the deliberate nature of the misconduct;
 - iv. whether the act in question is an isolated incident or part of repeated acts of misconduct; and
 - v. any other mitigating or aggravating circumstances.

- 1.9 In deciding upon the appropriate penalty to be imposed for an act of academic dishonesty, consideration must be given to the following factors:
- i. the extent of the academic dishonesty;
 - ii. whether the academic dishonesty was deliberate;
 - iii. the importance of the work in question as a component of the course or program;
 - iv. whether the act in question is an isolated incident or part of repeated acts of academic dishonesty; and
 - v. any other mitigating or aggravating circumstances.

2.0 Definitions

“Chair of a Department” means the head of the academic unit or a person authorized by the head of an academic unit, and includes the Chair of an academic department, the Director of a School, or the Director of a Program.

“Student” may include a person who is applying for admission to the University.

“Applicant” means the party initiating a case before the UBSD. For example, where a student asks for a review of a decision taken by the Instructor, the Chair, the Registrar or Associate Vice-President, s/he is the **“applicant”**. The other party in a UBSD case is known as the **“respondent.”**

3.0 Procedures

The procedures for dealing with student misconduct are contained in Appendix 1 of this policy. The procedures for responding to falsified documents and other forms of misrepresentation are contained in Appendix 2. Academic dishonesty procedures are found in Appendix 3.

4.0. Reporting

- 4.1 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.
- 4.2 In addition to the data referred to in section 4.1, 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.

5.0 Retention and Disposal of Records

- 5.1 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.
- 5.2 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.

6.0 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 policies.

7.0 Miscellaneous

- a. Cases forwarded to UBSD should be addressed to the Secretary, University Board of Student Discipline, Registrar's Office.
- b. Cases forwarded to SCODA should be addressed to the 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. Upon receipt of the report, the Associate Vice-President, Students may impose interim measures while the incident is being resolved, investigated or decided. Such measures will be precautionary, not disciplinary, and may include, but are not limited to: the exclusion of individuals from all or any part of the University campuses, limiting proximity to specific individuals, limiting participation in campus activities, or limiting the use of the University's IT and communication network. The Associate Vice-President, Students will reassess the interim measures weekly.
6. 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).
7. The Associate Vice-President Students or designate must notify the student in writing of the action that will be taken.
8. 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.
9. 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.



**SIMON FRASER UNIVERSITY
Policies and Procedures**

Date
May 1, 2009

Number
S 10.03

Revision Date
September 30, 2010

Revision No.
A

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.



SIMON FRASER UNIVERSITY
Policies and Procedures

Date
May 1, 2009

Number
S 10.04

Revision Date

Revision No.

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 to Senate 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 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.