

SIMON FRASER UNIVERSITY

S. 71-123

MEMORANDUM

To..... SENATE

From..... H. M. Evans
Secretary of Senate
and Registrar

Subject..... Report of the Senate Committee on
Rules and Procedures Pertaining to
Professional Conduct - For Informal
Discussion.

Date..... October 26, 1971.

It is the desire of the Chairman of the Committee that there be informal discussion of the report in order that there can be identification of areas that may require additional analysis. Members of the Committee will be in attendance to hear the discussion and respond to questions.

The Senate Agenda Committee recommends that there be an informal discussion period of one hour, which may be extended at the discretion of the Chairman of Senate.

HME:jb

S. 71-123

A REPORT

of the

SENATE COMMITTEE

ON

RULES AND PROCEDURES PERTAINING

TO PROFESSIONAL CONDUCT

(ad hoc)

OCTOBER, 1971

SENATE COMMITTEE ON RULES AND PROCEDURES
PERTAINING TO PROFESSIONAL CONDUCT (ad hoc)

TERMS OF REFERENCE: To bring before Senate recommendations with regard to rules and procedures for considering allegations of non-professional conduct of Faculty members.

(Approved by Senate September 23, 1968)

MEMBERS OF COMMITTEE:

- J. S. Barlow
- R. J. C. Harper
- M. S. O'Connell
- L. M. Prock
- C. R. Day - Chairman

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DEFINITION OF FACULTY STATUS AT SIMON

FRASER UNIVERSITY

On 6 October 1969 the Senate accepted the recommendations of the Senate Ad Hoc Committee on Faculty Status (S.271). Faculty status is granted only to those engaged fulltime at Simon Fraser in teaching, writing, research and other forms of scholarship and who hold a term appointment of such nature that if renewed and/or promoted would make them eligible for tenure. All instructors, assistant professors, associate professors, full professors and (under these procedures) fulltime professional librarians possess faculty status. Teaching assistants, associates of the centres, teaching-associates, part-time lecturers, research fellows and visiting professors do not have faculty status.

University officials such as the President, the Academic Vice-President, Deans and Department Chairmen have faculty status when actively engaged in teaching, writing, research and other forms of scholarship. Any formal complaint against a university official acting in an academic capacity (teaching a course etc.) will be lodged under these procedures. But insofar as he is pursuing his administrative duties, he does not come under these procedures. Any formal complaint against an official of the university acting in his administrative capacity must be lodged, in writing, with his superior (e.g. a complaint against a Dean, with the Academic Vice-President, etc.)

I INTRODUCTION

A central problem facing North American universities today is whether to attempt to define the duties and responsibilities, rights and privileges of faculty members. Although it is clearly very difficult if not impossible to codify every aspect of faculty behaviour and to define precisely the nature of academic freedom and responsibility, recent events in our own and other universities indicate the need to protect learning, teaching, research and scholarship.

We endorse the following statement made in the Introduction to Queen's University's "Interim Report of the Senate Committee on Grievance, Discipline and Related Matters":

The central functions of the university community are learning, teaching, research and scholarship. Therefore, the relations among its members must be characterized by free expression, freedom from political interference, intellectual honesty and respect for the opinions and dignity of others. The rights and responsibilities of the members of the University derive from these requirements. When individuals within the (university) community violate the essential rights of other members or abrogate their own responsibilities, discipline must be readily available to those in authority, but the application of discipline must be not only fair, it must be seen to be fair, and therefore, subject to appeal and review. The same applies to grievances which arise when there is an apparent breach of right, a neglect of responsibility, or an inappropriate application of discipline. There must be effective informal and formal procedures for seeking redress of grievances and appealing against discipline if embittered relations among members of the University community are to be avoided.

The basic guideline governing the operation of such rules and procedures is the Canadian idea of "natural justice" which is, generally stated, "what a reasonable man would regard as fair procedure in all circumstances" (cf. University of Western Ontario, Let Right Be Done, pp 17-21).

To our knowledge, only two Canadian universities, Western Ontario (1968) and Queen's (1970), have adopted standards of conduct and enforcement procedures governing the University community. In the United States, Stanford University (1971) and the University of

California at Berkeley (1971) have adopted similar mechanisms for their faculties, if not for the entire university community of students, faculty, teaching assistants and administrators. Our terms of reference from Senate limit us to consideration of "allegations of non-professional conduct of faculty members". We have therefore confined our attention to this question and to the related issue of enforcement procedures.

Since Simon Fraser University has no law school and no lawyers on the faculty, our committee drew upon the Western Ontario and Queen's reports in our discussion in Section I on procedural and substantive justice within the Canadian University. We also consulted Mr. Peter Leask, the University lawyer, on this and a variety of other legal questions, and we are grateful for his aid. In our consideration of procedures and sanctions relating to faculty conduct (Sections IV-V), we are indebted to the Stanford and Berkeley reports concerning Codes. For statements of professional conduct (Sections II & III), we referred to the above reports and also to the Canadian Association of University Teachers' "Draft Guidelines of Professional Ethics for Canadian Academics" of 1970, and the American Association of University Professors' statement on "Freedom and Responsibility" published in October, 1970. During the past year several similar statements have been published by American universities (See References). None of these go beyond a general declaration of acceptable professional conduct, but they do demonstrate considerable agreement among North American university faculties regarding basic academic values.

We sent a questionnaire to all members of faculty and administration at S.F.U. We received twenty replies to the questionnaire, seventeen from faculty (including three department chairmen) and three from members of the Administration (see Appendix A). The recommendations and conclusions of this report are our own and are a result of a series of meetings from Spring through Fall 1971.

II PROFESSIONAL CONDUCT

A. Codes of Professional Conduct in North American Universities

Published codes of faculty conduct range from four paragraphs in the S.F.U. Statement on Academic Freedom and Tenure (S.I, 1.1 - 1.4 and a-d) to the five page "Faculty Code of Professional Ethics" from Kent State University in Ohio. We suggest that the American Association of University Professors' "Statement on Professional Ethics" of 1966 (revised in 1970) best summarizes the values commonly held within the academic profession. It may be taken as a prudent guide which in no way excludes reference to the broader body of literature on this subject, notably the C.A.U.T. "Draft Guidelines on Professional Ethics" of May, 1970 (see References).

B. The following rights and privileges have been accorded to faculty members at Simon Fraser University:

1. to teach, to supervise, to pursue research and to contribute to the administration and discipline of the university in any capacity to which they are appointed and to do any other work sanctioned by the university free from undue interference;
2. to have access to classrooms, laboratories, libraries and other necessary facilities and services;
3. to express opinions, criticisms and dissent within the traditional context of academic freedom;
4. to participate in the appointment and promotion of faculty including academic administrators;
5. to judge and to be judged by one's colleagues in accordance with fair procedures, in matters of promotion, tenure and discipline, on the basis of the faculty member's professional qualifications and professional conduct, excluding any political or religious test or mere membership in an organization.

III VIOLATIONS OF PROFESSIONAL CONDUCT

The Committee felt that a general statement on professional conduct, while useful, would not be treated seriously without guidelines for faculty self-discipline. A set of clearly articulated statements accepted by the faculty of S.F.U. should enable faculty members to understand what their institutional responsibilities are. General and specific statements of violations of professional conduct follow.

- A. NO FACULTY MEMBER SHALL KNOWINGLY VIOLATE, OR ATTEMPT TO VIOLATE, ANY PROVISION OF THE UNIVERSITY'S REGULATIONS THAT HAVE BEEN APPROVED BY THE UNIVERSITY SENATE AND CONFIRMED BY THE BOARD OF GOVERNORS.

There are admittedly some problems in regard to this statement. The Universities Act, Sections 54 (b.k.n.) and 55, does not state clearly the powers of Senate and the Board concerning faculty conduct and the governance of the university. We believe that such rules and regulations as the university may in future provide can be binding on faculty under these procedures only if approved by the University Senate, a representative body in which the majority of members are faculty.

- B. NO FACULTY MEMBER SHALL NEGLECT OR INTENTIONALLY FAIL TO PERFORM HIS RESPONSIBILITIES WITHIN THE UNIVERSITY. THE GENERAL PRINCIPLE GOVERNING DISCIPLINE IS THAT IT MAY BE IMPOSED UPON A FACULTY MEMBER FOR CONDUCT WHICH SIGNIFICANTLY IMPAIRS THE INTELLECTUAL GOALS AND THE ORDERLY FUNCTIONING OF THE UNIVERSITY.

This statement involves conduct not referred to in the first statement. Although this may in practice lead to some commonsense interpretation, particularly in regard to the precise meaning of the "intellectual goals" of the University, the committee believes that the distinguishing characteristic of professional conduct is

that of choice. The person who accepts a faculty position at a university makes a commitment to further its intellectual goals, and to abide by its rules. If he does not agree with them he should seek to change through appropriate channels. Should he subsequently fail to meet his commitments when the choice to do so was clearly his, he may (after a duly constituted hearing) be found guilty of professional misconduct and be subject to university sanctions. If there is ever any doubt in his mind as to whether a contemplated act is in violation of university goals or rules of professional conduct, he is responsible for seeking qualified advice. Failure to do so does not constitute a valid excuse.

The following is a statement of some specific violations of professional conduct:

1. ALL FORMS OF ACADEMIC DISHONESTY SUCH AS PLAGIARISM, CHEATING, FORGERY, MISUSE OF UNIVERSITY DOCUMENTS.
2. DISCRIMINATION, IN THE EXERCISE OF THE RESPONSIBILITIES OF A FACULTY MEMBER, ON POLITICAL GROUNDS, OR FOR REASONS OF RACE, RELIGION, SEX OR ETHNIC ORIGIN.
3. FAILURE TO MEET THE RESPONSIBILITIES OF INSTRUCTION, INCLUDING PERSISTENT AND UNWARRANTED INTRUSION OF MATERIAL WHICH HAS NO RELATION TO THE SUBJECT OF THE COURSE; ARBITRARY DENIAL OF ACCESS TO INSTRUCTION; THE USE OF DEMONSTRABLY BIASED CRITERIA IN EVALUATION OF STUDENT WORK.
4. PREVENTING OR ATTEMPTING TO PREVENT ANYONE FROM PERFORMING HIS DUTIES WITHIN THE UNIVERSITY.

Section IV of this document specifies channels through which members of the university community may lodge complaints and seek redress. For example, under B4 above, should one or several faculty members disrupt the class of a colleague, the aggrieved may lodge a complaint through the channels provided in this document.

5. THE CONVICTION OF ANY CRIME WHICH CLEARLY INDICATES THAT THE INDIVIDUAL FACULTY MEMBER IS NOT SUITABLE TO TEACH IN A UNIVERSITY; PARTICULARLY ANY CONVICTION WHICH AFFECTS OR COULD AFFECT THE INTELLECTUAL GOALS AND ORDERLY

FUNCTIONING OF THE UNIVERSITY.

In this category we would include convictions of certain kinds of crimes of violence and certain forms of fraud and criminal libel. Although normally no person should be tried twice for the same offense, a prior court conviction would not exclude the possibility that a faculty member's case would be heard under these procedures. This decision would be made in terms of the nature and gravity of the offense and its relation to the intellectual goals and orderly functioning of the university.

IV PROCEDURES

This section of the Report sets out in detail the procedures recommended for considering allegations of non-professional conduct of Faculty members at Simon Fraser University. Responsibilities, selection procedures, principles related to procedures, applicability of procedures and time limits are defined; and powers of the University President are specified.

Procedures "must not only be fair, they must be seen to be fair". To this end, we have sought to provide a number of means by which the right of a defendant to a fair hearing is assured. We have placed great emphasis upon informality, mediation and multiple channels for handling complaints and discipline. We do not exclude the possibility for example, of a complaint being settled through administrative and department channels (IV D 1b). Throughout we have sought to protect the rights of the university community to teach and be taught, to learn, to research and to write without disruption or harassment. However, no set of procedures, no matter how ingenious, will work unless faculty members assume responsibility for them. We believe that faculty must take a positive stand to protect academic values and standards. We have provided time limits to guarantee that all hearings will be held within a reasonable period and at reasonable cost. We have provided alternate channels and options in cases where serious delays or disruptions might occur in normal channels. In this way we think that our document possesses a flexibility lacking in others that we have studied, in which justice "can be seen to be done" as well as be done.

DEFINITIONS:

1. COMPLAINANT: A PERSON WHO LODGES A WRITTEN COMPLAINT AGAINST A FACULTY MEMBER. ANYONE, INCLUDING FACULTY MEMBERS, ADMINISTRATORS, OR STUDENTS, MAY LODGE COMPLAINTS.
2. RESPONDENT: A FACULTY MEMBER AGAINST WHOM A WRITTEN COMPLAINT HAS BEEN LODGED.
3. FACULTY REFEREE: A FACULTY MEMBER WHO RECEIVES WRITTEN COMPLAINTS AND WHO ACTS AS A FILTER AND MEDIATOR IN REGARD TO COMPLAINTS RECEIVED.
4. UNIVERSITY COUNSEL: A MEMBER OF THE ADMINISTRATION OR FACULTY OF THE UNIVERSITY WHO IS NEITHER A DEAN NOR THE ACADEMIC VICE-PRESIDENT. HIS DUTIES ARE PRIMARILY INVESTIGATIVE.
5. FACULTY TRIBUNAL: A CHAIRMAN AND THREE FACULTY MEMBERS. THE FACULTY MEMBERS ARE CHOSEN FROM A PANEL OF FIVE.

A. THE FACULTY REFEREE:

1. RESPONSIBILITIES:

a) TO FILTER OR SCREEN ALL INFORMATION RECEIVED BETWEEN THE TIME AT WHICH THE COMPLAINT IS LODGED AGAINST A FACULTY MEMBER AND THE COMMENCEMENT OF A FORMAL INVESTIGATION, AND THUS TO PROTECT FACULTY AGAINST PETTY CHARGES AND HARASSMENT.

b) TO DECIDE WHETHER THE INFORMATION RECEIVED IS SUFFICIENTLY SERIOUS TO MERIT FURTHER INVESTIGATION. (HE DOES NOT HIMSELF INITIATE CHARGES).

c) TO DECIDE WHETHER THEN TO CALL IN THE UNIVERSITY COUNSEL TO GATHER FURTHER EVIDENCE.

d) TO ACT AS MEDIATOR, BOTH AT THE TIME THE COMPLAINT IS FIRST LODGED AND AFTER THE UNIVERSITY COUNSEL HAS CONDUCTED HIS INVESTIGATION. THE REFEREE SHOULD SEEK SOLUTIONS ACCEPTABLE TO ALL PARTIES CONCERNED BEFORE FORMAL HEARINGS ARE

HELD. HE MUST NOT DIVULGE CONFIDENTIAL DISCLOSURES DURING THE MEDIATION PROCESS.

e) TO BE ACCESSIBLE ON AN INFORMAL LEVEL TO FACULTY AND STUDENTS, PARTICULARLY TO THOSE WHO ARE UNCERTAIN AS TO THE SERIOUSNESS OF THEIR COMPLAINTS AND WHO NEED THE ADVICE AND COUNSEL OF A RESPECTED MEMBER OF FACULTY.

2. SELECTION OF THE FACULTY REFEREE:

THE PRESIDENT OF THE UNIVERSITY, IN HIS CAPACITY AS CHAIRMAN OF SENATE, SHALL NOMINATE FROM THE FACULTY AT S.F.U. A FACULTY REFEREE FOR A TERM OF ONE YEAR. HE SHALL ALSO NOMINATE AN ALTERNATE REFEREE FOR THE SAME TERM WHO MAY REPLACE THE FACULTY REFEREE IN HIS ABSENCE OR ASSIST HIM AS THE CASE LOAD DEMANDS. BOTH NOMINATIONS WILL BE CONFIRMED BY A SIMPLE MAJORITY VOTE OF SENATE. THE REFEREE, AND WHERE NECESSARY, THE ALTERNATE, SHALL BE EXCUSED FROM ALL COMMITTEE AND TEACHING DUTIES AS CIRCUMSTANCES DICTATE. THEY SHALL BE PROVIDED BY SENATE WITH ALL NECESSARY SECRETARIAL ASSISTANCE.

NORMALLY THE ALTERNATE REFEREE WILL BE CHOSEN AS THE REGULAR REFEREE FOR THE FOLLOWING YEAR. BOTH ARE RE-ELIGIBLE BUT MAY NOT SERVE TWO CONSECUTIVE TERMS IN EITHER POSITION.

3. Rationale

The Committee decided to reject the Berkeley system where a University Prosecutor, a university official named by the Administration, collects evidence against faculty members suspected of misconduct and initiates complaints. Although this method may be appropriate for a very large faculty, we do not believe that it is necessary at S.F.U. The appointment of a university official to collect evidence against faculty members at the first stage of proceedings could lead to unwarranted administrative surveillance (or to widespread fears concerning the possibility of such), could threaten academic freedom, could undermine faculty confidence in the procedures,

and could generate tension between faculty and administration. We believe also that faculty scrutiny at the first stage makes it easier for faculty and students to come forward with complaints and thus more effectively protects the university community from professional misconduct and possible disruption.

We also rejected as unworkable the possibility of vesting the Faculty Referee's functions in a committee. Whereas we considered a collective judgment essential at the hearing stage, we preferred in the initial stages to have a single individual devoting full time to these functions.

B. THE UNIVERSITY COUNSEL: THE UNIVERSITY COUNSEL IS A MEMBER OF THE ADMINISTRATION OR FACULTY OF THE UNIVERSITY AND IS NEITHER A DEAN NOR THE ACADEMIC VICE-PRESIDENT.

1. RESPONSIBILITIES: THE DUTIES OF THE UNIVERSITY COUNSEL ARE PRIMARILY INVESTIGATIVE, cf S. IV D.

2. SELECTION

THE PRESIDENT OF THE UNIVERSITY NOMINATES THE UNIVERSITY COUNSEL.

C. THE FACULTY TRIBUNAL: THE FACULTY TRIBUNAL IS COMPOSED OF THREE FACULTY MEMBERS AND A CHAIRMAN. THE FACULTY MEMBERS ARE SELECTED FROM A PANEL OF FIVE CHOSEN IN THE MANNER DESCRIBED IN #2 BELOW.

1. RESPONSIBILITIES:

- a) TO HEAR THE EVIDENCE AND COME TO A DECISION CONCERNING THE CHARGES.
- b) TO MAKE A RECOMMENDATION TO THE PRESIDENT OF THE UNIVERSITY ON THE BASIS OF THAT DECISION.

2. SELECTION:

- a) DURING THE FIRST WEEK OF EVERY FALL SEMESTER, THE SECRETARY TO THE SENATE (THE REGISTRAR) WILL DRAW UP A LIST OF THOSE ELIGIBLE TO SIT UPON A TRIBUNAL DURING THAT AND THE FOLLOWING TWO SEMESTERS. THIS LIST WILL AUTOMATICALLY EXCLUDE ANY FACULTY MEMBER

CHARGED UNDER THESE PROCEDURES. DEPENDING ON RESEARCH LEAVES AND OFF-CAMPUS ACADEMIC COMMITMENTS, TERMS OF ELIGIBILITY WILL BE NO MORE THAN THREE AND NO LESS THAN TWO CONSECUTIVE SEMESTERS.

- b) THE FACULTY PANEL FROM WHICH THE TRIBUNAL IS SELECTED SHALL CONSIST OF FIVE MEMBERS CHOSEN BY THE SECRETARY OF SENATE THROUGH A DRAWING FROM THE LIST OF ELIGIBLE FACULTY, SO AS TO INCLUDE:
 - 1) TWO MEMBERS OF THE SAME RANK AS THE RESPONDENT
 - 2) THREE MEMBERS DRAWN AT RANDOM FROM ALL ELIGIBLE FACULTY AT S.F.U.

- c) EVERY FACULTY MEMBER SELECTED FOR TRIBUNAL DUTY WILL SERVE UNLESS HE CAN DEMONSTRATE IN WRITING TO THE SATISFACTION OF THE PRESIDENT OF THE UNIVERSITY THAT SUCH SERVICE WOULD BE DETRIMENTAL TO HIS HEALTH, WOULD INTERFERE WITH MAJOR ACADEMIC COMMITMENTS, OR WOULD BE SUCH THAT HE COULD NOT RENDER A FAIR AND IMPARTIAL JUDGMENT. IN THE LAST CASE HE WOULD NORMALLY DISQUALIFY HIMSELF FROM THE TRIBUNAL IN QUESTION BUT WOULD BE ELIGIBLE FOR SERVICE ON ANOTHER TRIBUNAL.

- d) BY MEANS OF ONE COMPULSORY PEREMPTORY CHALLENGE EACH, EXERCISED BY THE UNIVERSITY COUNSEL AND BY THE RESPONDENT (OR HIS REPRESENTATIVE), THE PANEL WILL BE REDUCED TO THREE FACULTY MEMBERS.

- e) THE PRESIDENT OF THE UNIVERSITY WILL SELECT A NON-VOTING CHAIRMAN OF THE TRIBUNAL WHO MAY BE EITHER A MEMBER OF THE LEGAL PROFESSION OR A PERSON FAMILIAR WITH JUDICIAL PROCEDURES. HE SHOULD NOT BE AN EMPLOYEE OF S.F.U. AND SHOULD BE PAID FOR HIS SERVICES. HE, AND THE THREE AFOREMENTIONED FACULTY MEMBERS, SHALL FORM A FACULTY TRIBUNAL. DEPENDING ON THE NUMBER OF CASES BEING HEARD, SEVERAL TRIBUNALS MAY BE IN EXISTENCE AT A GIVEN TIME.

3. Rationale for Faculty Tribunal

The Committee discussed at great length the best way to recruit the Tribunal. It discussed three possibilities: 1) the University Tenure Committee; 2) selection from among members of Senate; 3) random selection from among the University faculty (defined as instructor or above, tenured and non-tenured). It decided that the U.T.C., composed in large part of Senior professors, and having the important and time-consuming function of making recommendations on tenure, promotions and contract renewal, is not the appropriate body to deal with disciplinary cases. The committee also considered selection from among faculty members of Senate, but, as in the case of the U.T.C., Senators are busy; and, in any case, there are not enough faculty Senators to provide an adequate pool from which to choose, particularly in instances in which several panels might be sitting simultaneously. Moreover, legislative or administrative experience does not necessarily guarantee the qualities most essential to membership on a Tribunal: common sense, sound legal judgment and a sense of fair play. Finally, we felt that no faculty member should sit on more than one panel per year. The main responsibilities of faculty are teaching and research, and we think there is a limit to the number of times they should be called upon to serve in administrative and quasi-judicial capacities.

D. MECHANISMS

1. LODGING A COMPLAINT

- a) ANYONE INCLUDING A FACULTY MEMBER, AN ADMINISTRATOR OR A STUDENT, MAY LODGE A COMPLAINT, IN WRITTEN FORM ONLY, AGAINST A FACULTY MEMBER.
- b) ANY OFFICER OF THE UNIVERSITY WHO RECEIVES A WRITTEN COMPLAINT AGAINST ANY FACULTY MEMBER MUST INFORM THE FACULTY REFEREE OF THE COMPLAINT.

These procedures do not relieve Academic Administrators, including Deans and Department Chairmen, of their responsibilities for Faculty discipline as defined in S.71-80

and in S 358 (see S IV G 2 and appendix). They may receive and investigate complaints, and they may decide:

- i to drop a complaint;
- ii to mediate the complaint to the satisfaction of all parties concerned;
- iii to issue a written warning to the Respondent;
- iv to ask the President to issue a written warning to the Respondent;
- v to refer the complaint to the Faculty Referee for action under these procedures.

- c) THE FACULTY REFEREE MUST ACKNOWLEDGE TO THE COMPLAINANT RECEIPT OF THE COMPLAINT AND NOTIFY THE RESPONDENT OF THE COMPLAINT BY REGISTERED MAIL WITHIN SEVEN DAYS AFTER THE COMPLAINT HAS BEEN LODGED.
- d) THE FACULTY REFEREE MAY, IF HE BELIEVES IT NECESSARY, INFORM THE PRESIDENT OF THE UNIVERSITY OF A COMPLAINT.
- e) THE RESPONDENT HAS FOURTEEN DAYS (TWENTY EIGHT DAYS IF HE IS NOT IN BRITISH COLUMBIA) TO ACKNOWLEDGE BY REGISTERED MAIL THE FACULTY REFEREE'S LETTER AND TO SET FORTH HIS INTERIM POSITION WITH RESPECT TO THE ALLEGED CONDUCT.
- f) SHOULD THE RESPONDENT FAIL TO REPLY, AND THEREIN TO STATE HIS INTERIM POSITION, HE FORFEITS HIS RIGHTS UNDER THESE PROCEDURES. HIS CASE WILL THEN BE DEALT WITH BY THE ACADEMIC VICE-PRESIDENT.
- g) SHOULD THE RESPONDENT BE ABSENT, THE FACULTY REFEREE MAY DECIDE ON THE BASIS OF THE RESPONDENT'S INTERIM POSITION AND ON THE AVAILABLE EVIDENCE WHETHER 1) TO DISMISS THE CASE; 2) TO POSTPONE PROCEEDINGS UNTIL THE RESPONDENT'S SCHEDULED RETURN; 3) TO RECALL THE RESPONDENT, WHO MUST RETURN TO S.F.U. WITHIN FOUR WEEKS AT WHICH TIME THE PROCEEDINGS COMMENCE.
- h) IF THE RESPONDENT DOES NOT RETURN WHEN SO RECALLED, OR IF, ON HAVING RETURNED, HE REFUSES TO CO-OPERATE

WITH THESE PROCEDURES, THE REFEREE WILL TURN THE CASE OVER TO THE ACADEMIC VICE-PRESIDENT. (SEE ALSO S. IV D 5; AND IV F 4).

- i) THE FACULTY REFEREE WILL KEEP ON FILE ALL COMPLAINTS, RESPONDENTS' REPLIES, AND HIS OWN DECISIONS. THESE ARE CONFIDENTIAL UNTIL SUCH TIME AS THEY BECOME PERTINENT TO FURTHER PROCEEDINGS AGAINST THE RESPONDENT, AT WHICH TIME THE REFEREE WILL MAKE THEM AVAILABLE TO THE UNIVERSITY COUNSEL AND TO THE RESPONDENT.

The reason for maintaining these files is simply that, although one infraction may be relatively unimportant, subsequent additional infractions may occur; while one complaint might be dismissed for lack of evidence, the continuation of similar complaints from a variety of sources could indicate a more serious breach of conduct.

- j) SHOULD THE FACULTY REFEREE DECIDE THAT THE COMPLAINT IS SUFFICIENTLY SERIOUS, HE WILL TURN IT OVER TO THE UNIVERSITY COUNSEL FOR FURTHER INVESTIGATION. THE ENTIRE TIME PERIOD IN WHICH THE REFEREE DEALS WITH A COMPLAINT SHOULD NOT EXCEED SIX WEEKS.

2. INVESTIGATING A CASE AND MEDIATION PROCEDURES

- a) ONCE THE FACULTY REFEREE DECIDES THAT THERE MAY BE A CASE AGAINST THE RESPONDENT, OR THE PRESIDENT REQUESTS FURTHER INVESTIGATION, THE REFEREE WILL TURN THE CASE OVER TO THE UNIVERSITY COUNSEL FOR INVESTIGATION. THIS INVESTIGATION WILL TAKE NO MORE THAN SIX WEEKS AT WHICH TIME THE COUNSEL MUST DECIDE THAT A PRIMA FACIE CASE EXISTS AGAINST THE RESPONDENT OR DROP THE CHARGES.
- b) SHOULD THE UNIVERSITY COUNSEL DECIDE THAT A PRIMA FACIE CASE EXISTS AGAINST THE RESPONDENT, HE WILL PROVIDE A WRITTEN SUMMARY TO ALL INTERESTED PARTIES OF THE CHARGES AGAINST THE RESPONDENT, TAKING INTO ACCOUNT THE RESPONDENT'S INTERIM POSITION (S. IV D 1 e-f).

- c) THE COUNSEL WILL THEN CALL IN THE FACULTY REFEREE AND WHEN NECESSARY OTHER INTERESTED PARTIES TO SEEK AN UNDERSTANDING, PREFERABLY IN WRITING, CONCERNING THE NATURE OF THE CHARGES. REGARDLESS OF WHETHER AN UNDERSTANDING HAS BEEN ACHIEVED THE COUNSEL WILL THEN STATE THE CHARGES AND MAXIMUM SANCTIONS IN WRITING. THE COUNSEL WILL THEN CONSULT THE REFEREE AS TO THE POSSIBILITY OF SUCCESSFUL MEDIATION.
- d) WHERE MEDIATION IS AGREED UPON THE REFEREE WILL ACT AS MEDIATOR, CALLING IN ALL PARTIES CONCERNED. MEDIATION TO BE SUCCESSFUL, MUST BE CONFIDENTIAL AND HAVE THE AGREEMENT (SIGNED, IN THE FINAL INSTANCE) OF ALL PARTIES CONCERNED. NORMALLY THIS WOULD INCLUDE THE COMPLAINANT, THE FACULTY REFEREE, THE RESPONDENT AND THE UNIVERSITY COUNSEL.
- e) SHOULD THE FACULTY REFEREE AND UNIVERSITY COUNSEL DECIDE THAT THE MEDIATION IS NOT SUCCESSFUL THEY MAY TERMINATE IT AT ANY TIME AND ARRANGE FOR A HEARING UNDER OPTIONS I OR II DESCRIBED BELOW.
- f) THE DECISION OF THE UNIVERSITY COUNSEL TO DROP A CASE IS FINAL; HE MUST THEN INFORM THE FACULTY REFEREE WHO SHALL INFORM THE COMPLAINANT AND THE RESPONDENT IN WRITING WITHIN SEVEN DAYS AFTER THE UNIVERSITY COUNSEL'S DECISION.
- g) ONCE THE CASE IS DROPPED, ALL RECORDS AND EVIDENCE GATHERED BY THE UNIVERSITY COUNSEL WILL BE RETURNED TO THE FACULTY REFEREE WHO WILL MAINTAIN THESE FILES ON A CONFIDENTIAL BASIS. NEITHER THE UNIVERSITY COUNSEL NOR ANY OTHER MEMBER OF THE ADMINISTRATION WILL HAVE ACCESS TO THESE FILES UNTIL SUCH TIME AS THE FACULTY REFEREE MAY DEEM THEM PERTINENT TO A SUBSEQUENT CASE, IN WHICH CASE THE PROCESS DESCRIBED ABOVE RECOMMENCES (cf. IV A)

3. CHOOSING A HEARING METHOD

THE UNIVERSITY COUNSEL WILL CONSULT BOTH THE RESPONDENT AND THE FACULTY REFEREE CONCERNING WHETHER THE CASE SHOULD BE HEARD BEFORE:

1. THE COGNIZANT DEAN, WITH APPEAL TO THE PRESIDENT
(OPTION I)
2. A FACULTY TRIBUNAL (OPTION II)

A DECISION TO HEAR THE CASE BEFORE THE DEAN (OPTION I) MUST HAVE THE WRITTEN CONCURRENCE OF THE FACULTY REFEREE; SHOULD HE NOT AGREE, THE CASE WILL AUTOMATICALLY BE HEARD BEFORE THE FACULTY TRIBUNAL. SHOULD HE SELECT OPTION II, THE UNIVERSITY COUNSEL DOES NOT NEED THE FORMAL CONCURRENCE OF THE FACULTY REFEREE.

REGARDLESS OF WHICH OPTION HE SELECTS THE UNIVERSITY COUNSEL MUST SO INFORM ALL OF THE AFOREMENTIONED PARTIES AND THE PRESIDENT OF THE UNIVERSITY. SHOULD HE SELECT OPTION II, THE PRESIDENT WILL ASK THE SECRETARY OF THE SENATE (THE REGISTRAR) TO FORM THE TRIBUNAL PANEL. THIS WILL BE DONE AS EXPEDITIOUSLY AS POSSIBLE (S.IV. C 2).

4. PROCEDURES FOR HEARING BEFORE DEAN

IF HE SELECTS OPTION I, THE COUNSEL WILL INFORM THE COGNIZANT DEAN WHO WILL MAKE ALL NECESSARY ARRANGEMENTS FOR A HEARING. THE DEAN WILL ORGANIZE AND DIRECT THE HEARINGS AS HE SEES FIT, SUBJECT TO THE RIGHTS OF THE RESPONDENT AND THE PROCEDURAL PRINCIPLES LISTED IN SECTION IV E, WHICH ARE THE SAME UNDER EITHER OPTION. THESE INCLUDE THE RIGHT TO BE REPRESENTED DURING THE HEARING BY A PERSON OF HIS CHOICE. IN ALL INSTANCES, THE DEAN'S DECISION MAY BE APPEALED TO THE PRESIDENT WHO MUST MAKE A WRITTEN DECISION WITHIN ONE MONTH AFTER RECEIVING THE APPEAL.

Some administrative abuses which would normally be handled by the cognizant Dean:

- a) Consistent failure to honor class starting times, office hours and other university commitments;
- b) Persistent and unwarranted refusal to sit upon department, faculty and university committees or tribunals;
- c) Acceptance of outside employment without having duly notified the proper authorities;
- d) Disruption of university facilities.

5. PROCEDURES FOR HEARING BEFORE A TRIBUNAL

- a) WHEN IT IS DECIDED THAT A CASE WILL BE HEARD BEFORE A FACULTY TRIBUNAL, THE UNIVERSITY COUNSEL WILL INFORM THE RESPONDENT AND THE PRESIDENT WITHIN 48 HOURS, STATING AGAIN THE CHARGES AND THE MAXIMUM SANCTION WHICH MAY BE ASSESSED AGAINST THE RESPONDENT (S. IV D 2 C).
- b) AFTER RECEIVING THE OFFICIAL WRITTEN NOTIFICATION FROM THE UNIVERSITY COUNSEL THAT HIS CASE WILL BE HEARD (ABOVE) THE RESPONDENT HAS FOUR WEEKS TO PREPARE HIS CASE.
- c) DURING THE SAME FOUR WEEK PERIOD THE SECRETARY OF THE SENATE WILL SELECT A PANEL AND THE PRESIDENT A CHAIRMAN IN THE MANNER DESCRIBED IN S. IV C 2. CASES INVOLVING DISMISSAL, ESPECIALLY THOSE IN WHICH THE PRESIDENT HAS SUSPENDED THE RESPONDENT FROM HIS FUNCTIONS (UNIVERSITIES ACT S. 58.1) SHOULD RECEIVE PRIORITY IN SCHEDULING.
- d) THE HEARINGS WILL THEN COMMENCE WITH TWO COMPULSORY CHALLENGES TO SELECT THE TRIBUNAL FROM THE PANEL (S. IV C 2 d). ALL MEMBERS OF THE TRIBUNAL MUST BE PRESENT AT EACH SESSION.
- e) THE CHAIRMAN SHALL RULE ON ALL QUESTIONS OF PROCEDURE AND ADMISSIBILITY. HIS DECISION IS FINAL. IF ANY MEMBER OF THE TRIBUNAL FINDS HIMSELF IN CONSISTENT DISAGREEMENT WITH THE CHAIRMAN OR WITH OTHER MEMBERS OF THE TRIBUNAL, HE WILL RESIGN, STATING HIS REASONS IN WRITING TO THE PRESIDENT.
- f) IN THE INSTANCE WHERE ANY MEMBER OF THE TRIBUNAL HAS RESIGNED, THE PRESIDENT RECONSTITUTES THE TRIBUNAL (S. IV C. 2). THE HEARINGS RECOMMENCE.

We discussed at considerable length the question of whether or not to allow the Tribunal, by a majority vote, to overrule the Chairman's rulings on questions of procedure and admissibility. We decided not to do so because: i) the Chairman is chosen because of his competence in these regards and must be given effective control over the hearings; we believe that otherwise men of high calibre will be unwilling to serve as tribunal chairman; ii) the Tribunal's main function is to concern itself with the innocence or guilt of the Respondent; iii) if in their minds the Chairman's

rulings make this impossible, the members of the Tribunal should resign rather than allow the effectiveness of the Tribunal to be undermined by protracted procedural wranglings. In this, as in several other key instances in this document, we have sought to provide a means of avoiding deadlocks in the procedures. Such deadlocks would serve the legitimate interests of neither the University nor the Respondent.

- g) THE TRIBUNAL SHALL NOT RECOMMEND ANY SANCTION TO THE PRESIDENT WITHOUT THE CONCURRENCE OF AT LEAST TWO OF ITS THREE MEMBERS.
- h) IF A HEARING IS DISRUPTED, THE CHAIRMAN MAY DECLARE IT CLOSED. ANYONE DISRUPTING THE HEARINGS, INCLUDING THE RESPONDENT, MAY BE EXCLUDED, THE TRIBUNAL CONTINUING WITHOUT HIM. SHOULD ANY MEMBER OF THE TRIBUNAL, IN THE OPINION OF THE CHAIRMAN AND THE MAJORITY OF THE TRIBUNAL, BE CONTINUOUSLY DISRUPTIVE, THE TRIBUNAL WILL CANCEL ITS HEARINGS AND ASK THE PRESIDENT TO RECONSTITUTE THE TRIBUNAL, AS IN SECTION IV.C.2. THE HEARING, AND ALL TIME LIMITS THEN RECOMMENCE.
- i) SHOULD THE RECONSTITUTED TRIBUNAL FAIL TO REACH A DECISION WITHIN THE STATED TIME LIMITS, OR BE CONTINUOUSLY DISRUPTED, THE PRESIDENT MAY TURN THE CASE OVER TO THE ACADEMIC VICE-PRESIDENT.

Some abuses of an academic nature which would normally be heard before the Tribunal:

1. Persistent and unwarranted intrusion of subject matter which has no relation to the course being given;
2. Discrimination against students;
3. Infringement upon the academic rights of faculty colleagues;
4. Plagiarism and other forms of intellectual dishonesty.

Since there is an obvious overlap between administrative and academic abuses, we recommend that if any serious doubt exists over jurisdiction the case be heard before the Tribunal.

While in some instances the Respondent may prefer a hearing before the Dean, we assume he will usually prefer the Tribunal. We give the option to the Faculty Referee rather than to the Respondent in order to avoid the possibility of capricious

selection of the Tribunal. Just as the President in the first stage may overrule the Referee's decision to drop a case, so in the second stage the Referee may ensure that a case be heard before a faculty Tribunal rather than through administrative channels. Our purpose is to facilitate the legitimate function of University officials to protect the University from disruption while at the same time ensuring the Respondent a fair hearing.

E. PRINCIPLES RELATED TO PROCEDURES

THE FOLLOWING PROCEDURAL PRINCIPLES SHALL APPLY WHETHER THE CASE IS HEARD BEFORE THE COGNIZANT DEAN OR BEFORE THE TRIBUNAL (UNDER OPTION I OR OPTION II):

1. THE RESPONDENT SHALL BE PRESUMED TO BE INNOCENT.
2. THE RESPONDENT SHALL BE ALLOWED FOUR WEEKS FROM THE TIME OF THE COUNSEL'S WRITTEN NOTIFICATION TO PREPARE HIS DEFENSE.
3. IN ORDER TO FIND A VIOLATION, THE TRIBUNAL OR DEAN MUST BE SATISFIED THAT THE RESPONDENT HAS COMMITTED A VIOLATION OF PROFESSIONAL CONDUCT, AS STATED IN SECTION III IN THE RESPECT OR RESPECTS CHARGED.
4. THE RESPONDENT SHALL BE ENTITLED TO BE REPRESENTED BY ANYONE OF HIS CHOICE. THE UNIVERSITY MAY INTRODUCE LEGAL COUNSEL IN THE HEARINGS ONLY IF THE RESPONDENT DOES SO FIRST.

We recommend that the introduction of legal counsel normally be limited to cases involving suspension or dismissal.

5. THE RESPONDENT HAS THE RIGHT TO HEAR AND CROSS-EXAMINE WITNESSES GIVING EVIDENCE AGAINST HIM.
6. THE RESPONDENT HAS THE RIGHT TO AN EXPEDITIOUS AND TIMELY DISPOSAL OF THE CHARGE(S).
7. TECHNICAL LEGAL RULES OF EVIDENCE NEED NOT BE FOLLOWED.
8. THE PROCEEDINGS WILL BE TAPED: ALL TAPES WILL BE MADE AVAILABLE TO BOTH PARTIES.

9. NO FACULTY MEMBER SHALL REFUSE TO APPEAR WHEN SUMMONED IN CONNECTION WITH ANY PROCEEDING UNDER THIS STATEMENT. ONE WHO APPEARS MAY, IN ANSWER TO ANY QUESTION, REFUSE
 - a) TO ANSWER ANY QUESTIONS WHICH MIGHT RENDER HIM LIABLE TO PROSECUTION UNDER CIVIL OR CRIMINAL LAW OR UNDER THESE PROCEDURES;
 - b) TO DIVULGE A CONFIDENTIAL COMMUNICATION FROM A STUDENT OR A COLLEAGUE MADE WITH THE UNDERSTANDING THAT IT WOULD BE KEPT CONFIDENTIAL;
 - c) TO TESTIFY AGAINST HIS SPOUSE.
10. HEARINGS SHALL BE CLOSED TO THE PUBLIC, BUT THE RESPONDENT AND THE COMPLAINANT MAY EACH NAME NO MORE THAN FIVE FACULTY MEMBERS AS OBSERVERS BEFORE THE TRIBUNAL AND NO MORE THAN TWO EACH BEFORE THE DEAN.
11. DECISIONS OF THE TRIBUNAL TO IMPOSE SANCTIONS OF SUSPENSION AND DISMISSAL SHALL TAKE THE FORM OF A RECOMMENDATION TO THE PRESIDENT. IF THE PRESIDENT CONCURS HE WILL TAKE ALL APPROPRIATE STEPS TO ENSURE THAT THE DECISION IS CARRIED OUT. IN DECISIONS INVOLVING DISMISSAL THE BOARD OF GOVERNORS MUST ACCEPT THE PRESIDENT'S RECOMMENDATIONS BEFORE ACTION CAN BE TAKEN.

Under the Universities Act the President has "the power to recommend (to the Board of Governors) ... removal of members of the teaching ... staffs ..." (Article 57a); and the power to suspend any member of the teaching ... staff ...," though he must state his reasons to the Board of Governors, and the suspended individual may appeal to the Board.

Although we do not contest the President's power under the Universities Act, we assume that as a matter of course he will respect the recommendations of the Tribunal except insofar as he might wish to reduce them or drop the charges. In some cases, especially where he decides that the presence of a professor in the classroom is a threat to the orderly functioning of the University, the President may deem it

necessary to suspend him before the proceedings begin. We recommend that the suspended professor receive his regular salary during the time his case is being considered under these procedures.

F. TIME LIMITS

1. UNDER OPTION I, NO CASE MAY TAKE MORE THAN FIVE MONTHS (20-22 WEEKS) FROM THE DATE THE FACULTY REFEREE TURNS THE CASE OVER TO THE UNIVERSITY COUNSEL FOR INVESTIGATION TO THE PRESIDENT'S DECISION ON AN APPEAL, IF ANY.
2. UNDER OPTION II, NO CASE MAY TAKE MORE THAN SIX MONTHS (24-26 WEEKS) FROM THE DATE THE FACULTY REFEREE TURNS THE CASE OVER TO THE UNIVERSITY COUNSEL FOR INVESTIGATION TO THE FINAL DISPOSAL OF THE CASE BY THE PRESIDENT OF THE UNIVERSITY.
3. UNDER OPTION II, SHOULD IT APPEAR CERTAIN THAT THESE TIME LIMITS CANNOT BE MET, THE CHAIRMAN OF THE TRIBUNAL MAY, ON HIS OWN AUTHORITY, DECLARE ANY SUCH EXTENSION AS IS NECESSARY TO ENSURE THAT THE TRIBUNAL REACHES A DECISION.
4. THE CHAIRMAN, SUPPORTED BY TWO OF THREE MEMBERS OF THE COMMITTEE, MAY ALSO:
 - a) DROP THE CHARGES AGAINST THE RESPONDENT BEFORE THE TIME LIMIT ELAPSES;
 - b) CANCEL THE HEARINGS AND TURN OVER THE CASE TO THE ACADEMIC VICE-PRESIDENT WHERE IN THEIR JUDGMENT THE RESPONDENT IS INTENTIONALLY DELAYING OR DISRUPTING THE PROCEEDINGS.

The need for time limits in disciplinary procedures should be obvious by now at S.F.U. We believe that long delays serve the legitimate interests of neither the University community nor of the defendant.

G. APPLICABILITY OF PROCEDURES

1. THESE PROCEDURES WILL GOVERN THE DISCIPLINE OF MEMBERS OF THE FACULTY AT SIMON FRASER UNIVERSITY.

2. THESE PROCEDURES DO NOT INCLUDE DISCIPLINARY MEASURES WITHIN THE ADMINISTRATION OF THIS UNIVERSITY. For example, the President of the University may warn or reprimand a department chairman without going through these procedures. Moreover, any academic officer of the University, the President, Academic Vice-President, cognizant Dean or department chairman may warn a faculty member in writing that conduct of a given nature could lead to an administrative complaint being lodged against him under these procedures.

The Committee does not feel that a written or oral warning constitutes a sanction, as in most of the other documents studied. We feel, moreover, that the Faculty Referee, in deciding to drop charges against the Respondent, may decide to warn him, in written form, that a persistence of such complaints, or other complaints of a similar nature, could lead to future prosecution under these procedures.

3. ACTIONS WHICH DO NOT CONSTITUTE DISCIPLINE, E.G. FAILURE TO GRANT TENURE OR TO REAPPOINT AFTER THE EXPIRATION OF A TERM APPOINTMENT, ARE NOT APPROPRIATE UNDER THESE PROCEDURES.

V SANCTIONS

WE RECOMMEND THAT SANCTIONS BE GRADUATED AND CLASSIFIED IN THE FOLLOWING WAY:

1. A FORMAL WRITTEN REPRIMAND FROM THE PRESIDENT OF THE UNIVERSITY;
2. A CENSURE FROM THE PRESIDENT ACCOMPANYING A MONETARY FINE OF NOT MORE THAN \$1,000 DEDUCTED FROM THE RESPONDENT'S PAY DURING NOT LESS THAN ONE YEAR AND NOT MORE THAN TWO YEARS.
3. SUSPENSION FROM DUTY WITHOUT PAY FOR A SPECIFIED PERIOD OF TIME;
4. REDUCTION IN PAY AND/OR DEMOTION IN RANK;
5. DISMISSAL FROM THE UNIVERSITY (IN FLAGRANT AND EXTREME CASES OF VIOLATION OF PROFESSIONAL CONDUCT).

We recommend that any funds derived under #2 and #4 be used to defray the costs of these procedures or to help pay the costs of Respondents who have been acquitted and who are, in the judgment of the President and the University, particularly in need of financial help after their hearings are terminated. A code of conduct and set of procedures such as these must include sanctions. As noted in the Western Ontario report: "The rationale of the sanction should be to educate the offender as to the error of his conduct and to protect the University in the pursuit of its academic goals." Obviously it will sometimes be difficult to assess the relative magnitude of an offense and to find the appropriate sanction, but we feel that graduated sanctions provide an element of versatility and fairness lacking in most system of university discipline. Because it must hear evidence, set procedures and recommend sanctions, the Tribunal must be allowed some discretionary powers and a reasonable flexibility. The system will ultimately rely on the common sense, the fairness, and the collective wisdom of the faculty who accept it.

VI RECOMMENDATIONS

- A. THAT THE REPORT OF THIS COMMITTEE BE ACCEPTED BY SENATE AND PRESENTED TO THE PRESIDENT OF THE UNIVERSITY AND TO THE BOARD OF GOVERNORS FOR APPROVAL AS THE RULES AND PROCEDURES PERTAINING TO PROFESSIONAL CONDUCT FOR SIMON FRASER UNIVERSITY FACULTY.

THIS REPORT INCLUDES:

1. STATEMENTS ON PROFESSIONAL CONDUCT AND VIOLATIONS THEREOF (SECTION II & III);
 2. A SET OF PROCEDURES GOVERNING PROFESSIONAL CONDUCT AT SIMON FRASER UNIVERSITY;
 3. A SET OF GRADUATED SANCTIONS.
- B. THAT SENATE ESTABLISH A COMMITTEE TO STUDY THE QUESTION OF ACCEPTABLE CONDUCT AND DISCIPLINE WITHIN THE ENTIRE UNIVERSITY COMMUNITY AT SIMON FRASER UNIVERSITY. SUCH A STUDY SHOULD PAY PARTICULAR ATTENTION TO THE QUESTION OF STUDENT DISCIPLINE AND TO THE STATUS OF ACADEMIC ADMINISTRATORS, LECTURERS, ASSOCIATES AND TEACHING ASSISTANTS.
- C. THAT SENATE MAKE PROVISION FOR REVIEW OF THIS DOCUMENT WITHIN TWO YEARS OF ITS ACCEPTANCE BY SENATE.

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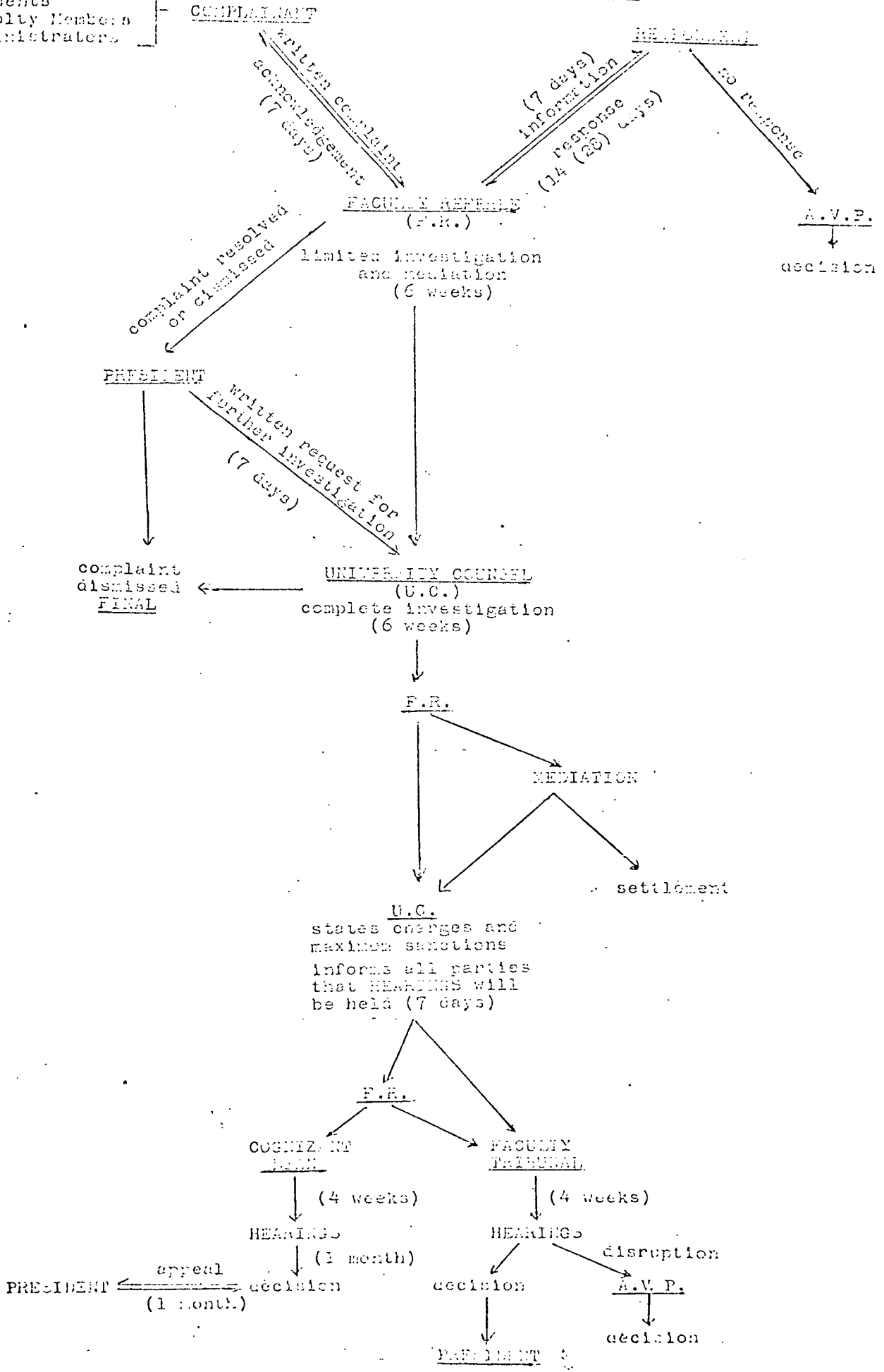
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Anyone including
Students
Faculty Members
Administrators



APPENDIX B

QUESTIONNAIRE ON PROFESSIONAL CONDUCT

SIMON FRASER UNIVERSITY

ANALYSES AND INTERPRETATIONS

In March, 1971, the Chairman of the Senate Committee on Rules and Procedures Pertaining to Professional Conduct circulated a questionnaire to all members of the faculty at Simon Fraser University.

The following questions comprised the questionnaire:

1. Do you consider it feasible and/or desirable to have at S.F.U. stated guidelines on professional conduct?
2. How detailed or general should such guidelines be?
3. What do you think of present S.F.U. arrangements (and in the academic profession generally) for faculty self-discipline?
4. Do you think that we should establish rules and procedures for faculty self-discipline at S.F.U. apart from, or in addition to, existing procedures?
5. Do you have any suggestions concerning #1 and #4?
6. Can you provide us with information as to how these matters are dealt with in other universities and professions?

QUESTIONNAIRE RETURN

Responses were received from seventeen (17) members of the Simon Fraser University faculty and three academic administrators.

CONCLUSION

The analyses of responses and the interpretation of consensus should be viewed with caution. The sample of respondents (i.e., seventeen from the total faculty population of Simon Fraser University), is exceedingly small. We have not, therefore, presented a detailed breakdown of the results. But rather

some general indications:

1. It is feasible and desirable to have stated guidelines on professional conduct at Simon Fraser University.
 2. Guidelines should be general, rather than detailed.
 3. Existing arrangements at Simon Fraser University are not considered adequate.
 4. Elaboration of existing procedures at Simon Fraser University is appropriate.
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APPENDIX C

Powers of Deans as exerpted from S.358 passed by Senate, May 11, 1970.

I. A. (Regarding the role and status of Deans)

1. that Deans should regard their role as a dual one insofar as they should be responsible not only for the implementation of university-wide policies (as determined by Senate, the President, or the Board) but, even more importantly, for ensuring that the interests of departments, faculty and students are adequately represented;

3. that Deans should be appointed with faculty rank.

II. B. Responsibilities of Deans at the faculty level

1. The Dean should have the confidence of his faculty, and act as their spokesman. He shall be responsible for the administration of the faculty in accordance with the policies and procedures of the University.

2. Within matters which are properly under Faculty jurisdiction, the basic policies of the Faculty will be approved collectively, although certain areas of administrative discretion must be left to the Dean

6. The Dean shall supervise the counselling of students within his Faculty and the arbitration of student grievances.

Powers of Department Chairmen as exerpted from S.71-80
(Appointment, Authority and Responsibility of Department Chairmen),
passed by Senate August 2, 1971.

Preamble, paragraph II:

"As a basic starting point two propositions seem important. First, all members of a Department should participate in reaching policy decisions on matters concerned with teaching (using the term "teaching" in its widest sense). Second, when a faculty member is derelict in his duties, steps must be taken to assure that he fulfills his obligations. Responsibility and authority must therefore be provided for the Chairman so that he will be able to take such actions as may be necessary,

in accordance with University regulations, especially on matters which affect the University's obligations to its students."

Section 6 (Authority, Duties and Responsibilities)

"The Chairman has an overall responsibility to his Department and Dean for ensuring that Departmental policies are formulated and executed, that University, Faculty and Departmental regulations are followed and that individual members of the Department fulfil their assigned duties. The assignment of duties will normally be on the recommendation of the Chairman..."

"...He (the Chairman) has also the right and duty to report failure on the part of members of the Department to fulfil University, Faculty or Department duties, especially obligations to students and to suggest ways of preventing their occurrence. The Chairman also has the right and duty to maintain privacy in matters of a confidential, personal nature."

SIMON FRASER UNIVERSITY

MEMORANDUM

To..... ALL MEMBERS OF SENATE AND PERSONS
..... NORMALLY RECEIVING SENATE MINUTES
..... AND PAPERS

Subject..... SENATE PAPER

From..... H. M. EVANS

..... REGISTRAR AND SECRETARY OF SENATE

Date..... OCTOBER 29, 1971

The undernoted Senate paper is distributed for your records and information:

S.71-112 Membership of Graduate Studies Committees - as amended and approved by Senate, October 4, 1971.