

## VIII. University Policies and Regulations

### Academic Conduct

Students and instructors are expected to maintain a professional relationship characterized by courtesy and mutual respect and to refrain from actions disruptive to such a relationship. Moreover, it is the responsibility of the instructor to maintain an appropriate academic atmosphere in the classroom and the responsibility of the student to cooperate in that endeavour. Further, the instructor is the best person to decide, in the first instance, whether such an atmosphere is present in the class. A statement of the policy and procedures regarding disruptive and/or harassing behaviour by students in academic situations is available from the Deans' offices, the Vice-President (Academic Affairs) and the Vice-President (Enrolment and Student Services).

### Convocation

A student obtains a degree for satisfactory completion of his or her academic program on the condition that all of their University debts have been paid. Students of all Faculties and Colleges with the exception of Environmental Studies, Glendon College, Graduate Studies, the Schulich School of Business and Osgoode Hall Law School, must apply for graduation by completing an "Application to Graduate Form", available at the Office of the Registrar, West Office Building, at least four months prior to the Convocation Ceremony (i.e. January for Spring Convocation and July for Fall Convocation). The deadlines to apply are announced each year. Graduates of the Faculty of Graduate Studies can confirm their status with the Graduate Program Office. Graduates from the Faculty of Environmental Studies should apply to the Office of Student Programs of FES. Graduates from Glendon College should apply to the Office of Student Programs of Glendon. Graduates from the Schulich School of Business should apply to the Office of Student Programs of the Schulich School of Business. Osgoode students need not apply to graduate. Students must follow the correct procedure to ensure that the University has their correct mailing addresses as well as the correct style of their full names, so that diplomas are prepared accurately.

Ceremonies are scheduled for June for those students who complete their course work in the Fall or Winter Terms and in November for those who complete their course work in the Summer Term. The ceremonies in June are scheduled by College for students in the Faculty of Arts and by various Faculty groupings for all other students. The Keele campus June ceremonies normally occur out of doors at the Convocation Site, east of the Centre for Film and Theatre. Glendon's spring ceremony takes place outside on the West Quadrangle Lawn at the Glendon campus. In the fall, students from all colleges and Faculties are graduated in ceremonies usually held on the first weekend in November. The Tait McKenzie Physical Education Centre is used for the November events of all Faculties and colleges including Glendon.

Diplomas are either distributed at the Convocation ceremonies or may be mailed to graduates afterwards, depending on which College or Faculty the graduate belongs to. For those students who are either unable to attend or who did not receive their diploma at the ceremony, diplomas may be picked up from the Convocation Office (104 Central Square) on an official date after Convocation has taken place. Alumni memberships are included with the diploma package by the Alumni Affairs Office. Students who are unable to attend and wish to have their diplomas mailed to them may do so through the Convocation Office. A nominal fee may be charged for packaging and mailing. For more information, contact the Convocation Office at 416-736-5325 or visit the Convocation Web site at [www.studentaffairs.yorku.ca/convo/index.htm](http://www.studentaffairs.yorku.ca/convo/index.htm).

Graduation photographs are arranged through the College or Faculty offices (or by the appropriate student government) once a year (twice a year for Atkinson Faculty students). Potential graduates can expect to receive information from their College or Faculty inviting them to arrange their sitting time with the photographer. Information regarding photography sitting is normally posted on the Convocation Web site.

Detailed information about the schedule of ceremonies, robe rental, guests and receptions are sent out to all prospective graduates several weeks before the ceremony by the College or Faculty or can be accessed on-line at [www.studentaffairs.yorku.ca/convo/index.htm](http://www.studentaffairs.yorku.ca/convo/index.htm).

### Disciplinary Procedures

Students who violate University rules or public law may be disciplined by the University after an investigation which would include an opportunity to hear the student's interpretation of the events in question. Participation in these procedures is a fundamental obligation of any student and, in order to permit the University to act fairly and with sufficient information and understanding, students must be accessible to communication. A current and effective mailing address must be left with the University at all times. (Changes are to be submitted by students through the Office of the Registrar.) Failure of a student to respond to communications from the University will not affect the University's right to conclude its investigation.

Rustication (expulsion from all University courses and activities) is the most serious sanction which may be imposed. For further information, see Presidential Regulations, under Regulations Concerning the Conduct of Students of York University, below. For a complete copy of Presidential Regulations contact the Office of Student Affairs.

### Policy on Computing and Information Technology Facilities

In order to promote the ethical and responsible use of computing and other information technology facilities, general guidelines have been established for all students by the Senate Committee on Academic Computing in consultation with an administrative task force on computing at York. York's Budget and Policy Committee has also approved the principles and guidelines set out below.

1. York University's computing and information technology facilities are made available to students in support of their academic objectives and requirements; to faculty in support of their teaching, research and administrative activities; to staff in support of their assigned responsibilities; and to other authorized users. Such facilities may include computers and associated peripherals, the communication infrastructure and related equipment, facsimile machines, scanners, copiers, telephone, video and other multimedia devices and forms of software.
2. Computing and information technology facilities may be used only in a manner which does not contravene York University's relevant policies, codes, agreements, network protocols and provincial and federal laws.
3. Access to computing and information technology facilities is a privilege. Users who contravene the relevant policies and laws may be subject to immediate withdrawal of the privilege and/or disciplinary procedures. Illegal acts involving computing and information technology facilities may also be subject to criminal prosecution or other legal action.

### Guidelines

#### Users shall

1. Be responsible for using these facilities in an effective, ethical and lawful manner.
2. Respect the rights and interests of others.
3. Respect the property of others, including intellectual property.
4. Respect the copyrights of the owners of all software and data they use.
5. Respect the licensing agreements entered into by the University.
6. Respect privacy and confidentiality.
7. Use only those facilities for which they have authorization, whether these facilities are at York University or at any other location.
8. Use facilities and services only for their intended purposes.
9. Take all reasonable steps to protect the integrity and security of the facilities including software and data.

10. Properly identify themselves in any electronic correspondence and provide valid, traceable identification if required by applications or servers within the University's facilities or in establishing connections with the facilities.

#### Users shall not

1. Access systems or data without authorization.
2. Alter systems, software and/or data without authorization.
3. Copy software and/or data without authorization.
4. Destroy or remove software and/or data without authorization.
5. Disclose data without authorization.
6. Interfere with the processing of a system, such as deliberately overextending the resources of a system.
7. Misrepresent themselves as another user.
8. Disclose confidential passwords, access codes, account numbers or other authorization assigned to them.
9. Change another person's password without authorization.
10. Use the University facilities and resources for unauthorized purposes, including unauthorized commercial purposes.

## Presidential Regulations Concerning the Conduct of Students at York University

### Presidential Regulation Number 2 - The Conduct of Students at York University

#### I. The Authority and Jurisdiction of the University

By registering in any program of the University, a student agrees to be bound by all of its rules and regulations. Such regulations apply to all conduct, whether on or off campus, which may be said to be related to the individual's behaviour as a member of the University. Apart from any agreement to be bound by this manner, all students are subject to presidential regulatory authority.

Under the *York University Act, 1965*, the President "...has the power to formulate and implement regulations governing students and student activities." Various rules, regulations and practices of the University relating to students and student activities have been enacted by or under presidential authority. These were consolidated, modified and approved by Presidential Regulation Number 1 (September 25, 1985), which is available in the Office of the Secretary of the University. Regulation Number 2 amends Regulation Number 1, to the extent of any inconsistency.

#### II. Matters Covered by this Regulation

- a) This regulation applies to "student conduct", i.e. conduct which is associated with student membership in the University community, and which is subject to presidential authority under section 13(c) of the York University Act.
- b) This regulation does not apply to conduct:
  - i) under the exclusive authority of Senate, or of academic units acting under its mandate (e.g. academic offences);
  - ii) under the exclusive authority of the Board of Governors, or of administrative officers acting under its mandate (e.g. parking offences); or
  - iii) under presidential or other administrative authority (e.g. noncompliance with registration or fee payment procedures); except to the extent that such conduct also constitutes "student conduct".
- c) This regulation may be adopted by any competent authority mentioned in paragraph b), and its procedural provisions shall thereafter apply to such conduct.
- d) Where more than one complaints officer or local hearing officer or tribunal has jurisdiction in a matter, any such body may exercise jurisdiction.
- e) While an incident may give rise to two or more infractions, each of which lies within the jurisdiction of a different complaints officer, local hearing officer or tribunal, and while any such body may impose two or more sanctions for each infraction, no complaints officer, local hearing

officer, or tribunal shall impose a sanction if the offender has already been sanctioned for the same infraction by that, or any other body.

f) Conduct which violates the rules, customs or standards of any facility, organization, club, league or team operating on or from University premises, under University auspices, or with funds provided by the University, may also be treated as an infraction of these regulations despite the imposition of sanctions by such facility, organization, club, league or team or its competent authorities.

g) The University reserves the right to invoke, in place of or in addition to its own standards and procedures, any civil, criminal or other remedies which may be available to it as a matter of law.

#### III. Standards of Student Conduct

Students may think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for all of these purposes, subject to the requirement that they respect the rights of members of the University and general communities to pursue these same freedoms and privileges. This general standard encompasses a number of more specific expectations which cannot be fully foreseen or exhaustively enumerated. By way of example, and without limiting the generality of the foregoing, students are expected:

1. to abide by all federal, provincial and municipal laws, so far as these are relevant to student conduct;
2. to refrain from conduct which harms or threatens harm to:
  - the proper functioning of University programs or activities
  - the rights of members or guests of the University
  - the safety and well-being of members or guests of the University
  - the property of the University or of its members or guests;
3. more specifically, to refrain from:
  - assault or threat of assault
  - harassment or discrimination in contravention of the principles articulated in the Ontario Human Rights Code or the Canadian Charter of Rights and Freedoms
  - theft, defacement or destruction of property
  - unauthorized entry or trespass;
4. to abide by the regulations, rules, practices and procedures of the University and its academic and administrative units;
5. to abide by reasonable instructions given orally or in writing by any official of the University authorized to secure compliance with such regulations, rules, practices and procedures, provided that the official is identified and is acting in an official capacity.

*Note: Students seeking further information concerning University regulations, rules, practices or procedures should contact the University Complaints Centre (located within the Office of Student Affairs) or the office of their Faculty, department or college. Information may also be obtained from the Office of the Assistant Vice-President, Student Affairs, the University Secretariat, or on the Internet at [www.yorku.ca/secretariat/legislation/index.htm](http://www.yorku.ca/secretariat/legislation/index.htm).*

#### IV. Structures and Procedures

##### A. Governing Principles

Disciplinary matters should be resolved speedily, fairly and if possible informally within the unit of the University where they arise. Where disciplinary matters have their origin in a dispute between individuals, an attempt should be made to use mediative procedures to secure an outcome which is satisfactory to the disputants, as well as consistent with the expectations of the University. However, all disciplinary matters, whatever their origin, ultimately involve injury to the University's mission, reputation, interests or communal well-being, and are subject to these procedures for that reason.

##### B. Complaints and Investigation

1. A complaint concerning student conduct may be made by any member of the University to a "complaints officer" including:
  - i) Masters, Deans or the Principal of Glendon College, the Director of Libraries, or the Vice-President (Academic Affairs) and

Provost, or a person designated by any of these as the "complaints officer" in a unit under their jurisdiction;

- ii) the University Complaint Centre (in the Office of Student Affairs); or
- iii) special complaints centres established to deal with particular concerns, as identified from time to time in Appendix A.

2. a) Upon receipt of a complaint, a complaints officer shall determine whether or not to process it, or to refer it to one of the other complaints officers referred to in paragraph 1. In the event that a complaint may be appropriately dealt with by more than one complaints officer, the complainant shall be so advised, and afforded a choice as to the complaints officer who shall be charged with the matter.

b) No complaint shall be deemed to be invalid by reason of having been brought initially to, or thereafter dealt with by, the wrong complaints officer, but every effort shall be made to assist the complainant to carry the matter forward in the manner most convenient and acceptable to the complainant.

c) The Provost shall have responsibility for coordinating all complaints procedures and officers, and for securing the assistance of the Department of Security and Safety Services and other departments, where required.

3. a) Upon determining that the complaint is one which can and should be dealt with, the complaints officer shall reduce the complaint to writing, and make a preliminary investigation of the matter by discussing it with the complainant and making other informal enquiries.

b) Where after making a preliminary investigation the complaints officer determines that the complaint is patently without merit or is one to which these Regulations do not apply, the complaints officer shall so inform the complainant (and, where appropriate, the complaine) and, thereafter, take no further action in regard to the complaint.

c) If the complaint apparently involves a minor infraction, and in serious cases, if the complainant, the alleged offender and the Provost consent in writing, the matter shall be dealt with informally within the unit in which it occurred by the Master, Dean or Principal, Director of Libraries, or person designated by them to act as a local hearing officer.

d) If the matter apparently involves a serious infraction of University regulations, rules or practices, the Provost shall be so advised, and the matter shall be dealt with through the formal adjudicative process which is described in the Serious Infraction section of this Regulation, unless the Provost consents in writing to informal disposition under paragraph c).

e) The Provost may, on the application of a complaints officer or local hearing officer, summarily determine whether a matter involves a minor infraction or a serious infraction, and the matter shall thereafter be dealt with accordingly.

f) If the matter can be dealt with pursuant to procedures followed by one of the special complaint centres, as identified from time to time in Appendix A, it should be so dealt with unless the complainant otherwise elects. In the event that a formal adjudication is conducted by one of the special complaint centres listed in Appendix A, it shall be conducted in accordance with the Serious Infraction section of this Regulation.

### C. Mediative Procedures

1. Any complaints or hearing officer may, at any stage of the proceeding, and with the written consent of the complainant, the alleged offender and the Provost, establish a mediative procedure to deal with the matter.

2. The complaints or hearing officer may, upon consent, assume mediative functions, but shall not thereafter perform adjudicative functions in relation to the complaint.

3. As a condition of establishing a mediative procedure, the complainant and the alleged offender must agree to abide by the agreement reached in mediation. Violation of such an agreement shall itself be an act of misconduct, to be dealt with according to this regulation.

### D. Minor Infractions

1. Minor infractions shall be dealt with at the college level in the case of all students having a college affiliation, and at the Faculty level for all other students. In the event that a minor infraction involves students from two or more units, or does not relate to a particular college or Faculty, the Provost

may give directions for dealing with the matter, and appoint a local hearing officer for this purpose.

2. In dealing with a minor infraction, the Master, Dean or Principal, Director of Libraries, or person(s) designated by them, shall act as a local hearing officer.

3. The local hearing officer shall advise the alleged offender of the substance of the complaint, and provide a fair, but informal, opportunity for response. After considering the evidence and submissions of the complainant and the alleged offender, and any further evidence or submissions which, in the discretion of the local hearing officer, may be relevant and helpful in disposing of the matter, a written order may be made:

- i) dismissing the complaint;
- ii) imposing a minor sanction; or
- iii) in the event the matter appears to be serious, remitting it to the adjudicative procedure under Part E of these Regulations.

4. The local hearing officer shall provide brief reasons for any order, and provide a copy to the complainant and the offender or alleged offender. If the order is to dismiss the complaint or to impose minor sanctions, in the discretion of the local hearing officer, the reasons may be placed in the offender's file (if sanctions are imposed) or made public within the unit. In the event that the order is one to remit the matter to formal adjudication, the reasons shall form part of the file to be considered by the University Discipline Tribunal, but shall not be made public.

5. The minor sanctions which a local hearing officer may impose shall be limited to one or more of the following:

- i) reprimand;
- ii) public admonition;
- iii) mandatory counselling;
- iv) mandatory apology to the complainant (on pain of more serious sanction); and, in addition to or in lieu of such sanctions, one or more of the following:
  - v) denial of a local privilege (e.g. residence privileges, access to a pub or to licensed functions, participation in local activities)
  - vi) restitution for damage done not exceeding \$250, or
  - vii) a fine not exceeding \$200, to be paid to the University's student assistance fund.

6. A local hearing officer may order that any sanction imposed be stayed, so long as the offender abstains from the conduct complained of.

7. Decisions made or sanctions imposed by a local hearing officer may not be appealed. Conduct for which minor sanctions have been imposed shall not be the subject of further proceedings, except to the extent that they form part of a pattern of conduct, or aggravating circumstances, in connection with a subsequent proceeding arising out of another complaint.

## E. Serious Infractions

### 1. General

Unless dealt with on consent, by mediative procedures or at the local level, serious infractions shall be dealt with through the formal adjudicative procedures established in this section.

### 2. Complaints

a) A complaint of a serious infraction shall be referred to the Provost who, following preliminary investigation, may:

- i) determine that the complaint is patently without merit, or is one to which these Regulations do not apply, or in special circumstances, is not appropriate for adjudication, and shall so inform the complainant (and, where appropriate, the complaine) and, thereafter, take no further action in regard to the complaint;
- ii) refer the complaint to a local hearing officer, if s/he finds the matter is not serious;
- iii) institute mediative procedures, with the consent of the complainant and the alleged offender;
- iv) arrange for prosecution of the matter before a Trial Panel of the University Discipline Tribunal; and

v) in addition to, or in lieu of, any such action refer the matter to ordinary civil, criminal or other legal processes.

b) In the event that the matter is prosecuted before a Trial Panel of the University Discipline Tribunal, the Provost shall arrange for its prosecution. The original complainant may be called as a witness, but shall not have responsibility for presenting the case.

### 3. Hearings

a) Formal adjudication under these Regulations shall be conducted at first instance before a Trial Panel of the University Discipline Tribunal ("the Discipline Tribunal"), established by Presidential Regulation Number 3, as amended from time to time.

b) The Trial Panel of the University Discipline Tribunal shall not be bound to observe strict legal procedures, but in order to ensure that its procedures are as fair as possible in the context of university circumstances and traditions, it shall comply with the following procedural guidelines:

i) the Provost or her/his representative shall provide the alleged offender and the Trial Panel with a copy of the complaint, a summary of the essential facts alleged against her or him, copies of any documents to be considered by the Trial Panel, a statement of the possible consequences of a finding of guilt, and a copy of all pertinent Regulations;

ii) the original complainant and all parties to the proceeding shall be given reasonable notice of the time and place of the hearing;

iii) all parties to the proceeding shall be afforded the right to be represented by counsel or other advocate, to call evidence and present argument;

iv) proceedings of the Trial Panel shall be open to the members of the York community unless either the complainant or the alleged offender can show cause why the Trial Panel should proceed in camera;

v) the Trial Panel is not bound by legal rules of evidence; it may receive evidence in written or oral form, and shall afford all parties the opportunity to respond to such evidence; where the evidence concerns an important matter about which there is a factual dispute, it should normally be presented orally through witnesses, who should be subject to cross-examination; the Trial Panel may in its discretion nonetheless accept other forms of evidence or decline to permit cross-examination if no other course is practically possible, or if the party challenging such evidence is abusing the process of the Trial Panel;

vi) the Trial Panel may take note of matters generally within the knowledge of members of the University community; it may inform itself by any means it deems appropriate of any facts material to its deliberations, provided the parties to the proceeding are apprised of such facts and afforded an opportunity to respond to them;

vii) in general, the University Discipline Tribunal and an individual Trial Panel may adopt such procedures and make such rulings as will permit it to determine matters fairly but expeditiously in light of the domestic nature of University discipline proceedings, without reference to formal legal procedures, but with due regard for the importance of the outcome from the point of view of the complainant, the alleged offender and the University.

c) The Trial Panel shall produce a written decision stating its factual findings and conclusions, the sanctions (if any) to be imposed, and the procedures available by way of appeal. The decision shall be filed with the Secretary of the University and copies shall be provided to all parties to the proceeding and the original complainant. Unless the Trial Panel otherwise directs, the decision shall be considered a public document.

### 4. Powers

The Trial Panel may:

i) at any time, with the consent of the complainant and the alleged offender, remit the matter to mediative procedures;

ii) dismiss the complaint; or

iii) uphold the complaint and impose sanctions.

### 5. Sanctions

If the Trial Panel finds the student guilty of misconduct, it may impose any sanction, commensurate with the offence, which might have been imposed by a local hearing officer; in addition, the Trial Panel may impose any or all of the following sanctions:

i) rusticate the offender, terminating her or his right to continue as a student of the University permanently or for a fixed or indefinite period;

ii) order the offender to pay full restitution for any damage caused;

iii) impose a fine not exceeding \$1,000, to be paid to the University's student assistance fund;

iv) deprive the offender of any University privilege (e.g. apartment or residence, parking, use of licensed premises, use of University facilities or participation in University activities);

v) prohibit the offender from entering the University campus or any portion thereof, absolutely or except in accordance with stipulated conditions, and to surrender occupation of any University office, laboratory, residence or apartment or other space;

vi) order that any sanction imposed be stayed, so long as the offender abstains from the conduct complained of.

### 6. Implementation

a) Unless otherwise ordered, all sanctions imposed by the Trial Panel shall take effect seven days after the date of the decision.

b) Unless otherwise ordered, all decisions of the Trial Panel shall be entered on the offender's file seven days after the date of the decision.

c) Violation of any ruling or order of, or any sanction imposed by, the Trial Panel is itself serious misconduct and may give rise to further charges and discipline proceedings.

d) The Provost is responsible for the implementation of the decisions of the Trial Panel.

### 7. Appeals

a) A decision of the Trial Panel of the University Discipline Tribunal may be appealed to an Appeal Panel of the University Discipline Tribunal established by Presidential Regulation Number 3, as amended from time to time. An appeal shall be commenced by written notice stating the grounds of appeal, and served within seven days following the decision of the Trial Panel upon:

i) the parties to the proceeding,

ii) the original complainant, and

iii) the Secretary of the University.

b) The grounds of appeal must include one of the following allegations:

i) that the Trial Panel had no power under University regulations, rules or practices to reach the decision or impose the sanctions it did,

ii) that the Trial Panel made a fundamental procedural error seriously prejudicial to the appellant, or

iii) that the appellant is entitled to relief on compassionate or other grounds not considered by the Trial Panel.

c) Within seven days of serving the notice of appeal, the appellant must provide a written statement setting forth the basic grounds upon which it intends to rely. Having done so, the appellant may apply to the Appeal Panel to stay the operation of any sanctions imposed.

d) The Appeal Panel shall convene a hearing at the earliest possible date to deal with the request for a stay of sanctions. Where some more immediate response is required, application may be made to the Chair of the University Discipline Tribunal or a member of the University Discipline Tribunal designated by the Chair.

e) The Appeal Panel shall hear the appeal within four weeks, and shall:

i) give the parties and the original complainant notice of the time and place of the appeal hearing, copies of any documents provided by the appellant in support of the appeal, and any regulations governing its procedures;

ii) afford the parties to the appeal, in its discretion, an opportunity to present oral or written argument or both, but not to present evidence.

f) The Appeal Panel shall render a written decision disposing of the appeal by

- allowing the appeal,
- affirming or modifying the decision,
- affirming, reducing or increasing the sanctions appealed against, or
- requiring that a Trial Panel conduct a new hearing or reconsider some pertinent aspect of its decision.

g) The decision of the Appeal Panel shall be filed with the Secretary of the University and copies shall be provided to all parties to the proceeding, to the original complainant, and to the members of the original Trial Panel. Unless the Appeal Panel otherwise directs, the decision shall be a public document.

### 8. Presidential Review

a) Within seven days of the decision of the Appeal Panel, any party may submit a petition in writing requesting that the President review the decision on the grounds that the Appeal Panel had no power to reach the decision that it did, or that it has committed a fundamental procedural error prejudicial to the rights of the petitioning party.

b) The petition must state the full grounds upon which the petitioner relies, and all arguments in support thereof. It must be served upon the other parties who must submit a full reply within seven days thereafter.

c) While the parties may make written submissions, they will not be afforded the opportunity for oral argument before the President. The President may appoint an examiner to review all or specified aspects of the case, and to make findings and recommendations to assist the President in disposing of the petition. Based upon the submissions of the parties, the findings and recommendations of the examiner, and a review of the decision of the Appeal Panel, the President may:

- dismiss the petition and affirm the decision of the Appeal Panel,
- grant the petition and vary or rescind the decision of the Appeal Panel,
- affirm, reduce or increase the sanctions imposed,
- order that the matter or certain aspects of it be reheard or reconsidered by an appropriate panel of the University Discipline Tribunal, or
- make such other disposition of the matter as seems appropriate in all the circumstances.

d) The decision of the President shall be final and binding, and there shall be no further recourse for the parties or the original complainant.

e) Copies of the decision shall be provided to the parties, the original complainant and members of the original Trial and Appeal Panels, filed with the Secretary of the University, entered on the file of the offender (if found guilty), and shall be a public document.

### F. Emergency Orders

(Presidential Regulation 2 is amended as follows, effective June 30, 1992)

#### 1. Preamble

The purpose of this regulation is to permit the University to act promptly and effectively to safeguard the community or its members.

#### 2. Special Circumstances

The Provost may make Emergency Orders in the following limited circumstances:

- i) when the he/she has reason to believe that a student has caused another member or other members of the University to fear for their own safety or security;
- ii) when the he/she has reason to believe that a student has caused or may cause serious disruption of a class, residence, library, examination, or study area;
- iii) when the he/she has reason to believe that a student has committed or may commit serious damage to the property of the University; and in any such circumstances, when having regard to urgent considerations of safety and security he/she has reason to believe that it is not prudent or practicable to proceed by way of formal complaint and adjudication under these regulations.

### 3. Emergency Procedures

Where the Provost makes an Emergency Order, he or she shall make reasonable efforts to give the student notice, which notice may be orally in person or by telephone, or in writing. The Provost may act as expeditiously as necessary and is not required to hold a hearing prior to making an Emergency Order.

### 4. Effect of Emergency Orders

a) Emergency Orders may require the student absolutely or subject to defined conditions:

- i) to abstain from coming on campus, or from entering specific classes or places, or from communicating with specific persons;
- ii) to move out of a campus residence;
- iii) to provide a written undertaking of behaviour;
- iv) to abstain from any other action on campus when, in the opinion of the Provost, such an order is necessary to avoid or alleviate the apprehended or actual harm;

b) An Emergency Order shall be:

- i) effective immediately on being made;
- ii) made in writing and as soon as possible given in person to the student or sent by registered mail or delivered by hand to the student's place of residence;
- iii) in force for a defined period of not more than 60 days or until a formal hearing under these regulations is convened, whichever is the shorter;

c) Violation of an Emergency Order or an Undertaking given thereunder shall be an act of serious misconduct under this regulation.

### 5. Further Proceedings

a) When an Emergency Order is made the Provost shall at the same time request the University Disciplinary Tribunal to convene a formal hearing.

b) As its first task the tribunal shall summarily determine whether the Emergency Order should continue in force or be suspended pending a full hearing and determination of the matter.

c) If the tribunal decides to suspend the Emergency Order, it may decide to do so absolutely, upon certain conditions, or for a period of time.

d) Notwithstanding suspension of the Emergency Order the tribunal may reinstate the Emergency Order at any time during the course of a hearing hereunder, for the reasons and upon the terms set out in Section 2 hereof.

e) The tribunal shall conduct a formal adjudication on the basis that the Emergency order constitutes a Complaint of a "serious infraction" under these regulations and the provisions and procedures pertaining to such a hearing shall apply.

f) The tribunal shall at the conclusion of its deliberations, make a determination as to whether the Special Circumstances set forth in Section 2 continue to exist. The tribunal may impose any of the sanctions available to be imposed by a panel hearing a serious infraction, or any of the terms and conditions included or which could have been included in the Emergency Order.

## Presidential Regulation Number 3 - Student Discipline - Complaints and Adjudication

### I. University Complaint Centre

The Vice-President (Academic Affairs) and Provost shall establish in the Office of Student Affairs a University Complaint Centre. The Centre may receive complaints concerning all aspects of student non-academic conduct, including those matters for which special procedures have been provided, shall advise complainants of the alternative forms of redress which may be available to them, and shall assist them in pursuing the form of redress preferred. The Complaint Centre shall also be a "complaints officer" within the meaning of that term in Presidential Regulation Number 2, and as such may itself process complaints.

## II. University Discipline Tribunal

- a) The University Discipline Tribunal shall exercise the powers delegated to it under Presidential Regulation Number 2.
- b) The Tribunal shall comprise 18 members, to be appointed for staggered two-year terms by the President, including:
  - i) three faculty members and three students nominated by the Dean of Osgoode Hall Law School;
  - ii) three faculty members nominated by the Council of Masters;
  - iii) three student members nominated by the York Federation of Students (YFS) following consultation with all duly constituted student governments;
  - iv) three faculty members and three student members nominated by the Provost.
- c) Nominations and appointments shall be made so as to effect a balance of male and female members on the Tribunal and, over time, among the categories. Normally, male and female members shall be nominated and appointed in succession to each other.
- d) The Tribunal shall sit in panels of three members, chosen by lot by the Secretary of the University, to hear trials and appeals. At least one member of each panel shall be a student, and one a faculty member, and at least one member of each panel shall be a male and one a female.
- e) In any case involving a student of Glendon College who wishes proceedings to be conducted in French, and in any other case where it may be necessary so to do, the President may appoint members ad hoc as required. The quorum requirements of paragraph d) shall apply in the case of such ad hoc appointments.
- f) No one shall sit as a member of a panel if, in the opinion of the Chair of the Discipline Tribunal, there are reasonable grounds to believe that that member will not be, or be seen to be, impartial. No one shall sit as a member of an Appeal Panel who was a member of the Trial Panel which heard the matter under appeal.
- g) The Chair of the University Discipline Tribunal shall designate a president for each panel from amongst its members.

## III. General

- a) The University Complaint Centre, the University Discipline Tribunal and all other complaints officers and local hearing officers appointed under Presidential Regulation Number 2, shall have power to adopt procedures and policies, and to make rulings and give directions, to enable them to discharge their respective functions. All such policies and procedures should be recorded in writing, approved by the Provost, acting under the direction of the President, and filed in the office of the Secretary of the University.
- b) When a vacancy occurs, or insufficient members of the University Discipline Tribunal are available to act, the President may appoint additional members ad hoc to the University Discipline Tribunal.
- c) The members of the University Discipline Tribunal shall meet annually in April to select the Chair for the coming academic year. The Chair shall have responsibility for ensuring the effective operation of the Tribunal. The Secretary of the University or his/her delegate is ex officio the secretary of the Tribunal.
- d) The members of the University Discipline Tribunal, and of all bodies and individuals concerned with discipline, may meet from time to time to discuss general questions relating to student discipline with a view to ensuring that the system of student discipline at York is coherent, fair and efficient.

## IV. The Vice-President (Academic Affairs) and Provost

The Vice-President (Academic Affairs) and Provost of the University, acting on behalf of the President, shall have administrative responsibility for the operation of the system of student discipline. The Provost shall report annually to the President on the operation of the system, and may make recommendations for its improvement.

## Appendix A

1. The Sexual Harassment Education and Complaints Centre.
2. The Centre for Race and Ethnic Relations.

## Senate Policy on Academic Honesty

### A. Introduction

Conduct that violates the ethical or legal standards of the University community or of one's program or specialization may result in serious consequences. The Policy on Academic Honesty is a reaffirmation and clarification for members of the University of the general obligation to maintain the highest standards of academic honesty. It outlines the general responsibility of faculty to foster acceptable standards of academic conduct and of the student to be mindful of and abide by such standards.

### B. The Role of Faculty Members and Students

A clear sense of academic honesty and responsibility is fundamental to good scholarship. Faculty members should include consideration of academic honesty in both courses and research settings. Such guidance is particularly important for students who assume independent roles as course assistants or begin to conduct their own original work. Every student has a responsibility to abide by these standards and, when in doubt, to consult with faculty members in order to determine a proper course of action.

### C. Pressures that May Lead to Academic Misconduct

University education includes demands that might tempt some to violate standards of academic honesty. There are pressures on students to achieve high grades, obtain financial support, meet research or publication deadlines, gain recognition from the scholarly community, and secure employment. Although faculty members can help students to maintain academic honesty despite these pressures, each student has final responsibility for her or his academic honesty.

### D. Serious Offences Against the Standards of Academic Honesty

*Note: This summary is not exhaustive. In some cases the University regulations on non-academic discipline may apply. Some academic offences constitute offences under the Criminal Code of Canada; a student charged under University regulations may also be subject to criminal charges. Charges may also be laid against York University students for matters which arise at other educational institutions.*

**Cheating:** Cheating is the attempt to gain an improper advantage in an academic evaluation. Among the forms this kind of dishonesty can take are; obtaining a copy of an examination before it is officially available or learning an examination question before it is officially available; copying another person's answer to an examination question; consulting an unauthorized source during an examination; obtaining assistance by means of documentary, electronic or other aids which are not approved by the instructor; or changing a score or a record of an examination result.

It is also improper to submit the work one has done for one class or project to a second class, or as a second project, without getting the informed consent of the relevant instructors. Acceptance of one piece of work that is submitted for two classes must be arranged beforehand. It is understood that students may wish to build on previous research in the preparation of a paper but students must also be aware that such a practice may run afoul of the intention of the assignment. In all such cases the student must discuss the matter with the instructors and receive written permission beforehand.

**Impersonation:** It is a breach of academic honesty to have someone impersonate one's self in class, in a test or examination, or in connection with any other type of assignment in a course. Both the impersonator and the individual impersonated may be charged.

**Plagiarism and other misappropriation of the work of another:** Plagiarism is the representation of another person's ideas or writing as one's own. The most obvious form of this kind of dishonesty is the

presentation of all or part of another person's published work as something one has written. However, paraphrasing another's writing without proper acknowledgement may also be considered plagiarism. It is also a violation of academic honesty to represent another's artistic or technical work or creation as one's own. Just as there are standards to which one must adhere in the preparation and publication of written works, there are standards to which one must adhere in the creation and presentation of music, drawings, designs, dance, photography and other artistic and technical works. In different forms, these constitute a theft of someone else's work. This is not to say that students should not use the work of others with the proper acknowledgement.

**Improper research practices:** Many academic activities may involve the collecting, analyzing, interpreting and publishing of information or data obtained in the scientific laboratory or in the field. Opportunities to deviate from acceptable standards may be more numerous in research than in the classroom, as research activities may be supervised less closely. Forms of improper research practices include the dishonest reporting of investigative results either through fabrication or falsification, taking or using the research results of others without permission or due acknowledgment, misrepresentation of research results or the methods used, the selective reporting or omission of conflicting information or data to support a particular notion or hypothesis. Furthermore, all researchers have a responsibility to refrain from practices that may unfairly inhibit the research of others now or later. This responsibility extends to York University students in other institutions or countries.

**Dishonesty in publication:** In most instances the objective of scholarly research is the dissemination of information, usually in the form of a written and published work. Indeed, in many disciplines career advancement is often based largely on the number and quality of an individual's publications. It is a violation of academic honesty to knowingly publish information that will mislead or deceive readers. This includes the falsification or fabrication of data or information, as well as the failure to give credit to collaborators as joint authors or the listing as authors of others who have not contributed to the work. Plagiarism is also considered a form of dishonesty in publication.

**Premature oral or written dissemination of information:** Information or experimental data that was collected with a member of the faculty or another student, and other works that involved the participation of a faculty member or another student should not be submitted for publication prematurely, without appropriate permission.

**Abuse of confidentiality:** A student may be asked to help in the evaluation of confidential grant proposals, award applications, or manuscripts that will be or may have been submitted for possible funding or publication. Taking or releasing the ideas or data of others that were given with the expectation that they are confidential is inappropriate. Unless one is authorized to do so, it is improper to obtain a password assigned to another or to copy or modify a data file or program belonging to someone else. Proper authorization means being granted permission either by the owner or originator of that material, or by a faculty member, or an appropriate administrator. Similarly, one should not violate the integrity of a computer system to harass another user or operator, damage software or hardware or evade appropriate monetary charges.

**Falsification or unauthorized modification of an academic record:** It is a breach of academic honesty to falsify, fabricate, or in any other way modify a student examination, transcript, grade, letter of recommendation, or related document. Other breaches of academic honesty include making false claims or statements, submitting false information, altering official documents or records, attempting or causing others to do or attempt any of the above, with intent to mislead an instructor, an academic unit, program, office or committee as to a student's academic status, qualifications, actions or preparation. Failure to divulge previous attendance at another postsecondary educational institution on an admissions application is also a violation.

**Obstruction of the academic activities of another:** It is a violation of academic honesty to interfere with the scholarly activities of another in order to harass or gain unfair academic advantage. This includes interference or tampering with experimental data, with a human or animal subject, with a written or other creation (e.g. a painting, sculpture or film), with a chemical used for scientific study, or with any other object of study.

**Aiding or abetting academic misconduct:** Knowingly aiding or abetting anyone in a breach of academic honesty shall itself be considered misconduct. This may include assisting others in the preparation of work submitted for appraisal or offering for sale essays or other assignments with the intention that these works would be submitted for appraisal.

## E. Sanctions for Academic Misconduct

When verified, a violation of academic honesty may lead to one or more of the following penalties:

- (a) oral or written disciplinary warning or reprimand;
- (b) a make-up assignment or examination;
- (c) lower grade or failure on the assignment or examination;
- (d) failure in the course;
- (e) suspension from the University for a definite period<sup>1</sup>;
- (f) notation on transcript<sup>2</sup>;
- (g) withholding or rescinding a York degree, diploma or certificate<sup>3</sup>.

1 This penalty may be awarded only by a Faculty-level committee which has received authority to do so from a Faculty Council.

2 A student may petition to the Senate Appeals Committee to have the notation removed after a period of five years from the date at which the notation was entered.

3 Where a Faculty decides to rescind a degree, diploma or certificate, the decision, with supporting documentation, must be forwarded to the Senate Appeals Committee for approval on behalf of Senate.

A permanent record of the offence will be placed in the student's academic file. This record is for internal academic purposes only.

## Penalty Guidelines

It is in the interest of all concerned that students who are being penalized for a breach of academic honesty receive equitable and consistent treatment across the University. To this end, a range of penalties for each offence has been developed which reflects an appropriate realm of sanctions for the variations of each offence. The range has been developed to guide faculties in imposing penalties, and is a reflection of the distinction and limitations of certain Faculties' academic regulations. Senate does not expect the exact penalty to be imposed for the same offence on each and every occasion around the University, as it is recognized that many factors come into play in each individual case. It is necessary, however, that all students found to have committed a specific offence be faced with the same penalty options in the first instance. It is not the intention of these guidelines to restrict the authority or flexibility of faculty committees in imposing the sanctions as listed above in Section E; faculties will, in each case, exercise their discretion, taking into consideration the relevant factors, as outlined below. For the benefit of students, however, faculty committees which impose a sanction outside of the range of penalties (but still within the options outlined above) are encouraged to provide a thorough explanation in their written decision as to why it was deemed warranted.

### Factors to be Considered in Imposing Penalties:

Although similar infractions are commonly committed by students University-wide, the circumstances surrounding each may vary to a significant degree. The penalty imposed should reflect, reasonably, these circumstances. Important factors to be considered by committees in imposing penalties or reviewing penalty recommendations are:

- (i) *Extent of violation:* The actions which constitute specific offenses of academic honesty (i.e. plagiarism, cheating) vary in terms of severity. Some instances of academic dishonesty constitute only minor infractions while others represent the most extreme form of violation. Penalties should correspond to the nature of the offence.
- (ii) *Basic considerations:*
  - (a) The level of the student's academic experience is important in determining the degree to which they should be penalized.
  - (b) Extenuating circumstances which a student faced at the time in question may help explain the action taken on their part, and due weight should be attached to those circumstances.

(c) If the student admits guilt, accepts responsibility for their action, and is amenable to educative remedies, committees may find it justified to levy a less severe penalty.

(iii) *Prior/multiple incidents*: If the offence is a second (or subsequent) one for the student and/or is in combination with another offence, then a severe penalty should be considered.

*Note: penalties may be imposed singularly or in combination for any offence.*

### The Range of Penalties by Offence:

#### Cheating

Examples of cheating include:

- (i) cheating on examination or test, or providing unauthorized assistance to another
- (ii) obtaining test or examination questions in advance
- (iii) attempting to or purchasing an essay for submission as own work
- (iv) submission of a single piece of work to two courses without permission
- (v) unauthorized collaboration on assignments

Range of penalties:

- written reprimand to student
- rewrite work subject to grade penalty
- grade on work, or section/question, reduced (may be down to "0")
- final grade in course lowered
- retroactive withdrawal from the course+
- grade of "F" in the course
- suspension
- transcript notation

#### Plagiarism

Examples of plagiarism include:

- (i) submission of another's work as own, in part or whole
- (ii) paraphrasing/reproducing another's work without proper acknowledgement

Range of penalties:

- written reprimand to student
- rewrite work subject to grade penalty
- grade on work, or section/question, reduced (may be down to "0")
- final grade in course lowered
- retroactive withdrawal from the course+
- grade of "F" in the course
- suspension
- transcript notation

+penalty applicable only to students in the Faculty of Graduate Studies, and imposed only in conjunction with a transcript notation.

#### Falsification or unauthorized modification of an academic document /record

Examples of documents/records include:

- (i) transcripts
- (ii) examination/test
- (iii) letter of recommendation, or related document
- (iv) degree
- (v) physician's letter/form

Also includes failure to divulge previous attendance at another post secondary educational institution.

Range of penalties:

- written reprimand to student
- reduced grade on work, or section/question\* (may be down to "0")
- final grade in course lowered\*
- grade of "F" in the course\*
- suspension
- transcript notation

\*if specific course involved.

#### Impersonation

It is a violation of academic honesty to have someone impersonate a student in:

- (i) a class
- (ii) test or examination
- (iii) connection with any other course assignment

Range of penalties:

- grade of "F" in the course
- suspension
- transcript notation

#### Improper Research Practices

Examples include:

- (i) dishonest reporting of investigative results either through fabrication or falsification
- (ii) taking or using the research results of others without permission or acknowledgement
- (iii) misrepresentation of research results or the methods used
- (iv) selective reporting or omission of conflicting information or data to support a particular notion or hypothesis

Range of penalties:

- written reprimand to student
- failure on work (if applicable)
- failure in the course (if applicable)
- suspension
- transcript notation
- withhold or rescind degree, diploma or certificate

#### Dishonesty in Publication

It is a violation of academic honesty to knowingly publish information that will mislead or deceive readers; this includes:

- (i) falsification or fabrication of data or information
- (ii) failure to give credit to collaborators as joint authors or the listing as authors of others who have not contributed to the work

Range of penalties:

- written reprimand to student
- failure on work (if applicable)
- failure in the course (if applicable)
- suspension
- transcript notation
- withhold or rescind degree, diploma or certificate

#### Premature oral or written dissemination of information

Information, data or other information collected with another student or faculty member should not be submitted for publication prematurely without permission.

Range of penalties:

- written reprimand to student
- failure on work (if applicable)
- failure in the course (if applicable)
- suspension
- transcript notation
- withhold or rescind degree, diploma or certificate

#### Abuse of Confidentiality

Examples include:

- (i) taking or releasing the confidential ideas or data of others
- (ii) obtaining a computer password assigned to another
- (iii) copying or modifying a data file or computer program belonging to another
- (iv) violating the integrity of a computer system to harass another, damage software or hardware or evade appropriate monetary charges

Range of penalties:

- written reprimand to student
- failure on work (if applicable)
- failure in the course (if applicable)



- suspension
- transcript notation
- withhold or rescind degree, diploma or certificate

#### **Obstruction of the Academic Activities of Another**

Examples include interference or tampering with:

- experimental data
- human or animal subject
- written or other creation (painting, sculpture, film)
- a chemical used for scientific study
- any other object of study

Range of Penalties:

- written reprimand to student
- reduced grade on work [may be down to "0"] (if applicable)
- failure in the course
- suspension
- transcript notation
- withhold or rescind degree, diploma, or certificate

#### **Aiding or Abetting Academic Misconduct**

Examples include:

- knowingly assisting others in the preparation of work submitted for appraisal
- offering for sale essays or assignments

Range of penalties:

- written reprimand to student
- failure on work (if applicable)
- failure in the course (if applicable)
- suspension
- transcript notation

### **Procedures Governing Breach of Academic Honesty**

Each Faculty must ensure that its procedures are consistent with the following standards. Faculty procedures must be approved by the Senate Appeals Committee, published in the Calendar and available at the appropriate Faculty offices.

#### **A. Purpose**

These procedures are available when a York student, a York graduate, a former York student, or a student who is applying to take, is taking or has taken a York course is accused of violating the Senate Policy on Academic Honesty. (Hereafter, "student" includes all of the above-noted categories.) Students and faculty are encouraged to discuss and, where possible, resolve their differences informally. However, a breach of academic honesty is one of the most serious offences within the University. "It would be impossible to think of any greater insult to the integrity of an academic institution or to an academic community than that of dishonesty whether it is called intellectual dishonesty or fraud. One can therefore sympathize with the desire to uncover it and treat it with the condemnation it deserves when it is thought to exist. This gives rise to an obligation to refrain from concluding that it exists lightly. It creates a concomitant duty to give a person accused of dishonesty the benefit of reasonable safeguards to enable him or her to meet the serious accusations that it entails. (Krever, J., (1985) 11 OAC 72)" The following procedures are provided by the Senate Appeals Committee for investigating and resolving cases of alleged violations of the Senate Policy on Academic Honesty.

#### **B. Jurisdiction**

Allegations of Breach of Academic Honesty in respect of courses are dealt with by the Faculty offering the course. The student's home Faculty has observer status at a hearing and may make submissions as to penalty. Any other breaches of academic honesty which occur with respect to University affairs will be reported by the administrator or committee to the appropriate Faculty. Should a matter arise for which there appears to be no clear Faculty jurisdiction, the Senate Appeals Committee may exercise its jurisdiction and make appropriate arrangements.

#### **C. Initiating a Complaint**

1. A complaint alleging violation of the Senate Policy on Academic Honesty shall be submitted in writing to the appropriate office as soon as is reasonably possible. The complaint shall contain a full, but concise, statement of the facts as perceived by the complainant.
2. The responsibility for detecting potential academic dishonesty on assignments, term papers, essays etc. lies with the person evaluating the material. The evaluator, if other than the course director, shall retain possession of the suspect material and shall provide a written report, together with the confiscated material, to the course director.
3. The responsibility for detecting potential academic dishonesty in an examination lies with the invigilator who is normally the course director or delegate. In cases of suspected impersonation, the invigilator shall ask the student concerned to remain after the examination and shall request appropriate University identification or shall otherwise attempt to identify the student. In other cases of suspected breach of academic honesty the invigilator shall confiscate any suspect material. In all cases, the student will be allowed to complete the examination, and the invigilator, if other than the course director, shall give a full report, together with any confiscated material, to the course director.

#### **D. Faculty Member Handling of an Alleged Violation**

1. It is the responsibility of faculty members to instruct students as to appropriate academic behaviour and to maintain the academic integrity of their relationship with students. However, faculty members should not be called upon to prosecute students, determine guilt or innocence of students or to impose punishment on students, whether that punishment is mild or severe. When a faculty member in a course, or having or sharing responsibility for a student's research, examination, or dissertation preparation, becomes aware of a possible violation of academic honesty, the faculty member should investigate the matter and, if there are reasonable and probable grounds for the laying of a charge, do so by contacting the appropriate Faculty office. If the faculty member is not the Course Director, the Course Director shall be informed as soon as possible and shall take charge of the matter. Faculties may empower a Faculty official to take charge of the investigation of an allegation received from a faculty member.
2. It is the responsibility of the faculty member to collect or assist in the collection of the necessary information and to be prepared to act as a witness in the matter. It is the responsibility of the Faculty official to present the case to the committee hearing the charge. It is the responsibility of the committee hearing the matter to determine guilt or innocence and, if necessary, settle on a penalty after hearing submissions from both parties.
3. In determining whether or not there are reasonable and probable grounds to proceed with a charge of breach of academic honesty the faculty member may arrange an informal meeting with the student to discuss the matter. At this meeting the student may be accompanied by a representative and the faculty member may have another person present. During any such investigation, the faculty member should proceed quickly but, if interviewing a student, should give the student at least seven calendar days' notice of such a meeting.
  - a) If the action was clearly unintentional, the faculty member may take informal remedial steps so that the student may correct the mistake and avoid its recurrence. In such instances, no official response is required and no record should be kept.
  - b) If the student wishes to admit to a breach of academic honesty, a document signed by the student and the faculty member which includes the admission, a summary of the matter and a joint submission as to penalty may be forwarded to the committee which deals with allegations of breach of academic honesty. In such cases, the agreed-upon penalty may not exceed failure in the course. The committee receiving such a joint submission will normally impose the penalty suggested but if it is of the opinion that some other penalty would be more appropriate it must arrange for a hearing of the matter.
4. If the charge relates to work already presented for evaluation the faculty member may elect to defer the evaluation of the work until after the matter has been dealt with. Normally, any evaluation of a work which relates to a charge will not be entered into the student's record until after the matter is concluded.

### E. Faculty Initiation of a Hearing

In dealing with allegations of breach of academic honesty, Faculties shall follow the guidelines indicated below.

1. A Faculty may wish to delegate authority to hear allegations of breach of academic honesty to a department, division or program committee or have such allegations heard by a Faculty-level committee. All committees must proceed according to the procedures contained in this document.
2. If the committee which first hears allegations of breach of academic honesty is a department, division or program committee, Faculty procedures must specify that appeals against decisions of that committee are considered by a Faculty appeal committee which must proceed according to the Senate Appeals Committee Procedures for hearing appeals [Senate, October 1985]. Any appeals of decisions of a Faculty-level appeal committee are considered by the Senate Appeals Committee.
3. If the committee which first hears allegations of breach of academic honesty is a Faculty-level committee, Faculty procedures may specify either that appeals against decisions of that committee are considered by a Faculty appeal committee or by the Senate Appeals Committee.
4. Once an investigation begins, a student may not drop or be deregistered from the course for any reason until a final decision is reached.
5. Transcripts will not be released to a student until a decision is made. A request by a student for a transcript to be sent to another institution or to a potential employer will be processed, but, if the student is found guilty of a breach of academic honesty, the recipients of the transcript will be so informed.
6. A student who is suspended and is eligible to graduate may not apply to graduate until a suspension expires or is lifted.
7. The Faculty shall give each party a written copy of the charge, a copy of the materials submitted by the faculty member which includes a summary of the evidence, a copy of the procedures to be followed and not less than 21 calendar days' notification of the time and location of the hearing. If the student wishes to file a written response to the charge it must be received within 14 calendar days of the date of the sending of the information, and such response must be forwarded to the faculty member. Both parties must inform the committee of their intention to call witnesses and the names of these witnesses at least two business days prior to the hearing.
8. A student who acknowledges the accuracy of the charges may waive the right to a hearing by submitting a written statement that both admits guilt and waives the right to a hearing. In this statement, the student may make submissions as to appropriate penalty and give reasons.
9. All hearings are subject to the requirements of natural justice. Only the committee members, a recording secretary, the complainant, the accused, each party's adviser(s) (who may be lawyers), and the witnesses may be present. Witnesses (unless parties) shall be present at the hearing only while testifying. Exceptions to this policy may be made at the discretion of the committee. The committee shall arrange for a recording secretary to take notes of the hearing. A record prepared from these notes will constitute the official record of the proceedings. Parties may, if they wish, arrange for their own written record of the hearing to be taken. The Chair of the committee has full authority to assure an orderly and expeditious hearing. Any person who disrupts a hearing, or who fails to adhere to the rulings of the committee, may be asked to leave.
10. The committee shall consider the facts and circumstances of the case and determine guilt or innocence. A student who is accused of a breach of academic honesty shall be presumed innocent until guilt, based upon clear and compelling evidence, has been determined by the committee. If guilt is determined, the committee shall hear submissions as to the appropriate penalty and then decide the penalty.
11. If a party fails to appear at a hearing after proper notice, the hearing may proceed, a decision may be made and sanctions may be imposed, unless the party can establish, in advance of the hearing and to the satisfaction of the committee, that there are circumstances beyond her or his control which make an appearance impossible or burdensome. Except as noted here, no evidence shall be presented unless the accused student is present.

12. Parties must be allowed a full and fair opportunity to present their evidence and to contradict the evidence presented against them. Parties are allowed to cross-examine each other in matters related to the charge. The committee has the discretion to make rulings as to admissibility of evidence or the suitability of cross-examination. The committee is not bound by formal rules of evidence applicable in courts of law.

13. When there is no further relevant testimony to be presented by either party or their witnesses, each party may present a final argument. Following this the parties shall be excused without further discussion. The committee shall then enter into closed session and each member shall vote on the question of guilt or innocence. A "guilty" verdict requires a simple majority vote.

14. Following a "guilty" verdict, the committee shall next allow both parties to make a presentation as to suitable penalty. Normally, it is only at this point that the committee may be made aware of other academic offenses in the student's file. The committee will again enter into closed session and decide upon the sanction. A motion to impose a particular penalty, as outlined in Section E of the Senate Policy on Academic Honesty, shall require a simple majority vote. The decision of the committee, as described in F.8, must be communicated to the parties in writing, delivered by hand or by mail.

15. If the student is found to have committed a breach of academic honesty in work related to a funded research project, the Vice President (Academic Affairs) shall be notified and the Vice President or a designee shall determine whether to notify the granting agency.

### F. The Order of the Hearing

The following indicates the order in which a committee should proceed when hearing a charge of breach of academic honesty. The committee may alter the order in the interests of fairness.

1. The Chair shall:
  - (a) introduce the parties and members of the committee;
  - (b) identify the nature of the case and evidence before the committee.
2. The Presenter shall:
  - (a) briefly describe the case to be presented, in an opening statement;
  - (b) present support for the charge through oral testimony of complainant and witnesses, and through documentary evidence;
  - (c) Committee members normally ask questions at the end of each person's testimony but may interrupt if clarity is required;
  - (d) The student or representative may ask questions of each witness at the close of that person's testimony.
3. The Student or representative shall:
  - (a) briefly reply and indicate main arguments in an opening statement;
  - (b) present support for her/his case through oral testimony of student and witnesses as well as documentary evidence;
  - (c) Committee members normally ask questions at the end of each person's testimony but may interrupt if clarity is required;
  - (d) The Presenter may ask questions of each witness at the close of that person's testimony.
4. The Presenter shall be allowed to present testimony or other evidence in reply to new issues raised in the student's case which were not raised in the original presentation.
5. At any time the committee may require other witnesses or the production of other written or documentary evidence and may, if it sees fit, adjourn the hearing after allowing both parties the opportunity to speak to the adjournment.
6. Following the presentation of evidence, the parties are entitled to make closing arguments and to summarize briefly the main points of their cases, but no new arguments or evidence may be introduced. This will proceed in the following order: the Student followed by the Presenter.
7. The committee will move into closed sessions for deliberations and decision. If there is a finding of guilt, the committee will then consider

submissions as to appropriate penalty, then return to closed sessions and decide on the appropriate penalty.

8. The written decision of the committee shall include:
- the names of committee members and all who appeared;
  - a summary of the cases of the parties;
  - the committee's findings of fact, decision and reasons;
  - the route of appeal.

## Petitions and Grade Reappraisals

### Guidelines for the Consideration of Petitions/ Appeals by Faculty Committees

These guidelines should inform the actions and decisions of Faculty committees and administrative personnel in responding to student petitions and appeals. They are not intended to direct the decisions of the Faculty in these matters; jurisdiction to waive academic regulations, extend guidelines and reappraise work clearly resides with Faculties in the first instance. These guidelines are to advise the relevant parties in their work to help foster equitable and consistent decisions across the University. It is recognized that the nature (performance, professional, graduate) and size of the various Faculties make it highly improbable to have uniform procedures and processes. There are areas in which greater consistency among the Faculties' processes can be achieved and it is to that end that these guidelines are proposed.

#### 1. Structure

Faculties may, *and are encouraged*, to have a two-tiered structure for the consideration of petitions: a) a petitions committee/Associate Dean and b) an administratively approved process.

- Petitions Committee/Associate Dean:** As all Faculties have agreed to consider requests for exceptions from Faculty regulations, there shall be a committee or a senior academic administrator charged with the responsibility of reviewing the petitions and rendering decisions on the basis of the reasons and supporting documentation provided by the student.
- Administratively Approved Petitions:** To help offset large caseloads, petitions may be recommended for approval by the Petitions Officer (or equivalent) and confirmed by the Chair of the Petitions Committee (or designate)<sup>1</sup>. In accordance with the general considerations for granting petitions (set out below), the Petitions Officer shall identify cases which clearly meet the considerations and present them as such to the Chair for confirmation. All cases which are not clear and require discretion are forwarded to the Petitions Committee for a decision. No petitions will be administratively refused on the basis of their merits. Students failing to provide the necessary documentation requested by the Faculty within a specific time frame will not have their petition considered, and the Petitions Officer shall inform the student in writing in such cases.

<sup>1</sup> With the exception of petitions to waive debarments which should be considered by a committee.

#### 2. Principles

- Procedures:** Each Faculty shall have written procedural rules that are widely available to students (e.g. in the calendar, on the University Web site, at the Registrar's Office). Faculty petition/appeal procedures must be consistent with the Senate guidelines.
- Deadlines:** The Senate approved policy on the deadline for submitting a petition for late withdrawal is that "Normally petitions for late withdrawal from a course will only be considered if they are submitted within 30 days of the last day of classes [of the relevant course]. Such petitions may be considered for a period of up to one year if they are based on special circumstances." The Senate policy on the deadline for deferred standing requests is "Normally requests for deferred standing must be communicated within one week following a missed examination or the last day to submit course work." The period during which the University is officially closed for December holidays and on statutory holidays throughout the year is not counted in the determination of deadline days.

- Representation:** Appellants have the right to have a representative assist in the preparation of written submissions and, if granted an appearance before a committee, represent them at that meeting.
- Jurisdiction:** Students shall petition all matters to their home Faculty with the exception of grade reappraisals which are considered by the Department/Faculty offering the course. Otherwise, Faculties shall consider requests for exceptions to all Faculty regulations.
- Bias:** Any member of a petitions/appeals committee or a person reviewing a petition who has a lack of neutrality on the issue to be decided shall excuse him/herself from the consideration of that case. An appearance of bias or a reasonable apprehension of bias is also sufficient for a party to disqualify her/himself from considering a petition.
- Appearances:** Students and/or their representatives may appear before a committee only at the discretion or invitation of the Committee.
- Anonymity:** Requests from students for anonymity in the petitions process should be honoured. Students provided the opportunity to appear before a committee, however, will have to decide whether they wish to forego anonymity. Confidentiality in this process shall always be maintained.
- Decisions:** To help fulfill the requirements for natural justice and fairness in adjudicative processes, petitions and appeals committees/ Administrators rendering decisions on petitions must give reasons in writing for the decision. Without reasons, a party may have to speculate why an adverse decision was made and may not be able to decide whether to appeal. Similarly, a subsequent committee or a reviewing court may have difficulty understanding the rationale for a decision without reasons and may draw inferences adverse to the initial committee from its failure to give reasons.
- Appeals:** The route of appeal for students shall be included in the written decision.

### Principles Regarding Grade Reappraisals

- Students may, with sufficient academic grounds, request that a final grade in a course be reappraised (which may mean the review of specific pieces of tangible work). Non-academic grounds are not relevant for grade reappraisals; in such cases, students are advised to petition to their home Faculty. Students are normally expected to first contact the course director to discuss the grade received and to request that their tangible work be reviewed. Tangible work may include written, graphic, digitized, modelled, video recording or audio recording formats, but not oral work.

**Students need to be aware that a request for a grade reappraisal may result in the original grade being raised, lowered or confirmed.**

- In the event that students are still not satisfied with the final grade OR the course director is not available to review the work, they may submit in writing a formal request for a grade reappraisal to the department or unit in which the course is offered\*. The Senate approved deadline for submitting grade reappraisals is within three weeks of the release of final grade reports in any term. Exercising discretion about minor delays in meeting the deadline which result from slow mail delivery or extraordinary circumstances is reasonable.

\*The exceptions are as follows:

- for Osgoode, Schulich, and the Faculty of Education the requests for reappraisal are submitted to the office of the relevant Associate Dean.
- If the condition of sufficient academic grounds has been met, the relevant department committee, Department Chair, Associate Dean or Graduate/Undergraduate Program Director will be responsible for ensuring that the work is reappraised by an appropriate faculty member, ensuring anonymity of both the student and the reappraiser, and for communicating the result of the reappraisal (including the reappraiser's comments) and the route of appeal to both the student and the course director. The reappraiser will be given the nature of the assignment and the rationale for the original grade. It is expected that every effort will be made to render the decision within 30 days of the reviewer having received the work.
  - Parties to the decision may appeal a negative decision on a request for a reappraisal, or the result of the reappraisal itself to a Faculty-level appeals committee in the Faculty in which the course is offered (or, in the

case of the Faculty of Graduate Studies, to the Dean) only on the ground of procedural irregularity. Procedural irregularity is defined as:

- actions taken or not taken by a department, Faculty, Graduate program its officers, committees, or members with respect to the previous disposition of the case which violate or nullify one or all of the following:
  - a) normal and written procedures of the University, Faculty, Graduate program or department concerned;
  - b) consistency in the Faculty's, Graduate program's or department's handling of cases substantially similar to that being appealed;
  - c) principles of equity, natural justice or fairness, whether or not such violation occurred in accord with written or customary procedures. Appeals based on allegations of these last procedural irregularities should allege and demonstrate obvious bias or other misbehaviour on the part of the officers or agents of the University **and for which redress was not provided** by an authority which considered the case prior to the appeal.

Appeals must be submitted within 21 days of notification of the decision. Faculty committees may waive that deadline when special circumstances are established by the appellant. No member of the Faculty committee shall consider an appeal if s/he considered the matter at an earlier level. At the discretion of the Faculty committee, the student and/or the faculty member may be invited to meet with the Committee to present his/her case orally. The Committee's decision will be taken **in camera** and it is expected that parties will be informed of the decision in writing within 30 days of the filing of the appeal.

5. Parties to the appeal at the Faculty-level may file an application for leave to appeal the decision to the Senate Appeals Committee (SAC) on the ground of procedural irregularity at the Faculty-level. Applications for leave to appeal must be submitted within 21 days of the notification of the Faculty decision. SAC may waive that deadline when special circumstances are established by the appellant. No member of SAC shall consider the application if s/he considered the matter at an earlier level. As explained in the SAC procedures, parties may appear before the Committee if leave to appeal is granted to make oral submissions on the ground of procedural irregularity. The Committee's decision will be taken **in camera** and it is expected that the parties will be informed of the decision in writing within 30 days of the filing of the application.

6. Parties to the decision of the Senate Appeals Committee may apply to the Committee to have the matter reconsidered if there is evidence of procedural irregularity on the part of SAC. Applications must be submitted within 21 days of the posting of the decision. SAC reserves the right to waive this deadline in special circumstances. Requests for reconsideration of a SAC decision will be considered by a panel of SAC members who did not serve on the panel first hearing the matter; it is expected that a decision will be rendered within 30 days of its submission.

### Deferred Standing Agreement

The Deferred Standing Agreement (DSA) is a process by which students who are either unable to write their final examination at the scheduled time or submit term work before the Faculty deadline to submit final grades reach an agreement with the course director about granting deferred standing in the course and setting a date for writing the exam or submitting the outstanding work. Using the standard DSA form, it is the responsibility of students to make arrangements with the course director to complete the course and file the DSA form with the appropriate departmental/unit office by the deadline specified on the form. Course directors have the option not to consider requests for deferred standing; in such cases students must file a petition with the relevant Faculty-level committee for consideration within the established deadline.

### Students' Responsibilities in the Petition/Appeal Processes

The University has established regulations, procedures and deadlines through its legislative bodies to which students must adhere. Students are expected to monitor their progress in courses, taking into account their personal and academic circumstances, and to make the necessary

adjustments to their workload to meet the requirements and deadlines. The University recognizes, however, that specific circumstances may justify waiving the regulations/requirements/deadlines on an individual basis. Requests for a waiver of a regulation/requirement/deadline are initiated by a petition.

Students opting to initiate a petition should be assured that confidentiality is a hallmark of this process and information submitted in support of their petition/appeal will not be used for any other purpose.

While it is the University's responsibility to provide students with proper information, guidance and advice, **it is incumbent upon students to:**

- be aware of and adhere to all Faculty and program regulations, requirements and published deadlines;
- familiarize themselves with their Faculty's written petition/appeal procedures and make requests in a timely fashion;
- provide all documentation to support their petition/appeal and to do so in a timely fashion;
- indicate and document all their relevant circumstances upon submitting their petition in the first instance.

### University's Responsibilities in the Petition/Appeal Processes

Just as the students who submit petitions and appeals have responsibilities to meet the requirements of the process, the University has responsibilities in administering it.

#### Non-academic staff:

It is incumbent upon members of the non-academic staff to:

- make available to students advice and guidance regarding options, deadlines, required documentation, and appeal routes by way of written notification, the University Web site, personal appointments or communication over the telephone;
- direct students to the appropriate office for information on petitions/appeals;
- attend to petitions and appeals efficiently to prevent undue delay;
- maintain students' right to confidentiality.

#### Faculty members:

It is incumbent upon faculty members to:

- respond to requests for information from students and non-academic staff in a timely manner;
- help direct students to the appropriate office for information on petitions/appeals;
- maintain students' right to confidentiality.

#### Petition/Appeal officers/committees:

It is incumbent upon petition/appeal officers or committees to:

- ensure parties receive fair, consistent and ethical treatment;
- give thorough and serious attention to all requests;
- render decisions only after careful deliberation;
- supply parties with reasons for decisions;
- maintain students' right to confidentiality.

### Policy on Course Directors' Grade Sheets

After final grades for a course have been submitted in each term, it is the responsibility of the Course Director to submit to the Unit offering the course, the course grade sheet(s) (hard copy or electronic) containing students' grades for every graded component of the course, the percentage weighting of each component and the record of students' attendance where it is relevant in determining a participation mark. The grade sheets are to be kept in a designated Unit Office for no less than one year.

#### Rationale:

Many course directors at the University are part-time instructors and as such are not always accessible to students once their course is complete. In addition, many of the full-time faculty members do not teach during the summer session and they are not required to be on campus at that time. However, the bulk of petitions and requests for grade reappraisals are initiated by students during the summer months, and it is often difficult for them to retrieve the required information from their course director. In

addition, the Committee is proposing a process for the consideration of deferred standing requests (new to some Faculties) in which course directors, or in their absence the Associate Dean or Undergraduate Program Director, may be directly involved with students in reaching a decision on their requests. In this process specifically, it is crucial that, in the absence of the course director, all of the information necessary to reach a decision on the request is at the disposal of either of the other two academic officers. Having the grade sheet for each course on file will greatly facilitate the petitions and grade reappraisal processes, and relieve the time-consuming burden of tracking down the required information currently borne by students, Associate Deans and Undergraduate Program Directors.

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## Senate Policy on Women's Remembrance Day

In May 1998 Senate approved a policy to commemorate Women's Remembrance Day.

The policy encourages the administration to facilitate the planning and funding of activities appropriate to Women's Remembrance Day through the Office of the Adviser to the University on the Status of Women.

The Senate policy also encourages faculty to highlight Women's Remembrance Day in their classes and to incorporate in their classes, as appropriate, some of the issues facing women, particularly violence against women. The Administration is asked to support the development of workshops to assist faculty with their preparations.

Classes are cancelled between the hours of 11:30 am to 1:30 pm on December 6 or on an alternate day identified by the Office of the Adviser to the University on the Status of Women.

Information about this policy is provided to students in publications such as Calendars and Lecture Schedules. The University community will also be informed in advance of activities associated with Women's Remembrance Day.

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## Smoking Regulations

All Ontario Universities and Colleges are bound by the requirements of the Tobacco Control Act, which was passed on November 30, 1994. Smoking is prohibited in all enclosed areas on campus except in specified areas within restaurants and billiard halls. Effective June 1, 2001 and June 1, 2004 respectively, smoking will also be prohibited within restaurants and billiard halls, unless the facility is provided with a designated smoking room. This legislation applies to everyone – students, faculty, employees and visitors – at the Glendon and Keele campuses.

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## Senate Policy on the Academic Implications of Disruptions or Cessations of University Business Due to Labour Disputes or Other Causes

The University Senate has enacted a policy to apply in the event that academic activities are substantially interrupted or impeded as a result of strikes, lockouts, demonstrations, natural disasters or other like causes. The policy contains three governing principles, which are outlined below. Further information about the policy may be obtained from the University Secretariat.

### A. Academic Integrity

In the event of a disruption, the primary obligation of Senate is to ensure the academic integrity of all programs. No dilution of standards normally expected of students should be permitted and there should be as little diminution as possible in the instructional or supervisory support given to students.

### B. Fairness to Students

Students who do not participate in academic activities because (a) they are *unable to do so* owing to a disruption or (b) they *choose not to participate* in academic activities owing to a strike or a lockout on campus, are entitled to immunity from penalty, to reasonable alternative access to materials covered in their absence, to reasonable extensions of deadlines and to such other remedy as Senate deems necessary and consistent with the principle of academic integrity. Such remedies shall not alter the academic standards associated with the missed activity nor shall it relieve the student of the responsibility for mastering materials covered. The availability of a remedy under this policy does not guarantee students the same learning experience that they would have received in the absence of a disruption.

### C. Timely Information

Students, staff and faculty members have a right to be informed in a timely manner of changed requirements, rescheduled academic activities and procedures to be in effect at the conclusion of the disruption.

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