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## 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 and the Vice-President Students.

### 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 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 from the Registrar's Office Web site (<http://www.registrar.yorku.ca>), at least four months prior to the convocation ceremony (i.e. January for June convocation and July for October convocation). The deadlines to apply are announced each year. Graduates of the Faculty of Graduate Studies can confirm their status with their 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 ensure that the University has on file the correct style of their full names, so that diplomas are prepared accurately. Students may verify the name which will appear on their diploma through the Web at the Current Students Web site (<http://www.yorku.ca/yorkweb/cs.htm>), click on My Student Records and under My Personal Info, click on Verify my official name.

Ceremonies are scheduled for June, for those students who complete their course work in the fall or winter terms and in October for those who complete their course work in the summer term. The ceremonies in June are scheduled by Faculty groupings for all students.

Diplomas and alumni association memberships are normally distributed at the convocation ceremonies. 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 Registrar's Office on an official date after convocation has taken place. Students who are unable to attend and wish to have their diplomas mailed to them may do so by making these arrangements with the Registrar's Office. A fee will be charged for packaging and mailing. For more information, contact the Registrar's Office at 416-736-5440 or visit the convocation Web site at <http://www.yorku.ca/mygraduation/>. Diplomas that have not been picked up or mailed will be kept on file for one year, after which time they will be destroyed. As such, students are advised to pick up or arrange to have their diplomas mailed as soon as possible.

Graduation photographs are arranged through the college or Faculty offices (or by the appropriate student government) once a year (twice a year for Atkinson students). Potential graduates can expect to receive information from their college or Faculty inviting them to arrange their sitting time with the photographer.

Detailed information about the schedule of ceremonies, robe rental, guests and receptions are sent out to all prospective graduates several weeks

before the ceremony. The information can also be accessed online at <http://www.yorku.ca/mygraduation/>.

### Academic Sanctions for Outstanding Debts to the University

Students who have debts to the University and are not in good standing with respect to those debts shall have grade reports and conferral of degrees withheld. Senate has declared that mechanisms must be in place in the event of an appeal. For more information, consult the applicable University office.

### Grading Scheme Feedback Policy

The grading scheme for each course (that is, the kinds and weights of assignments, essays, exams etc.) shall be announced, and be available in writing, within the first two weeks of class. Under normal circumstances, some graded feedback worth at least 10 per cent of the final grade be received by students in all courses prior to the final withdrawal date from a course without receiving a grade, with the following exceptions:

- graduate or senior undergraduate courses where course work typically, or at the instructor's discretion, consists of a single piece of work (for example, honours theses or graduate research papers not due by the drop date etc.)
- practicum courses
- ungraded courses
- courses in Faculties where the drop date occurs within the first three weeks of classes
- courses which run on a compressed schedule (a course which accomplishes its academic credits of work at a rate of one credit hour per two calendar weeks or faster).

*Note: Under unusual and/or unforeseeable circumstances which disrupt the academic norm, instructors are expected to provide grading schemes and academic feedback in the spirit of these regulations, as soon as possible.*

### Policy Regarding Academic Accommodation for Students with Disabilities

#### Policy Statement

York University shall make reasonable and appropriate accommodations and adaptations in order to promote the ability of students with disabilities to fulfill the academic requirements of their programs.

The nature and extent of accommodations shall be consistent with and supportive of the integrity of the curriculum and of the academic standards of programs or courses.

Provided that students have given sufficient notice about their accommodation needs, instructors shall take reasonable steps to accommodate these needs in a manner consistent with the guidelines established hereunder.

'Disabilities' shall be defined as those conditions so designated under the Ontario Human Rights Code in force from time to time, and will in any event include physical, medical, learning, and psychiatric disabilities.

#### Guidelines:

##### 1. Identification of students requiring academic accommodations

1.1 Students with disabilities who require accommodations shall, in a timely manner, provide the relevant medical, psychoeducational or psychiatric documentation to the appropriate York University office for students with disabilities to qualify for accommodations.

1.2 The University's offices for students with disabilities will assist students in the identification of particular aspects of courses that might present barriers to them and will work with them to identify the appropriate

accommodations, provide supportive documentation, and assist the students and instructors in providing/obtaining accommodations.

## 2. Instruction-Related Accommodations

- 2.1 Types of accommodations may include, but are not limited to:
- Timely provision of reading lists and other course materials to allow for alternate format transcription;
  - Alternate format transcription;
  - Alternate scheduling for the completion of course, project, thesis work or competency examinations;
  - Extensions to program completion time limits;
  - Use of assistive devices or auxiliary aids in the classroom/laboratory/field (e.g., FM systems worn by course instructors; computerized notetakers in the classroom);
  - Use of oral and visual language interpreters and/or notetakers in the classroom;
  - Permission for audio recording of lectures;
  - Permission for video-taping of lectures;
  - Special seating, wheelchair accessible tables;
  - Adjustments to lighting.

## 3. Accommodation in Examinations and Evaluations

- 3.1 Test/exam accommodations may include, but are not limited to:
- alternate scheduling of examinations and essays;
  - alternate forms of assessment;
  - extended time to complete tests/examinations;
  - use of special equipment (computer, assistive technology, etc.);
  - use of special facilities (alternate test/exam room and proctor) and/or examinations in alternate formats (e.g. audio tape, Braille, etc.).

3.2 Whenever possible, the usual procedures for writing tests and examinations shall be followed.

## 4. Accommodations Agreements

- 4.1 Students and instructors shall wherever possible agree to the appropriate accommodations.
- 4.2 In cases where the instructor and the student cannot agree about the provision of accommodations, the instructor shall discuss the recommended accommodations with an advisor from the office for persons with disabilities. If they are unable to reach an agreement, the Chair of the Department and/or Associate Dean or Dean of the Faculty shall be consulted.
- 4.3 In cases where the disagreement remains unresolved, a mediative process will be implemented by the Dean of the student's Faculty.

## 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 Registrar's Office.) 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.

- 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.
- 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.
- 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

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

- Access systems or data without authorization.
- Alter systems, software and/or data without authorization.
- Copy software and/or data without authorization.
- Destroy or remove software and/or data without authorization.
- Disclose data without authorization.
- Interfere with the processing of a system, such as deliberately overextending the resources of a system.
- Misrepresent themselves as another user.
- Disclose confidential passwords, access codes, account numbers or other authorization assigned to them.
- Change another person's password without authorization.
- 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 <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 and Vice-President Students, 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 Vice-President Students 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 complainee) 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 Vice-President Students 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 Vice-President Students 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 Vice-President Students consents in writing to informal disposition under paragraph c).

e) The Vice-President Students 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 Vice-President Students, 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 Vice-President Students 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 Vice-President Students 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 complainee) 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 Vice-President Students 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 Vice-President Students 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 Vice-President Students 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 Vice-President Students 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 Vice-President Students 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 Vice-President Students 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 Vice-President Students, 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 Vice-President Students 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 and Vice-President Students 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 Vice-President Students.
- 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 Vice-President Students, 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 and Vice-President Students

The Vice-President Academic and Vice-President Students of the University, acting on behalf of the President, shall have administrative responsibility for the operation of the system of student discipline. The Vice-President Students 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

### 1. Senate Policy on Academic Honesty

The Policy on Academic Honesty is an affirmation and clarification for members of the University of the general obligation to maintain the highest standards of academic honesty. As a clear sense of academic honesty and responsibility is fundamental to good scholarship, the policy recognizes the general responsibility of all faculty members to foster acceptable standards of academic conduct and of the student to be mindful of and abide by such standards.

Academic honesty requires that persons do not falsely claim credit for the ideas, writing or other intellectual property of others, either by presenting such works as their own or through impersonation. Similarly, academic honesty requires that persons do not cheat (attempt to gain an improper advantage in an academic evaluation), nor attempt or actually alter,

suppress, falsify or fabricate any research data or results, official academic record, application or document.

Suspected breaches of academic honesty will be investigated and charges shall be laid if reasonable and probable grounds exist. A student who is charged with a breach of academic honesty shall be presumed innocent until, based upon clear and compelling evidence, a committee determines the student has violated the academic honesty standards of the university. A finding of academic misconduct will lead to the range of penalties described in the guidelines which accompany this policy. In some cases the University regulations on non-academic discipline may apply. A lack of familiarity with the Senate Policy and Guidelines on Academic Honesty on the part of a student does not constitute a defence against their application. 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.

### 2. Senate Guidelines on Academic Honesty

#### 2.1 Summary of Offences Against the Standards of Academic Honesty

The following summary of offences is not exhaustive, nor are the definitions provided for each offence confined to the examples cited.

2.1.1 Cheating is the attempt to gain an improper advantage in an academic evaluation. Forms of cheating include:

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;

Changing a score or a record of an examination result;

Submitting the work one has done for one class or project to a second class, or as a second project, without the prior informed consent of the relevant instructors;

Submitting work prepared in collaboration with another or other member(s) of a class, when collaborative work on a project has not been authorized by the instructor;

Submitting work prepared in whole or in part by another person and representing that work as one's own;

Offering for sale essays or other assignments, in whole or in part, with the expectation that these works will be submitted by a student for appraisal;

Preparing work in whole or in part, with the expectation that this work will be submitted by a student for appraisal.

2.1.2 Impersonation is to have someone impersonate one's self in class, in a test, examination or interview, or in connection with any other type of assignment or placement associated with a course or academic program. Both the impersonator and the individual impersonated may be charged.

2.1.3 Plagiarism is the misappropriation of the work of another by representing another person's ideas, writing or other intellectual property as one's own. This includes the presentation of all or part of another person's work as something one has written, paraphrasing another's writing without proper acknowledgement, or representing another's artistic or technical work or creation as one's own. Any use of the work of others, whether published, unpublished or posted electronically, attributed or anonymous, must include proper acknowledgement.

2.1.4 Improper research practices. Academic research includes the collection, analysis, interpretation and publication of information or data obtained in the scientific laboratory or in the field. Forms of improper research practices include:

Dishonest reporting of investigative results, either through fabrication or falsification;

Taking or using the research results of others without permission or due acknowledgement;



Misrepresentation or selective reporting of research results or the methods used.

2.1.5 Dishonesty in publication. 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.

2.1.6 Dissemination of information without permission. Information or experimental data that was collected with a member of faculty or another student, and other works that involved the participation of a faculty member or another student, should not be submitted for publication or otherwise disseminated without their permission.

2.1.7 Abuse of confidentiality. Taking or releasing the ideas or data of others that were given with the expectation that they are confidential is inappropriate. This includes ideas or data obtained via the evaluation of confidential grant proposals, award applications or manuscripts that will be or may have been submitted for possible funding or publication. 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 an appropriate faculty member or administrator.

2.1.8 Falsification or unauthorized modification of an academic document/record. It is a breach of academic honesty to falsify, fabricate or in any way modify, either through omission or commission, an application to the University or a program, course student examination or test, transcript, grade, letter of recommendation or related document, a degree, a physician's letter/form or any other document used in support of an academic application, record, petition/appeal or endeavor.

2.1.9 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.

2.1.10 Aiding and abetting. Encouraging, enabling or causing others to do or attempt any of the above with intent to mislead an instructor, academic unit, program, office or committee as to a student's academic status, qualifications, actions or preparation, or knowingly aiding or abetting anyone in a breach of academic honesty shall itself be considered misconduct.

## 2.2 Summary of Penalties for Academic Misconduct

When verified, violations of academic honesty may lead to the following range of penalties, which may be imposed singularly or in combination for any offence. The following penalties are listed in ascending order of severity.

2.2.1 Written disciplinary warning or reprimand.

2.2.2 Required completion of an academic honesty assignment.

2.2.3 Make-up assignment, examination or rewriting a work, subject to a lowered grade.

2.2.4 Lower grade on the assignment, examination or work.

2.2.5 Lower grade in the course.

2.2.6 Failure in the course.

2.2.7 Permanent grade of record. The grade assigned shall remain as the one grade of record for the course, even if the course is repeated. This penalty can be added to any other penalty, but shall always be attached to the penalty of failure in the course.

2.2.8 Notation on transcript. Notation on transcript can be a separate penalty or it can be added to any other penalty. Transcript notation shall always be included in cases of suspension, withholding or rescinding a York degree, diploma or certificate and expulsion from the University. Transcript notation can be for a limited period, at the end of which the notation will be removed from the student's transcript. When no period is specified for a transcript notation, a student may petition to the Faculty Petitions Committee to have the notation removed after a period of five years from the date at which the notation was entered, with the exception of notation of expulsion from the University.

2.2.9 Suspension from the University for a definite period, not to exceed 5 years, with transcript notation. Suspension is defined as a penalty of a variable but limited period during which the student may not register in the University, imposed for serious academic offences such as plagiarism and cheating. A student who is otherwise eligible to graduate, but is suspended, may not apply to graduate until the suspension expires or is lifted. This penalty may be awarded only by a Faculty-level committee which is recognized by a Faculty Council as the responsible body to assign this penalty.

2.2.10 Expulsion from the University with transcript notation. Expulsion is defined as permanently terminating a person's right to continue as a student in the University. This penalty may be awarded only by a Faculty-level committee which is recognized by a Faculty Council as the responsible body to assign this penalty.

2.2.11 Withholding or rescinding a York degree, diploma or certificate with transcript notation. When 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.

## 2.3 Factors Considered When Imposing Academic Penalties

The circumstances surrounding each case of academic misconduct may vary to a significant degree. The penalty imposed should reflect, reasonably, these circumstances. These guidelines are not intended to restrict the authority or flexibility of Faculty committees in imposing the penalties contained in this Policy. In each case, Faculties shall exercise their discretion, taking into consideration the relevant factors, as outlined below. For the benefit of students, however, Faculties shall provide an explanation in their written decision of the major reason(s) the penalty imposed was deemed warranted.

Important factors to be considered by committees in imposing penalties or reviewing penalty recommendations are:

2.3.1 Extent of violation: The actions which constitute specific offences 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. Penalties may be imposed singularly or in combination for any offence.

2.3.2 Basic considerations include:

The level of the student's academic experience;

Extenuating circumstances may help explain the action taken by a student, and due weight should be attached to those circumstances;

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.

2.3.3 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.

## 3. Procedures Governing Breach of Academic Honesty

Each Faculty shall ensure that its procedures are consistent with the following standards, approved by the Senate Committee on Curriculum and Academic Standards, published in the Calendar and available at the appropriate Faculty offices.

### 3.1 Purpose

The following procedures are provided for the investigation and resolution of cases of alleged violations of the Senate Policy on Academic Honesty. In these procedures, the term "student" includes a York graduate or undergraduate student, a York graduate, a former York student, or a student who is applying to take, is taking or has taken a York course.

### 3.2 Jurisdiction

3.2.1 Allegations of a breach of academic honesty in a course shall be dealt with by the Faculty offering the course. In cases where the course is in other than the student's home Faculty, then the student's home Faculty (or Faculties) shall have observer status at a hearing and may make submission as to penalty. For students in joint programs or where allegations arise in more than one Faculty, the Faculties can agree on which Faculty will have jurisdiction over the proceedings.

3.2.2 All allegations of breaches of academic honesty other than those in course work shall be communicated by the administrator, committee or other person with direct knowledge (faculty, staff, clinical supervisor, etc.) to the student's home Faculty.

3.2.3 Should a matter arise for which there appears to be no clear Faculty jurisdiction, the Senate Appeals Committee shall determine which Faculty shall have carriage of the matter.

3.2.4 Appeals of decisions of a Faculty committee are considered by the Senate Appeals Committee.

### 3.3 Investigating Potential Academic Misconduct

If a person (or persons) suspect(s) a breach of academic honesty:

3.3.1 on assignments, term papers, essays, theses and dissertations, etc., the matter shall be reported to the concerned course director or supervisor. For courses, if the evaluator is not the course director, the evaluator shall retain possession of the suspect material and provide a written report, together with the confiscated material, to the course director;

3.3.2 on non-course work, the person discovering the potential breach of academic honesty, shall retain possession of the suspect material and provide a written report, together with any confiscated material to the program/division/department chair (or his/her designate) or graduate program director or the Associate Dean of the Faculty;

3.3.3 in an examination, the invigilator, who is normally the course director, in cases of suspected impersonation, 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. The invigilator, if other than the course director, shall give a full report, together with any confiscated material, to the course director (See the Senate Policy on Invigilation of Examinations for further information);

3.3.4 for research not conducted as part of a course, major research papers/projects, comprehensive examinations, theses and dissertations, person(s) suspecting potential academic dishonesty shall report the matter to the student's supervisor and, as appropriate, the supervisory and examination committees and/or the Associate Dean of the Faculty.

### 3.4 Initiating an Investigation of Potential Academic Misconduct

3.4.1 When a faculty member directing 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, it is the responsibility of the faculty member to forthwith notify the designated unit or Faculty office and initiate an investigation of the matter.

3.4.2 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 at any committee hearing of the matter. The faculty member is not called upon to determine whether or not a breach of academic honesty has occurred, nor to impose punishment, mild or severe.

3.4.3 Once notified of a potential breach of academic honesty, the designated Faculty office shall post a block on enrolment activity in the course. The student may not drop or be deregistered from the course for any reason, nor may transcripts be released to the student until a final decision is reached. 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 provided automatically with an updated transcript.

3.4.4 If the investigation relates to work already presented for evaluation but not yet evaluated, 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.

3.4.5 If the faculty member or person designated by Faculty policy decides to proceed with a formal complaint alleging a breach of academic honesty, the complaint 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 and be accompanied by all available supporting evidence.

### 3.5 Exploratory Meeting at the Unit Level

3.5.1 When a complaint is received at the unit level an exploratory meeting shall be arranged to determine whether or not there are reasonable and probable grounds to proceed with a charge of breach of academic honesty. At least seven calendar days written notice of the meeting and a brief description of the reason for the meeting shall be provided. At this meeting, convened and chaired by the appointed representative, the student may be accompanied by a representative and the faculty member may have another person present. If the student elects not to attend the meeting, the meeting may proceed without the student present.

3.5.2 The exploratory meeting at the unit level will result in one of the following:

- i) It is agreed by all parties that no breach of academic honesty occurred. No records of the matter shall be retained.
- ii) Agreement is reached that the apparent breach of academic honesty was unintentional or the result of student error. In such cases, informal remedial steps may be taken (such as requiring that the student rewrite an assignment, exam or essay or complete an academic honesty assignment) so that the student may correct the mistake and avoid its recurrence;
- iii) 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 shall be forwarded to the Faculty committee which deals with allegations of breach of academic honesty. In such cases, the agreed-upon penalty shall not exceed failure in the course. The responsible Faculty 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 shall arrange for a hearing of the matter, to which the student and faculty member will be invited.
- iv) If the student wishes to admit to a breach of academic honesty but no agreement is reached on recommended penalty, a document signed by the student and the faculty member, which includes the admission, a summary of the matter and individual submissions by the student and faculty member as to penalty shall be forwarded to the responsible Faculty committee, which shall arrange a hearing of the matter, to which the student and faculty member will be invited.
- v) If the student elects not to attend the meeting, and if those present find sufficient grounds to proceed with a charge of breach of academic honesty, a summary of the matter shall be forwarded to the responsible Faculty committee, which shall arrange a hearing of the matter, to which the student and the faculty member will be invited.

If it is decided that sufficient grounds exist to proceed with a formal charge of academic misconduct and the student does not admit to this alleged breach of academic honesty, a formal charge shall be prepared and submitted to the responsible Faculty committee. The charge shall contain a full, but concise, statement of the facts as perceived by the complainant and be accompanied by all available supporting evidence. The person chairing the exploratory meeting at the unit level will forward the documents contemplated in items iii and iv above and this section to the responsible Faculty committee.

### 3.6 Formal Hearing at the Faculty Level

3.6.1 The responsible 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 twenty-one calendar days' written notice 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 fourteen calendar days of the date on which the charge was sent to the student. The Faculty will send a copy of the student's response to the charge to the faculty member and unit level representative(s) concerned. Both parties must inform the committee of their intention to call witnesses and file names of these witnesses at least seven calendar days prior to the hearing.

3.6.2 Prior to the hearing, if a student acknowledges the accuracy of the charges, the student may waive the right to a hearing by submitting a written statement that both admits guilt and waives the right to a hearing.

- i) In this statement, the student may make submissions as to appropriate penalty and give reasons. If the faculty member submitting the charge concurs with the penalty recommendation of

the student, a jointly signed submission will be forwarded to the responsible Faculty committee. In such cases, the agreed-upon penalty shall not exceed failure in the course. Should the Faculty Committee find that some other penalty would be more appropriate, it shall arrange for a hearing of the matter, to which the student and faculty member will be invited.

ii) If the faculty member and student do not agree on a recommended penalty, individual submissions as to penalty shall be made by the student and faculty member to the responsible Faculty committee, which shall arrange a hearing of the matter, to which the student and faculty member will be invited.

3.6.3 Only the committee members, a recording secretary, the case presenter, the student, each party's representative(s) / adviser(s) (who may be lawyers), and the witnesses may be present at a hearing. Committee members shall be at "arms length" from the student charged with a breach of academic honesty. Committee members are not at "arms length" if they have had a significant personal or professional relationship with the student charged. Witnesses 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 required to leave.

3.6.4 The committee shall consider the facts and circumstances of the case and determine whether there has been a breach of academic honesty. If a finding of academic misconduct is determined, the committee shall hear submissions as to the appropriate penalty and then decide the penalty.

3.6.5 If a student 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 student 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 unfairly burdensome.

3.6.6 Parties must be allowed a full and fair opportunity to present their evidence and to respond to the evidence presented against them. Parties are allowed to cross-examine each other's witnesses 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.

3.6.7 When the parties have presented all available relevant evidence and 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 to determine whether a breach of academic honesty has occurred. A finding of academic misconduct supported by a majority of committee members shall be binding.

3.6.8 If the committee does not render a finding of academic misconduct, all records of the charge and hearing will be held by the student's home Faculty until such time as appeals procedures are exhausted or abandoned. Thereafter, a record consisting of the complaint and the decision letter will be placed in a confidential file retained in the Office of the Dean of the student's home Faculty.

3.6.9 Following a finding of academic misconduct, the committee shall next allow both parties to make a presentation as to suitable penalty. At this point the committee may be made aware of other academic offences in the student's file. The committee will again enter into closed session and decide upon the sanction. A decision by the majority of the committee to impose a particular penalty shall be binding. The decision of the committee, as described in Item 4.8 of the Senate Policy on Academic Honesty, must be communicated to the parties in writing, delivered by hand or by mail. A record of the offence, the proceedings and the finding will be retained in the Office of the Dean of the student's home Faculty, regardless of the severity of the penalty, and be held for a time consistent with the University's records retention guidelines. This record is for internal academic purposes only. A note shall be placed on the Student Information System to bar retroactive withdrawal from the course.

3.6.10 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 shall be notified and the Vice President or a designate shall determine whether to notify the granting agency.

3.6.11 If a student from another institution enrolled in a joint program or attending York on Letter of Permission is found to have committed a breach of academic honesty, notice of the Committee's findings will be sent to the other institution.

#### 4. Order of Faculty or Senate Hearings on Academic Honesty

The following indicates the order in which a Faculty or Senate committee should proceed when hearing a charge of breach of academic honesty. The committee may alter the order in the interests of fairness or in cases where multiple students are charged with related offences.

4.1 The Chair shall:

- introduce the parties and members of the committee;
- identify the nature of the case and evidence before the committee.

4.2 The presenter's case:

- briefly describe the case to be presented, in an opening statement;
- present support for the charge through oral testimony of complainant and witnesses, and through documentary evidence;
- the student (or her/his representative) may ask questions of each of the presenter's witnesses at the close of that person's testimony;
- committee members normally ask questions at the end of each person's testimony but may interrupt if clarity is required.

4.3 The student's case:

- the student (or her/his representative) shall briefly reply and indicate main arguments in an opening statement;
- present support for her/his case through oral testimony provided by her/himself and witnesses as well as documentary evidence.;
- the presenter may ask questions of each of the student's witnesses at the close of that person's testimony;
- committee members normally ask questions at the end of each person's testimony but may interrupt if clarity is required.

4.4 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.

4.5 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.

4.6 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 evidence may be introduced. This will proceed in the following order: the student (or her/his representative) followed by the presenter.

4.7 The committee will move into closed sessions for deliberations and decision. If there is a finding of academic misconduct, the committee will then consider submissions as to appropriate penalty, then return to closed sessions and decide on the appropriate penalty.

4.8 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.

a) **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.

b) **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

a) **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.

b) **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.

c) **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.

d) **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.

e) **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.

f) **Appearances:** Students and/or their representatives may appear before a committee only at the discretion or invitation of the Committee.

g) **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.

h) **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.

i) **Appeals:** The route of appeal for students shall be included in the written decision.

### Principles Regarding Grade Reappraisals

1. 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.**

2. 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.

3. 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.

4. 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 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.

## 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.

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.

## 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 (<http://www.yorku.ca/secretariat/legislation/senate/index.htm>).

### 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.