

## York University Senate

### Memorandum

To: Faculty Councils  
Petitions and Appeals Committees  
Associate Deans Students

From: Chloë Brushwood Rose, Chair, Senate Academic Standards,  
Curriculum and Pedagogy Committee  
Jen Gilbert, Chair, Senate Appeals Committee

Date: 19 February 2021

Subject: Revisions to Senate *Policy on Academic Honesty*: Consultation on  
proposed new Academic Conduct Policy and Procedures

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The Senate Academic Standards, Curriculum and Pedagogy Committee (ASCP) and the Senate Appeals Committee (SAC) have undertaken a review of the Senate [Policy on Academic Honesty](#). Having prepared a draft Academic Conduct Policy and associated procedures, intended to supersede the existing Policy, ASCP and SAC invite you to participate in a consultation on the documents, guided by the questions on the pages that follow. Appended for your consideration are the draft Policy and Procedures and a briefing note outlining the background, process and principles of the Policy review.

We ask that undergraduate and graduate committees of Faculty Councils that deal with petitions and appeals include time on their upcoming meeting agendas to discuss the proposed new Policy and Procedures. Faculty Councils also may wish to hold discussions about the documents. In addition, this documentation may be circulated widely within your respective Faculties in order to ensure that feedback provided to ASCP and SAC represents a broad range of perspectives. Both coordinated responses from Councils, committees or Faculties and individual responses will be accepted. Following the consultation, ASCP and SAC will consider input and adjust the Policy and

Procedures as appropriate with a view to bringing forward a recommendation to Senate.

Please communicate input in writing to the Secretary of ASCP at [hbarron@yorku.ca](mailto:hbarron@yorku.ca) by 30 April 2020. Any questions you have may be directed to both the ASCP and SAC Secretaries ([hbarron@yorku.ca](mailto:hbarron@yorku.ca) and [awasser@yorku.ca](mailto:awasser@yorku.ca)).

cc: Senate Executive Committee  
Lyndon Martin, Vice-Provost Academic  
Pascal Robichaud, University Secretary  
Lara Ubaldi, Director, Student Advising and Academic Services  
Hillary Barron, Secretary to ASCP  
Amanda Wassermuhl, Secretary to SAC

## Questions

1. As addressed in the briefing note, the high-level goals of the revisions to the Policy include:
  - adapting to new realities in the academic conduct landscape
  - streamlining investigation procedures to encourage formal resolution while maintaining alignment with principles of procedural fairness and natural justice
  - providing enhanced flexibility on sanctions
  - enhancing University-wide consistency in terms of procedures and documentation and record-keeping protocols
  - clarifying language and minimizing legalistic terminology

Drawing on your experience, do the proposed new Policy and Procedures achieve these goals?

2. Do the proposed sanctions provide sufficient options and flexibility at both the undergraduate and graduate levels?
3. Are there other relevant items that should be included in the University-level policy?
4. Taking into consideration your Faculty's existing petition and appeals structures and resources, are the new Policy and Procedures aligned with them or would modifications be required to implement the Policy and Procedures?

5. A new aspect of the Policy and Procedures being proposed in direct response to Faculties' advice and request relates to high volume academic misconduct. Do you think the proposed procedures for high volume academic misconduct address the current challenges in your Faculty?
6. Another new element being proposed is the Office of the University Registrar's jurisdiction over investigations related to admissions fraud. Taking into consideration your experience with allegations of this nature in your Faculty, what are your views on this possible change in practice and what are some of the procedural elements that will need to be addressed if this approach is pursued?
7. Given the current pandemic situation, you may wish to review the Policy and Procedures through the lens of remote course delivery in order to assess whether they address such circumstances sufficiently.

### **Appendices**

- a. Briefing Note on Revisions to the Senate *Policy on Academic Honesty*
- b. Draft Academic Conduct Policy and Procedures

## **Briefing Note: Revisions to the Senate *Policy on Academic Honesty***

The Senate Academic Standards, Curriculum and Pedagogy Committee (ASCP) and the Senate Appeals Committee (SAC) wish to engage the University community in consultations on the draft Academic Conduct Policy and Procedures, intended to supersede the existing Senate [\*Policy on Academic Honesty\*](#).

### **Background**

In March 2017, the Office of the Vice-Provost Academic, in collaboration with the AVP Teaching & Learning, convened a small working group to survey the landscape of academic integrity at York and beyond in view of the changing context in higher education as a result of technological advances and increased emphasis on collaborative learning and experiential education.<sup>1</sup> The Working Group was tasked with examining the Senate *Policy on Academic Honesty* and tools and procedures being utilized, and considering proactive preventative measures that could be implemented. To that end, the Working Group explored recent literature, participated in meetings of professional organizations and consulted with colleagues at York to deepen its understanding of the current context and identify challenges and issues.

The Working Group's activities culminated in a number of observations and recommendations about academic integrity at York, including the lack of sufficient and reliable data about the scope of academic honesty offences, the prevalence of informal resolution of offences and the underreporting of offences due in part to the real and perceived onerousness of administering the Policy, cross-Faculty administrative and communication challenges due to variation in unit- or Faculty-level processes, and the view of community members that academic integrity is not a visible part of the York culture. Accordingly, the Working Group recommended that a number of actions be undertaken, chief among them a comprehensive review of the Policy.

In response, in Winter 2020, ASCP and SAC convened the Academic Honesty Policy Review Working Group to develop a proposed new policy framework, based on a draft prepared by former University Secretary and General Counsel Maureen Armstrong.<sup>2</sup> The Policy Review Working Group's efforts from February to June 2020 culminated in the development of the draft Academic Conduct Policy and Procedures, which were

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<sup>1</sup> The Working Group on Academic Integrity was comprised of Co-Chairs Amy Gaukel, Lassonde, and Mike Zryd, AMPD, and Tom Scott, Libraries, and Karthiga Sandrasri, AVP Teaching & Learning Office.

<sup>2</sup> The members of the Academic Honesty Policy Review Working Group were: Peter Avery (LA&PS), Suprakash Datta (SAC member, Lassonde), Rob Heynen (Chair; ASCP member, LA&PS), Amy Gaukel (Lassonde), Michael Scheid (Science), Mike Zryd (AMPD), Alice Pitt (then Vice-Provost Academic), with Secretariat support from Terry Carter, Amanda Wassermuhl and Kathryn White.

reviewed by ASCP and SAC in Fall 2020. At this time, ASCP and SAC invite the University community to review and provide input on the draft Policy and Procedures.

## **Principles**

The principles underpinning the Policy Review Working Group's activities included:

- Adapting to new realities in the academic conduct landscape, such as contract cheating, falsified credentials and collaborative learning
- Streamlining investigation procedures to encourage formal resolution while maintaining alignment with principles of procedural fairness and natural justice, including:
  - allowing for the possibility of course director-led resolution within specified parameters
  - developing procedures specific to investigations of cases of high volume academic misconduct
- Providing enhanced flexibility on sanctions, including the addition of sanctions geared towards the graduate level
- Enhancing University-wide consistency in terms of procedures and documentation and record-keeping protocols, including the development of consistent record-keeping practices and language, and processes for communications across Faculties and units
- Clarifying language and minimizing legalistic terminology

The above principles resulted in a number of changes in the approach employed in the draft Policy and Procedures compared to that of the existing Policy, chief among them the removal of the requirement to hold an exploratory meeting for all investigations. This is replaced with the ability of course directors or other designated people (person of primary responsibility or their designate[s]) to handle the investigation and make a decision, and students having the ability to appeal those decisions.

## **Chronology**

A chronology of major milestones in the Policy review to date are listed in the table below

<b>Timing</b>	<b>Activity</b>
March 2017	Working Group on Academic Integrity convened
Winter and Spring 2019	Findings and recommendations of Working Group on Academic Integrity conveyed to ASCP and Senate (summary available in the <a href="#">March 28, 2019 Senate agenda package</a> )
Fall 2019	Draft Academic Conduct Policy and Procedures received from former University Secretary and General Counsel Maureen Armstrong
February 2020	First meeting of ASCP-SAC Academic Honesty Policy Review Working Group
May 2020	Review of draft Academic Conduct Policy by ASCP and its Coordinating & Planning Sub-Committee
June 2020	Final meeting of Policy Review Working Group
July to September 2020	Policy and Procedures updated to reflect input from Working Group and Office of the Counsel
October 2020	Review of updated draft Academic Conduct Policy and Procedures by SAC and ASCP's Coordinating & Planning Sub-Committee
November 2020	Review of updated draft Academic Conduct Policy and Procedures by ASCP
February 2021	Community consultations on draft Policy and Procedures launched
Spring 2021 (tentative)	ASCP and SAC review of consultation input and finalization of Policy and Procedures
Spring/Fall 2021 (tentative)	Senate review and approval of Policy



## University Policy

### Academic Conduct Policy and Procedures

<b>Topic:</b>	Academic Honesty and Student Appeals
<b>Approval Authority:</b>	Senate
<b>Approval Date:</b>	TBC
<b>Effective Date:</b>	TBC
<b>Last Revised:</b>	

#### 1. Purpose and Principles

- 1.1. This Policy establishes the general obligation on all members of York University to maintain the highest standards of academic conduct by avoiding behaviours which can or do create unfair academic advantage or that unfairly disadvantage others. It identifies a range of actions that constitute academic misconduct and establishes sanctions, and outlines principles to guide the processes by which allegations of academic misconduct will be addressed.
- 1.2. This document is to be read in conjunction with the following University policies:
- a. Code of Student Rights & Responsibilities
  - b. Senate Policy on Responsible Conduct of Research
  - c. Student Professional Behaviour Policy (BScN)
- 1.3. This Policy is guided by the universal principles of the International Center for Academic Integrity as set out in its 2013 edition of the *Fundamental Values of Academic Integrity*, which defines academic integrity as “a commitment ... to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. From these values flow principles of behavior that enable academic communities to translate ideals to action.”

1.4. Where there are reasonable grounds to believe academic misconduct has occurred, the matter will be dealt with in accordance with principles of procedural fairness and natural justice. Specifically, the following will apply;

- a. the student will first be informed of the allegations against them and then will have access to the evidence against them;
- b. the student will be provided with an opportunity to respond to the allegations and evidence against them;
- c. the student will be informed of their right to have a Support Person throughout the process;
- d. while admissibility is not governed by the formal rules of evidence, appropriate weight will be given to evidence based on its credibility or reliability; and
- e. the student will have the right to request leave to appeal a decision.

1.5 Findings of academic misconduct are made according to a balance of probabilities and not bound by formal rules of evidence applicable in courts of law.

## **2. Scope and Application**

2.1 This Policy applies to allegations of academic and research misconduct committed by:

- a. all students registered in an academic course and/or program, including non-degree activities;
- b. students who have submitted academic work for evaluation or academic records in order to gain admission to the University or reactivate their registration; and
- c. students who have graduated or withdrawn from the University where it is alleged that they engaged in academic misconduct while a registered student or in order to gain admission to the University, or reactivate their registration.

2.2. In place of or in addition to procedures under this Policy, the University may also invoke other University policies and any civil, criminal or other remedies that may be available to it as a matter of law.

## **3. Definitions**

**Academic Misconduct:** Any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community. This



includes a wide range of behaviour including cheating, plagiarism, misrepresentation of identity or performance, fraudulent conduct and research misconduct. Detailed definitions of each form of academic misconduct are available in Section 4 of this Policy.

**Bias:** The existence of a lack of neutrality, which may have the outcome of influencing or affecting the application of this Policy and its associated procedures in an unfair manner.

**Course Director (CD):** The instructor or supervisor of a course.

**Expulsion:** Permanently terminating a person's right to continue as a student in the University and to reactivate their registration. Expulsion from the University may be imposed only by the Faculty Appeals Committee, which is recognized by a Faculty Council as the responsible body to assign this sanction.

**Faculty Appeals Committee(s):** The committees in each Faculty responsible for considering appeals relating to any decision taken by the Course Director (CD), PPR or PPR designate in relation to this Policy. Faculty Appeals Committees must have a minimum of three members, the majority of whom must be faculty members, and must be recognized by a Faculty Council as the body responsible for considering appeals relating to the Policy.

**High Volume Academic Misconduct:** Allegations of academic misconduct involving 10 or more students within one course where the breach is of the same nature and results in consistent outcomes.

**Impartiality:** Freedom from bias or prejudice, ensuring fairness and neutrality in the application of this Policy and its associated Procedures. Impartiality does not exist when a course director, PPR or PPR designate have a significant personal or professional relationship with the student they are investigating, or when the alleged academic misconduct directly impacts the course director, PPR or PPR designate. For example, if a student plagiarizes a course director's intellectual property.

**Person of Primary Responsibility:** Each Faculty and appropriate unit shall identify a person of primary responsibility (PPR) who shall coordinate the implementation of this Policy in their Faculty or unit. The PPR will normally be an Assistant or Associate Dean who is knowledgeable about Academic Conduct matters. The Faculty PPR is responsible for coordinating the activities of PPR designates, ensuring the consistent implementation of the Policy and reporting annually to Senate.

**PPR Designate:** Normally a UPD, GPD, or Department Chair who has been delegated authority for certain Academic Conduct matters by the PPR and who is knowledgeable about Academic Conduct matters.

**Senate Appeals Committee:** Senate Committee responsible for hearing appeals from members of the University regarding decisions of Faculty Appeals Committees in respect of petitions concerning academic regulations, grade re-appraisals and charges of academic misconduct.

**Support Person:** A student involved in an academic misconduct process may be assisted by a Support Person, who may be internal or external to the University and may include legal counsel, a peer or family member. At proceedings held at the Faculty-level and below, the support person may provide support and advice but may not speak on behalf of the student.

**Suspension:** A sanction of a variable but limited period during which the student may not register in the University. A student who is otherwise eligible to graduate, but is suspended, may not graduate until the suspension expires or is lifted. This sanction may be imposed only by a Faculty Appeals committee which is recognized by a Faculty Council as the responsible body to assign this sanction.

**Student:** Refers to individuals referenced in the Scope and Application, Section 2.1, of this Policy.

**Student file, record, transcript:** A student file is the official record of a student's academic misconduct case, to be kept in the student's home Faculty. A student's record is the electronic record housed in the Student Information System. A transcript is the official record of a student's academic history at York, providing a comprehensive summary of course enrolment, grades earned and academic decisions.

## **4. Policy**

4.1 A clear understanding of and appreciation for good academic conduct and responsibility is fundamental to good scholarship. This Policy recognizes the general responsibility of all course directors to foster acceptable standards of academic conduct and of all students to be mindful of and abide by such standards.

4.2 While the consequences and sanctions of misconduct can vary significantly depending upon severity, all forms of academic misconduct violate the University's academic standards.

4.3 It is a breach of this Policy to engage in any form of academic misconduct. This encompasses a wide range of behaviour, including cheating, plagiarism, misrepresentation of identity or performance, fraud and research misconduct, and includes but **is not limited to the following**:

**Cheating** – the attempt to gain an improper advantage in an academic evaluation. Forms of cheating include but are not limited to:

- Obtaining a copy of all or parts of an examination, test or course material before it is officially available;
- Copying another person's answer to an examination question;
- Consulting an unauthorized source during an examination;
- Disrupting an academic evaluation by any means;
- Obtaining assistance by means of documentary, electronic or other aids that are not approved by the instructor;
- Changing a grade, score or a record of an examination result;
- Submitting the work one has done for one class or project to another class, or as another project, without the prior informed consent of the relevant instructors;
- Submitting work prepared in collaboration with one or more class member or other person when collaborative work on a project has not been authorized by the instructor;
- Preparing work in whole or in part for another that is to be submitted by a student for appraisal;
- Circumventing the anti-cheating safeguards when completing in-person or remote exams, tests or assignments; and
- Representing another's substantial editorial or compositional assistance on an assignment as the Student's own work.

**Plagiarism** – the misappropriation of the work of another whether published, unpublished or posted electronically, attributed or anonymous, without proper acknowledgement. This includes but is not limited to:

- Presenting all or part of another person's work as something one has written, where work includes, but is not restricted to, text, code, technical and creative production, and other forms that constitute intellectual property;
- Paraphrasing another's writing without proper acknowledgement;
- Representing another's artistic or technical work or creation as one's own;
- Reproducing without citation the same student's own work originally presented elsewhere; and

- Failing to follow proper citation practices, even if inadvertent. Citation practices may differ within Faculties and/or disciplines, and course directors must advise students of expectations.

**Misrepresentation of personal identity or performance** – includes but is not limited to:

- Submitting an assignment, exam or research that is stolen, donated or purchased;
- Impersonating someone or having someone impersonate you, whether in person, in writing or electronically;
- Falsifying one's identity, academic record or other admissions-related material for the purposes of gaining admission to the University or a program or access to a course, or seeking to reactivate their registration.

**Fraudulent conduct** – includes but is not limited to:

- Selling or 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;
- Submitting work prepared in whole or in part by another person, whether for money or otherwise, and representing that work as one's own;
- Submitting altered, forged or otherwise falsified medical or other certificates or documents to gain a deadline deferral, extension, postponement or advantage under false pretences;
- Altering or having another person alter a grade on academic work after it has been marked;
- Altering, stealing or destroying the academic work of another to gain academic advantage or to disadvantage another;
- Accessing without authorization, stealing or tampering with course-related material or with library materials; and
- Using intellectual property of others for distribution, sale or indirect profit without permission or licence from the owner of rights in that material, including slides and presentation materials provided in a class or course.

**Student Research Misconduct** - any action or attempted action of misconduct in the collection, use or dissemination of research including but not limited to:

- 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;
- Knowingly publishing information that will mislead or deceive readers, including the falsification or fabrication of data or information, 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 misconduct in publication;
- Disseminating data or other products of research done by or with a member of faculty or another student for publication or presentation without permission;
- Using or releasing ideas or data of others that were given with the express expectation of confidentiality; and
- Listing of potential collaborators without their agreement (see also Responsible Conduct of Research Policy, Section 4 a. ix.).

**Violation of specific departmental or course requirements** – Course directors may outline other specific academic conduct requirements as long as these are consistent with this Policy. Any additional requirements must be published in the course outline/syllabus.

#### **4.4 Sanctions**

- a. Violations of this Policy may lead to one or more of a range of sanctions, which may be imposed for individual or combined violations. Multiple violations of required remediation may compound sanctions. Sanctions **may include but are not limited to** the following:
  - i. Written warnings or reprimands
  - ii. Educational development actions. Completion of one of the below items may be required as a stand-alone consequence of a violation or may be in combination with other measures instead of a more severe sanction. In the event that actions are not completed, more serious sanctions will be applied.
    1. mandatory participation in educational activities relating to academic conduct
    2. required completion of an academic honesty assignment
  - iii. Course-based sanctions within the course where the finding of academic misconduct occurred:
    1. restrictions on the student’s ability to withdraw from the course
    2. resubmission of the piece of academic work in which the violation was committed, for evaluation with or without a grade sanction

3. the required completion of a make-up assignment or other form of assessment
  4. a lowered or failed grade (including a grade of zero or a failing grade) on the assignment in question
  5. a lowered or failed grade in the course
  6. a permanent grade of record wherein the grade assigned shall remain as the one grade of record for the course even if the course is repeated; this can be added to any other sanction
- iv. Research-based sanctions:
    1. required completion of a research survey paper
    2. revocation of research ethics approvals and required resubmission of ethics protocols
    3. denial of permission to use facilities of the University, including computer facilities, studios, and laboratories, for a designated period of time
  - v. suspension from the University for a definite period, from one term to up to six consecutive terms (two years), whether it is effective immediately or at the conclusion of the academic session during which the sanction is imposed; students may or may not be permitted to complete courses that are ongoing at the time of the decision but will be withdrawn from any courses in which they have registered and which would begin during the suspension
  - vi. expulsion from the University
  - vii. withholding or rescission of a York degree, diploma or certificate, or other credential offered by the School of Continuing Studies
  - viii. rescission of admission to the University
  - ix. transcript notation, which may be combined with any sanction but will always be included with suspensions, expulsions and the withholding or rescission of a degree, diploma, certificate or other credential

4.5 Suspension or expulsion from the University may only be imposed by the Faculty Appeals Committee recognized by a Faculty Council as the responsible body to impose these sanctions. Expulsions must be reported to the Senate Appeals Committee on behalf of Senate. Withholding or rescission of a degree may only be imposed by the

Faculty Appeals Committee with the approval of the Senate Appeals Committee on behalf of Senate.

4.6 Sanctions will be imposed having regard to all of the circumstances of the case including:

- a. whether it is a first or subsequent offence;
- b. the relative weight of the assignment in question;
- c. level of the student's academic experience;
- d. the severity of the conduct;
- e. whether the student has accepted responsibility for the conduct;
- f. the extent to which the integrity of the student evaluation process was impaired;
- g. the extent of the harm caused to the University, one or more of its members and/or third parties;
- h. whether the student is at the undergraduate or graduate level, as academic misconduct by a graduate student will generally result in more severe consequences than for undergraduate students; and
- i. extenuating circumstances or aggravating factors that may help explain the action taken by a student, with due weight to be attached to those circumstances.

#### **4.7 Investigations**

- a. Investigations of allegations of academic misconduct of a student may be initiated and conducted by a course director, the Person of Primary Responsibility (PPR), the PPR designate or, in cases of falsification of identity, academic record or other admissions-related material for the purpose of gaining admission to the University or reactivating registration, the PPR or PPR designate in the Office of the University Registrar
- b. An investigation may encompass multiple allegations of academic misconduct involving the same student.
- c. Each Faculty and the Office of the University Registrar shall designate a PPR, defined in Section 3, who shall coordinate the implementation of this Policy in their Faculty.
- d. The PPR may delegate authority for certain Academic Conduct matters to a PPR designate, defined in Section 3. Such delegations may vary according to the size of the Faculty, its departmental structure, and its disciplinary standards for academic conduct.

- e. Direct resolution by a course director: If a course director (CD) believes that a student in their course has engaged in academic misconduct or has been informed of alleged misconduct, the CD may investigate and resolve the case in accordance with principles of procedural fairness outlined in Section 1.4 above (including the students' right to notification, response, access to evidence and appeal) and the associated Academic Conduct Procedures, subject to the following conditions:
  - i. The course director must notify the PPR or PPR designate of their intention to investigate a case. If there is a record of previous academic misconduct by the student, the case must be processed by the Faculty PPR or PPR designate.
  - ii. The value of the assessment in question is less than or equal to 30% of the final grade.
  - iii. The only sanction that may be assigned by way of direct resolution is a lowered or failed grade on the assessment in question.
  - iv. The course director must report decisions to the PPR or PPR designate.
- f. Resolution by Faculty PPR: In any case that is not resolved through direct resolution by a course director, outlined in Section 4.7 e) the allegations shall be investigated and resolved at the Faculty level by the PPR or PPR designate, in accordance with principles of procedural fairness outlined in Section 1.4 and the associated Academic Conduct Procedures.
- g. High Volume Academic Misconduct: Cases of High Volume Academic Misconduct will be referred to the Faculty PPR or PPR designate to administer in accordance with the process outlined in the associated Academic Conduct Procedures.
- h. Impartiality: Impartiality, as defined in Section, is required of the CD, PPR or PPR designate investigating an academic misconduct case to ensure fairness and neutrality. If a student has reason to believe that the Course Director, PPR or PPR designate investigating their case is not impartial, they may request that the investigation be referred to another individual, as described in the associated Academic Conduct Procedures.

4.8 Normally, a decision is in force as soon as it is officially communicated to the student. Requests from students for a stay of sanction pending appeal may be addressed to the Chair of the Senate Appeals Committee who will make a determination.



## 4.9 Records and notations of decisions

- a. Sanctions will be noted on the student's record in the following manners:
  - i. sanctions noted in 4.4(a)(i) to (iv) inclusive will remain on the internal record for five years or until the student graduates, whichever is less;
  - ii. sanctions noted in 4.4(a)(v) to (viii) inclusive will remain on the internal record permanently.
- b. A record of each finding of academic misconduct will be maintained by the office of the responsible PPR or a central repository. The purpose of this record, which shall be kept separate from any other of the student's records, is to determine whether there has been a previous offence in the event a new case is opened, and to aid in determining sanctions in subsequent cases. Such a record of offences shall not be used for any other purpose.
- c. When no period is specified for a transcript notation, a student may petition to the Faculty Appeals 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 and withholding or rescinding a degree, diploma or certificate.
- d. Students may submit a petition for the destruction of permanent records of offences, as outlined in the Procedures. Such a petition cannot be submitted until at least five years after the decision. If the petition is granted, however, the record shall not be destroyed before the student is eligible to graduate.
- e. If, at any time in the investigation or process, it is determined that misconduct did not occur, the allegation will be dismissed and all records of the allegation destroyed.
- f. If the student is found to have committed academic misconduct in work related to a funded research project, the central Research Office shall be notified and determine whether to notify the granting agency.
- g. If a student from another institution enrolled in a joint program or attending York on Letter of Permission is found to have committed academic misconduct, notice of the findings will be sent to the other institution by the Office of the University Registrar.

## 4.11 Jurisdiction

- a. Allegations of academic misconduct in a course shall be dealt with by the Faculty offering the course. For students in joint programs or where allegations arise in more than one Faculty, the Faculty PPRs can agree that one of them will have jurisdiction over the proceedings.
- b. Allegations of academic misconduct pertaining to the falsification of one's identity, academic record or other admissions-related material for the purposes of gaining admission to the University, a program or course or reactivating registration shall be dealt with by the Office of the University Registrar.
- c. Should a matter arise for which there appears to be no clear Faculty jurisdiction, the Senate Appeals Committee shall determine which Faculty or unit shall have carriage of the matter.
- d. Where appropriate, academic misconduct allegations will be communicated to relevant units, such as a student's home Faculty or an academic program connected to the one in which the student is enrolled by way of cross-listed courses or joint programming.
- e. All findings of academic misconduct shall be communicated to the PPR and/or PPR designate in the student's home Faculty.

## **5. Roles and Responsibilities**

5.1 All members of the University community (students, faculty, instructors, staff and invigilators) have responsibility for the maintenance of good academic conduct in all elements of academic life, including research, teaching, learning and administration. All members of the University have the responsibility to:

- a. detect and report incidents of academic misconduct in a timely manner to the designated unit or Faculty office;
- b. provide assistance and co-operation in investigations and adjudication processes; and
- c. engage in the promotion of education and related remedial activities associated with this Policy.

5.2 It is the responsibility of students to:

- a. be familiar with this Policy and comply with the principles of good academic conduct set out herein;
- b. use course and exam software in a manner that maintains academic standards.

5.3 It is the responsibility of course directors to:

- a. foster acceptable standards of academic conduct;
- b. report all suspected incidents of academic misconduct to the PPR or PPR designate whether the matter is resolved by the course director; and
- c. collect or assist in the collection of necessary information, to participate in any investigation and to be prepared to act as a witness at any hearing of the matter.

5.4 It is the responsibility of the persons charged with administering the Policy to comply with this Policy and its associated Procedures as well as any Faculty-level procedures.

## **6. Review**

6.1 This policy will be reviewed every five (5) years or at such shorter interval as Senate deems necessary.

## **7. Appeals**

7.1 Appeals of decisions taken by the CD, PPR or PPR designate in relation to this Policy may be appealed to the Faculty Appeals Committee recognized by a Faculty Council as the body responsible for considering appeals relating to the Policy.

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

## **8. Procedures**

### **8.1. Reporting Suspicion of Academic Misconduct**

- a. Any person who believes academic misconduct has occurred may report it to:
  - i. the course director of the course in which it has occurred,
  - ii. if not course related, the PPR or PPR designate of the Faculty in which the misconduct occurred (see Appendix for a list of faculty PPRs and PPR designates) who will undertake to ensure the information is communicated to the appropriate University authority,
  - iii. in matters involving academic misconduct of a graduate student, to the PPR or PPR designate in the Faculty of Graduate Studies who will undertake to inform the relevant supervisor or graduate program,
  - iv. in the case of suspected falsification of one's identity, academic record or other admissions-related material for the purposes of gaining admission to

the University, a program or course, or reactivating registration, to the Office of the University Registrar.

## **8.2. Responsibility for initiating and conducting an investigation**

- a. Course Directors (CDs) may initiate and conduct an investigation of allegations of academic misconduct or may choose to refer the matter to the PPR or PPR designate. The Course Director may conduct an investigation only in situations where all of the following criteria are met:
  - i. The allegation consists of plagiarism or cheating in a course, in accordance with Section 4.3, and the assessment(s) in question is/are worth no more than 30% of the course grade within a course the CD is conducting;
  - ii. The student has no previous record of academic misconduct; and
  - iii. The CD must be impartial, as defined in Section 3.
- b. In cases where the CD decides not to conduct an investigation, or where the criteria in 7.3(a) are not met, the CD will refer the matter to the Person of Primary Responsibility (PPR) or PPR designate who will initiate and conduct an investigation.
- c. When the CD refers an investigation to the PPR, the responsibility for the decision lies with the PPR, who will consult with the CD on the provision of evidence and may invite the CD to any subsequent hearing on the matter.
- d. In cases where neither the CD nor the PPR have clear jurisdiction, an investigation will be initiated and conducted by the appropriate Faculty or University level body, to be identified by the Senate Appeals Committee.
- e. In cases where a student has reason to believe that the individual responsible for conducting the investigation is not impartial, they may request that the PPR or PPR designate refer the investigation to another individual. If the PPR or PPR designate agrees with the student's assessment, the investigation will be referred accordingly:
  - i. If the investigation was initially to be conducted by a CD, it will be referred to the PPR or PPR designate.
  - ii. If the investigation was initially to be conducted by a PPR or PPR designate, it will be referred to another PPR designate within the Faculty or unit.

- f. In cases of suspected falsification of one's identity, academic record or other admissions-related material for the purposes of gaining admission to the University, a program or course or reactivating registration, the PPR or PPR designate in the Office of the University Registrar will initiate and conduct an investigation.

### **8.3. General procedures for initiating and conducting an investigation**

- a. Where there are reasonable grounds to believe there has been a breach of this Policy and an investigation is being initiated, the responsible authority as outlined in 8.2 will:
  - i. Notify the PPR or PPR designate who shall post a block on enrolment activity in the course. The student may not drop or be deregistered from the course for any reason, withdraw from the University, or obtain transcripts 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 to have performed academic misconduct, the recipients of the transcript will be provided automatically with an updated transcript.
  - ii. Notify the student in writing at the first available opportunity of the allegation and the evidence available and advise that a sanction may be imposed;
  - iii. Notify the PPR in other relevant units, such as a student's home Faculty or an academic program connected to the one in which the student is enrolled by way of cross-listed courses or joint programming, within no more than two calendar days of notifying the student.
  - iv. Advise the student, normally within no more than two calendar days, that they are not permitted to withdraw from the course and that a hold will be placed on the student's record pending the outcome of the investigation;
  - v. Inform the student of their right to provide a response to the allegation(s) and to be assisted by a Support Person if they choose. At the Faculty level and below, the Support Person may provide support and advice but may not speak on behalf of the student;
  - vi. Provide the student with sufficient time to respond either in writing or in person to the allegations, normally within 10 calendar days;

- vii. Share with the student any additional evidence that becomes available over the course of the investigation and provide the student with the opportunity to respond to it; and
- viii. Assess all available evidence, including but not limited to: reviewing documents and other records; reviewing audio or video recordings or photographs; reviewing evidence produced by plagiarism or cheating detection software; interviewing the student; interviewing witnesses; examining physical evidence.

#### **8.4. Direct Resolution by a Course Director**

- a. If a CD believes that a student in their course has engaged in academic misconduct or has been informed of alleged misconduct under 8.1(a)(i), the CD will advise the PPR or PPR designate of the matter who shall immediately put a hold on the student record pending the outcome of any proceedings
- b. If, upon receipt of the notice from the CD, the PPR or PPR designate finds that the student has previous academic misconduct findings in their record, the PPR or PPR designate will initiate and conduct the investigation.
- c. If the CD elects to deal with the matter, subject to the conditions set out in 8.3(a), the CD will advise the student, in writing, of the suspected misconduct and supporting evidence, and provide an opportunity to respond. The student may respond within 10 calendar days in writing and/or request that a meeting (in-person, telephone, or video-conference) be held. The CD may determine the appropriate action having regard to the circumstances of the case.
- d. The maximum sanction that may be imposed by the CD is a grade of zero on the assessment in question if the value of the assessment is 30% or less. If, during the investigation, the CD uncovers additional allegations of academic misconduct, requiring a more severe sanction, then the CD will refer the matter to the PPR.
- e. If, during the course of the investigation, the CD finds evidence that other student(s) were active participants in the academic misconduct, the CD will refer the matter pertaining to the other student(s) to the PPR.
- f. The CD will report the outcome of the investigation to the PPR who will notify the student in writing of the decision and will keep that record. The student may appeal the decision to the Faculty Appeals Committee.

- g. If, after conducting the investigation, the CD is persuaded that no academic misconduct took place, the CD will advise the PPR. The PPR will communicate the outcome to the student. All records of the alleged incident will be destroyed.

### **8.5. PPR Investigation**

- a. In cases where the CD decides not to conduct an investigation, or where the criteria in 8.3(a) are not met, the matter will be referred to the PPR or PPR designate to undertake an investigation and to decide on the matter.
- b. In cases where the PPR or PPR designate is not impartial, as defined in Section 3, the investigation will be referred to an alternative PPR or PPR designate.
- c. Where there are reasonable grounds to believe there has been a breach of this Policy and an investigation is being initiated, the PPR or PPR designate will follow the general procedures set out in Section 8.3(a).
- d. The PPR will advise the student, in writing, of the suspected misconduct and supporting evidence, and provide an opportunity to respond. The student may respond within 10 calendar days in writing and/or request that a meeting (in-person, telephone, or video-conference) be held. The PPR may determine the appropriate action having regard to the circumstances of the case.
- e. Once the investigation is completed, the PPR or PPR designate will determine, on a balance of probabilities whether a breach has occurred and will decide on an appropriate sanction having regard to the circumstances of the case and the sanction guidelines.
- f. The decision will be provided to the student in writing and will include the following:
  - i. a summary of the allegation(s) and relevant timelines;
  - ii. an overview of the investigation process including relevant timelines;
  - iii. a summary of the key evidence obtained during the investigation, including the response of the student to the allegation;
  - iv. an indication of which key evidence was considered credible and reliable;
  - v. the decision reached on a balance of probabilities and the reasons for the decision;
  - vi. the sanction, if any, being imposed including a rationale for the sanction; and
  - vii. if a sanction is being imposed, information regarding the student's right to appeal.

- g. Faculties and units are encouraged to use the template decision letters available on the Senate website to serve as a reference.
- h. A copy of the decision will be provided to the PPR in the student's home Faculty, if applicable, and the Office of the University Registrar.

#### **8.6. High Volume Academic Misconduct**

- a. High Volume Academic Misconduct is defined in Section 3.
- b. The CD will refer cases of high volume academic misconduct to the PPR or PPR designate. The PPR or PPR designate shall immediately put a hold on the students' records pending the outcome of the proceedings and review students' records to identify any previous academic misconduct findings. Those students with previous academic misconduct findings will be excluded from this process and the PPR or PPR designate will initiate and conduct a separate investigation following the procedures set out in Sections 8.3 and 8.5.
- c. The PPR or PPR designate will notify students in writing at the first available opportunity, normally within no more than two calendar days, that they are implicated in an investigation of high volume academic misconduct, that the students are not permitted to withdraw from the course, that a hold will be placed on their records pending the outcome of the investigation, and advise that a sanction may be imposed.
- d. The PPR or PPR designate will investigate at least five of the alleged breaches of misconduct, assessing all available evidence including but not limited to: reviewing documents and other records; reviewing audio or video recordings or photographs; reviewing evidence produced by plagiarism or cheating detection software; interviewing the student; interviewing witnesses; examining physical evidence. If the PPR or PPR designate concludes that academic misconduct of the same nature occurred in the majority of the cases, the decision may be applied to the other students implicated in the investigation.
- e. The PPR or PPR designate shall send a letter to the students referenced in section 8.6. c., providing a report with details of the findings and evidence and communicating the decision with the sanction(s).
- f. Upon receipt of the decision, the student may request, within 10 calendar days, that their case be reviewed individually by the PPR or PPR designate. The PPR or PPR designate will reassess the evidence and, if the original decision is confirmed, will impose a new sanction that may diverge from that assigned in the group decision.



- g. The PPR or PPR designate decision may be appealed to the Faculty Appeals Committee.

### **8.7. Records of Academic Misconduct Findings**

- a. Records of academic misconduct findings will be kept in accordance with Section 4.9.
- b. In cases where a finding results in a sanction of transcript notation, the following language will be used:
  - i. For the withholding or rescission of a degree: “York degree withheld/rescinded by the University on (date of decision).”
  - ii. For suspension from the University: “Suspended by the University for academic misconduct for \_\_\_ months effective (date suspension starts).”
  - iii. For limitations on students’ registration: “Registration limited by the University for (dates of the terms for which limits were applied).”
  - iv. For removal from the student’s program of study: “Removed from program of study by the University for academic misconduct for \_\_\_ months effective (date suspension starts).”
  - v. For expulsion: “Expelled by the University for academic misconduct (effective date).”

### **8.8. Appeals**

- a. Appeals relating to any decision taken by the Course Director (CD), PPR or PPR designate in relation to this Policy shall be considered by the Faculty Appeals Committee, as defined in Section 3.
- b. The student must submit a notice of appeal form to the Faculty Appeals Committee within ten calendar days of receiving the decision.
- c. Upon receipt of a notice of appeal, the Committee will notify the PPR or PPR designate and give them an opportunity to submit a response to the notice of appeal.
- d. All documents considered by the PPR or PPR designate will be considered by the Committee and a copy given to the student. The student may submit additional supporting documentation by no later than three calendar days prior to the hearing.

- e. The Committee also will provide the student with a copy of the procedures to be followed.
- f. All parties will receive not less than 15 calendar days' notice of the time and location of the hearing.
- g. 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.
- h. Only the committee members, Committee Secretary, PPR or PPR designate, the student and their Support Person, and the witnesses may be present at a hearing. The faculty member(s) or person(s) who reported the academic misconduct or other persons with knowledge of the allegation may attend as witness(es). Committee members shall be impartial in the academic misconduct investigation, as defined in Section 3. The student's Support Person may attend the Appeals Committee hearing but may not speak for the student.
- i. Witnesses shall be present at the hearing only while testifying, but exceptions may be made at the discretion of the Committee. 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.
- j. If a student fails to appear at a hearing after proper notice, the hearing may proceed, and the Committee may issue a decision, unless the student can establish, in advance of the hearing and to the satisfaction of the Committee, that there are circumstances beyond their control which make an appearance impossible or unfairly burdensome.
- k. Electronic recordings of hearings may be permitted if all parties agree. The Secretary is responsible for coordinating and maintaining the sole electronic record of the hearing.
- l. The Committee shall consider the facts and circumstances of the case, having purview to determine the decision and sanction.
- m. If a sanction is imposed that requires an alteration of a student's academic record, a copy of the decision of the Committee will be sent to the Office of the University Registrar for the sanction to be implemented. The decision will be retained by the Office of the University Registrar for a time consistent with Section 4.9.

- n. A record of the proceeding will be kept in the student's file to be housed in the home Faculty. The Record of the Proceeding shall include:
  - i. the allegation of academic misconduct and all documentary evidence filed with the Faculty committee
  - ii. notice of the Hearing
  - iii. decision of the committee
- o. The Secretary is responsible for ensuring all relevant records of the proceeding are included in the file and filed appropriately.
- p. The student may subsequently appeal the decision of the Faculty Appeals Committee to the Senate Appeals Committee (SAC) according to SAC criteria.

<b>Legislative history:</b>	
<b>Date of next review:</b>	
<b>Policies superseded by this Policy:</b>	Senate Policy on Academic Honesty
<b>Related policies, procedures and guidelines:</b>	