



## University Policy

### Academic Conduct Policy and Procedures

<b>Topic:</b>	Academic Honesty and Student Appeals
<b>Approval Authority:</b>	Senate
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#### 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 create unfair academic advantage or that unfairly disadvantage others. It outlines the roles and responsibilities of the University community (including students, instructors and staff) for maintaining good academic conduct, identifies a range of actions that constitute academic misconduct, establishes sanctions, and outlines principles and procedures that guide the processes by which allegations of academic misconduct will be addressed.

1.2. This Policy seeks to balance the maintenance of rigorous standards for academic conduct with the principles of fairness to students, equity, diversity, inclusion, social justice, anti-racism, and accessibility.

1.3. 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)

1.4. This Policy is guided by the universal principles of the International Center for 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.”

1.5. 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:

- 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;
- b. students who have submitted academic work for evaluation or academic records in order to gain admission to the University or reactivate their registration;
- c. students who have graduated, are inactive or have 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 to reactivate their registration; and

- d. students who have graduated, are inactive or have withdrawn from the University where it is alleged that they have knowingly aided and abetted a registered student in engaging in academic misconduct.

2.2 While it is the overarching University Policy dealing with academic misconduct, it does not contain procedures that govern non-course related graduate work; please refer to the Faculty of Graduate Studies regulations for relevant procedures. [FGS procedures are forthcoming]

2.3 Non-degree/ non-credit studies units in the Faculties and the School of Continuing Studies are expected to have established a Policy and Procedures related to academic conduct.

2.4 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 committee(s) in each Faculty responsible for considering appeals relating to any decision taken by the Course Director (CD), person of primary responsibility (PPR) or PPR designate in relation to this Policy. Faculty Appeals Committees must have a minimum of three members, at least one of whom

must be a student and 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 has a significant personal or professional relationship with the student they are investigating, or when the alleged academic misconduct directly impacts the course director. For example, if a student plagiarizes a course director's intellectual property. Impartiality does not exist for a supervisor or member of a supervisory committee if they are investigating alleged academic misconduct by their graduate student.

**Person of Primary Responsibility:** The Dean's Office in each Faculty will identify a person of primary responsibility (PPR) who will 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. The University Registrar will identify a PPR who will coordinate the implementation of the Policy within the Office of the University Registrar.

**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.

**Graduate Supervisor:** The faculty member responsible for primary supervision of a graduate student's research.

**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. The support person may provide support and advice and 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.

4.2 While the consequences of academic 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 any submitted assessment including examination questions, assignments, and lab reports;
- Consulting an unauthorized source during an assessment, such as a test, quiz or exam;
- Disrupting an academic evaluation by any means;

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- 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 assessment;
- 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 members 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 or ideas as something one has produced where work includes, but is not restricted to, text, code, technical and creative production, paragraph and essay structure and organization, and other forms that constitute intellectual property;
- Paraphrasing another's writing without proper citation;
- Representing another's artistic, technical work or creation as one's own;
- Reproducing without citation the student's own work originally presented elsewhere; and
- Failing to follow proper citation practices, even if inadvertent.

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

- Submitting all or part of an assignment, presentation, exam or research that is stolen, donated or purchased from other individuals such as a tutor, online website, or other students;
- Impersonating someone or having someone impersonate you, whether in person, in writing, or electronically; and
- Falsifying one's identity, academic record or other admissions-related material for the purposes of gaining admission to the University or a program, to access a course, or to reactivate their registration.

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

- Selling, offering for sale or distributing essays or other assignments, in whole or in part, with the reasonable expectation that these works could be submitted by a student for appraisal or used as an unauthorized resource;
- 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 the 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 from original research or course-based activities, either through fabrication or falsification;
- Taking or using the research results of others without permission or 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 faculty member or another student for publication or presentation without permission and due acknowledgement;
- Using or releasing ideas or data of others without their permission 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. These additional requirements must be published in the course outline/syllabus.

#### 4.4 Sanctions

- a. Violations of this Policy may lead to one or more sanctions, which may be imposed for individual or combined violations. Sanctions **may include, but are not limited to**, the following:
  - i. Written warnings or reprimands
  - ii. Educational development actions. Students may be required to complete a remedial education activity, such as educational workshops, an academic honesty assignment and/or a related assessment. These activities may be required as a stand-alone sanction, or they may be combined with other sanctions. If the activity is not completed, more serious sanctions may be applied.
  - iii. Sanctions within the course where the finding of academic misconduct occurred:
    1. ~~restrictions on the student's ability to withdraw from the course~~ [suggestion to remove this as a sanction since it is part of the process of an investigation]
    2. resubmission of the piece of academic work in which the violation was committed, for evaluation with or without a grade sanction
    3. 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 grade in the course
    6. failure of the course (with permanent grade of record)
    7. 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. completion of a required research survey paper



2. confidential Referral to the Office of Research Ethics with appropriate disclosure
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), 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 non-credit credential
- viii. rescission of admission to the University
- ix. transcript notation, which may be permanent or for a specified time and 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 and withholding or rescission of a degree may only be imposed by the Faculty Appeals Committee as defined in section 3. Expulsions must be reported to the Senate Appeals Committee.

4.6 Sanctions will take into account all 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. 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 — 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.

#### 4.7 Investigations

- a. Each Faculty and department or appropriate unit 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
- b. The PPR may delegate authority for certain Academic Conduct matters to one or more PPR designates, defined in Section 3. Such delegations may vary according to the size of the Faculty, its internal governance structure, and its disciplinary standards for academic conduct
- c. Investigations of allegations of academic misconduct of a student may be initiated and conducted by:
  - 1. a course director
  - 2. PPR or PPR designate
  - 3. PPR or PPR designate in the Office of the University Registrar, 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
  - 4. Faculty Appeals Committee
- d. Investigations must be initiated promptly, normally within 10 business days of identifying alleged misconduct.
- 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 choose to investigate and resolve the case in accordance with principles of procedural fairness outlined in Section 1.5 above (including the student's right to notification, response, access to evidence and appeal) and the Academic Conduct Procedures associated with this Policy, subject to the following conditions:

- i. The CD 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 alleged misconduct consists of plagiarism or cheating in a course and applies to one assessment that is less than or equal to 30% of the final grade. Individual Faculties may decide to lower the threshold below 30% at their discretion.
- iii. The most severe sanction a CD can assign is a lowered or failed grade on the assessment in question.
- iv. The CD must report decisions to the PPR or PPR designate.
- v. The student agrees to a CD-led investigation.
- vi. Either the student or course director may request a preliminary (4.6.ing.
- f. A CD may at any point refer an investigation to the PPR or PPR designate.
- g. The CD, PPR and/or PPR designate may deem that the academic misconduct that occurred was unintentional misconduct based on factors such as the student's level of study; linguistic, cultural or contextual knowledge that affected their academic work; misunderstanding of citation conventions, and/or misunderstanding of assignment requirements. The CD, PPR and/or PPR designate will consider the extent to which such factors contributed to the academic misconduct and make a decision accordingly.
- h. Resolution by Faculty PPR: In any case that is not resolved by a course director, the allegations shall be investigated by the PPR or PPR designate, in accordance with principles of procedural fairness outlined in Section 1.5 and the associated Academic Conduct Procedures.
- i. An investigation may encompass multiple allegations of academic misconduct involving the same student.
- j. High Volume Academic Misconduct: Cases of High Volume Academic Misconduct (see Section 3 for definition) will be referred to the Faculty PPR or PPR designate to investigate and resolve in accordance with the process outlined in the associated Academic Conduct Procedures.
- k. Impartiality: Impartiality (see Section 3 for definition) is required of the CD investigating an academic misconduct case to ensure fairness and neutrality. If

a student has reason to believe that the CD investigating their case is not impartial, they may request that the investigation be referred to the PPR or PPR designate, as described in the associated Academic Conduct Procedures.

- l. The investigation will include an assessment of all available evidence, including but not limited to:
  - i. reviewing documents and other records, including a written or verbal response from the student, if provided;
  - ii. reviewing audio or video recordings or photographs;
  - iii. reviewing evidence produced by plagiarism or cheating detection software;
  - iv. interviewing the student;
  - v. interviewing witnesses;
  - vi. examining physical evidence.
- m. Once the investigation is complete, the CD, PPR or PPR designate will determine, on a balance of probabilities, whether a breach has occurred and, if it has, will decide on an appropriate sanction in accordance with section 4.1. and taking into account the circumstances of the case and the sanction guidelines.
- n. 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;
  - vii. if a sanction is being imposed, information regarding the student's right to appeal; and
  - viii. a request that the student acknowledge receipt of the decision.

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 Faculty Appeals Committee who will make a determination.

#### **4.9 Records and notations of decisions**

- a. A record of each finding of academic misconduct will be maintained by the student's home Faculty. This record shall be kept separate from any other of the student's records. The purposes of this record is to document previous offences and to aid in determining sanctions in the event a new case is opened. This record of offences shall not be used for any other purpose.
- b. 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.
- 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 to the Faculty Appeals Committee for the destruction of permanent records of offences. 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 suspected of having committed academic misconduct in work related to a funded research project, the central Research Office shall be notified. In these instances, the academic misconduct process will be determined by the granting agency working with the President's Office.
- g. If a student from another institution enrolled in a joint program or in a course at the University on a 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.

#### **4.10 Jurisdiction**

- a. Allegations of academic misconduct in a course will 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 will determine which one of them will have jurisdiction over the proceedings.

- b. Allegations of misconduct in a graduate course will be dealt with by the Faculty of Graduate Studies.
- c. 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 will be dealt with by the Office of the University Registrar.
- d. Should a matter arise for which there appears to be no clear Faculty jurisdiction, the Senate Appeals Committee shall determine which Faculty or unit will have carriage of the matter.
- e. 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.
- f. If the student is suspected of having committed academic misconduct in work related to a funded research project, the central Research Office will be notified. In these instances, the academic misconduct process will be determined by the granting agency working with the President's Office.
- g. Allegations of academic misconduct may be referred to the Office of Research Ethics (ORE) for independent review. This referral may occur at the outset of the academic misconduct process or after a finding of breach. Referral to ORE in cases where there is a suspected breach of responsible research conduct is a requirement.
- h. 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. identify and report incidents of academic misconduct in a timely manner to the designated unit or Faculty office;

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- b. provide assistance and cooperation 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. follow their instructors' expectations for referencing sources, group work and collaboration;
- c. prevent their work from being used by other students;
- d. use course and exam software in a manner that maintains academic standards; and
- e. uphold the principles of good academic conduct when conducting and reporting research.

5.3 It is the responsibility of course directors and supervisors to:

- a. be familiar with this Policy and comply with the principles of good academic conduct set out herein;
- b. communicate instructors' expectations for referencing sources, group work and collaboration;
- c. encourage students to uphold the principles of good academic conduct when conducting and reporting research;
- d. consider regular course revisions to encourage an environment that supports good academic conduct;
- e. identify and report all suspected incidents of academic misconduct to the PPR or PPR designate even if the matter is being resolved by the course director; and
- f. collect or assist in the collection of necessary information, participate in any investigation and 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:

- a. comply with the Policy and its associated Procedures as well as any Faculty-level procedures.

## **6. Review**

6.1 This policy will be reviewed every five 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. The process associated with Appeals is set out in the associated Procedures.

7.2 Appeals of decisions of a Faculty Appeals Committee are considered by the Senate Appeals Committee. The process associated with Appeals is set out in the Senate Appeals Committee Procedures.

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## 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 or a PPR or PPR designate;
  - ii. if not course related, the PPR or PPR designate of the Faculty or unit in which the misconduct occurred, who will undertake to ensure the information is communicated to the appropriate University authority;
  - iii. in matters involving academic misconduct of a graduate student that are not course related, the PPR or PPR designate in the Faculty of Graduate Studies who will undertake to inform the relevant supervisor or graduate program; or
  - 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, the Office of the University Registrar.

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

- a. Course Directors (CDs), PPRs and PPR designates may initiate and conduct an investigation of allegations of academic misconduct.
- b. Course Directors (CDs) may initiate and conduct an investigation of allegations of course-related academic misconduct only when the criteria set out in section 4.7 (e) are met.
- c. If the CD elects to conduct the investigation, they must advise the PPR or PPR designate that they are doing so when the investigation is initiated and they must report the outcome to the PPR or PPR designate.
- d. The CD is under no obligation to conduct an investigation even if the criteria in 4.7 (e) are satisfied.
- e. In cases where the CD decides not to conduct an investigation, or where the criteria in 4.7 (e) are not met, the CD will refer the matter to the PPR or PPR designate who will initiate and conduct an investigation.

- f. When the CD refers an investigation to the PPR or PPR designate, the responsibility for the decision to conduct an investigation lies with the PPR or PPR designate, who will ask the CD to provide evidence and may invite the CD to any subsequent hearing on the matter.
- g. 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.
- h. In cases where neither the CD nor the PPR or PPR designate 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.
- i. In cases where a student has reason to believe that the course director is not impartial, they may request that the investigation be referred to the PPR or PPR designate.

### **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:
  - ii. Notify the PPR or PPR designate, if the responsible authority is not the PPR or PPR designate.
  - iii. Upon receipt of notification, the PPR or PPR designate will:
    - a. 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.
    - b. notify the PPR in any other relevant units, as required, 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, normally on the same day the student is notified.

b. The individual undertaking the investigation (CD, PPR or PPR designate) will then notify the student in writing at the first available opportunity, normally within two business days, communicating:

- i. the allegation and the evidence available and the possibility that a sanction will be imposed;
- ii. that they will not be permitted to withdraw from the course in question and that a hold will be placed on their record pending the outcome of the investigation
- iii. their right to provide a response to the allegations in writing or in person or to discuss the allegations with the investigator (in person, by phone or videoconference), with the response or a request to meet to be provided normally within 10 business days
- iv. their right to be assisted by a Support Person if they choose, who may provide support and advice and speak on behalf of the student
- v. that they will be provided any additional evidence that becomes available over the course of the investigation and will be given an opportunity to respond to it

c. If the student does not provide a response after 10 business days, the CD, PPR or PPR designate may continue and conclude the investigation.

d. The CD, PPR or PPR designate will assess all available evidence, including but not limited to:

- i. reviewing documents and other records, including a written or verbal response from the student, if provided;
- ii. reviewing audio or video recordings or photographs;
- iii. reviewing evidence produced by plagiarism or cheating detection software;
- iv. interviewing the student;
- v. interviewing witnesses;
- vi. examining physical evidence.

e. Once the investigation is completed, the CD, PPR or PPR designate will determine, on a balance of probabilities, whether a breach has occurred and, if it

has, will decide on an appropriate sanction in accordance with section 4.1. and taking into account 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:
  - ix. a summary of the allegation(s) and relevant timelines;
  - x. an overview of the investigation process including relevant timelines;
  - xi. a summary of the key evidence obtained during the investigation, including the response of the student to the allegation;
  - xii. an indication of which key evidence was considered credible and reliable;
  - xiii. the decision reached on a balance of probabilities and the reasons for the decision;
  - xiv. the sanction, if any, being imposed including a rationale for the sanction;
  - xv. if a sanction is being imposed, information regarding the student's right to appeal; and
  - xvi. a request that the student acknowledge receipt of the decision.
- g. Absent the receipt of student acknowledgement within 10 business days, the decision will stand.
- h. The decision also will be provided to the PPR in the student's home Faculty, if it differs from the Faculty or unit in which the investigation was conducted.

#### **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 in accordance with 8.3 (a)(i).
- b. If the CD elects to deal with the matter, subject to the conditions set out in 4.7. (e), the CD will follow the general procedures set out in section 8.3.
- c. The maximum sanction that may be imposed by the CD is a grade of zero on the assessment in question. 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.
- d. If, during the course of the investigation, the CD finds evidence that other student(s) were active participants in the academic misconduct and the breach now reaches the threshold of a High Volume Academic Misconduct case (see section 3 for definition), the CD will refer the matter to the PPR or PPR designate.

- e. The CD will report the outcome of the investigation to the PPR or PPR designate within 10 business days who will notify the student in writing of the decision. A record of the decision will be sent to the student's home faculty if necessary. The student may appeal the decision to the Faculty Appeals Committee.
- f. 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, where the student declares the CD not impartial, or where the criteria in 4.7. (e) are not met, the matter will be referred to the PPR or PPR designate to undertake an investigation.
- b. The PPR or PPR designate will follow the general procedures set out in Section 8.3.

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

- a. High Volume Academic Misconduct is defined in Section 3.
- b. Cases of high-volume academic misconduct will be referred to the PPR or PPR designate.
- c. When an allegation of high volume academic misconduct is made and an investigation is initiated, the PPR or PPR designate will put a hold on the students' records and confirm that they have no previous record of academic misconduct as set out in section 8.3 (a) (ii).
- d. Any 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 Section 8.3.
- e. The PPR or PPR designate will notify students in writing at the first available opportunity, normally within no more than two business days, that they are implicated in an investigation of high-volume academic misconduct as well as the information set out in Section 8.3 (b).
- f. 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 that set out in Section 8.3 (d).

- g. If the PPR or PPR designate concludes, on a balance of probabilities, 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.
- h. The PPR or PPR designate shall communicate the decision to the students referenced in section 8.6 (c) in writing, addressing the items set out in Section 8.3 (f). The names of any other students involved will not be disclosed.
- i. Upon receipt of the decision, the student may request, within 10 business 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 confirm the original sanction.
- j. The PPR or PPR designate decision may be appealed to the Faculty Appeals Committee.
- k. Faculties and units are encouraged to use the template decision letters for High Volume Academic Misconduct cases available on the Senate website.

#### **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)."

- vi. If a sanction is imposed that requires an alteration of a student's academic record, a copy of the decision 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.

## 8.8 Appeals

- a. Appeals relating to any decision taken by the 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 business days of receiving the decision.
- c. Upon receipt of a notice of appeal, the PPR or PPR designate will assume carriage of the matter. The Committee will notify the PPR or PPR designate and give them an opportunity to submit a response to the notice of appeal. The PPR or PPR designate shall normally respond within 10 business days.
- d. All documents considered by the PPR or PPR designate will be considered by the Committee and a copy given to the student. Both the student and the PPR or PPR designate may submit additional supporting documentation by no later than two business 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 10 business days' notice of the time and location of the hearing, which may be held in person or by videoconference
- g. Both parties must inform the committee of their intention to call witnesses and file names of these witnesses at least five business 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.
- 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. Witnesses will be reminded about the expectation of confidentiality.

- j. If a student fails to appear at a hearing, the hearing may proceed, and the Committee may issue a decision. The Committee may postpone the hearing if 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 and determine, on a balance of probabilities, whether a breach has occurred based on the considerations outlined in section 8.3 (d).
- m. If the Committee confirms the original finding, the original sanction will be maintained.
- n. 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.
- o. 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 Appeals 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>	
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<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>	

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