



St. Peter's College follows the University of Saskatchewan's

## **REGULATIONS ON STUDENT ACADEMIC MISCONDUCT**

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**Questions concerning procedural matters described herein should be directed to the Chair of Academic Council, Room 118, Michael Hall, St. Peter's College, 100 College Drive, Muenster SK S0K 2Y0. (306) 682-7888.**

*Academic Misconduct*

## PREAMBLE

The mission of St. Peter's College is to achieve excellence in the scholarly activities of teaching, discovering, preserving and applying knowledge. The pursuit of this mission requires an adherence to high standards of honesty, integrity, diversity, equity, fairness, respect for human dignity, freedom of expression, opinion and belief, and the independence to engage in the open pursuit of knowledge. The achievement of the mission of the university also requires a positive and productive living, working and learning environment characterized by an atmosphere of peace, civility, security and safety.

The university is a key constituent of the broader community, and has a role to prepare students as global citizens, role models and leaders. The university expects students to exhibit honesty and integrity in their academic endeavors and to behave responsibly and in a manner that does not interfere with the mission of the university or harm the interests of members of the university community.

Many of these principles and expectations are further discussed in other university policies, including the Council's *Guidelines for Academic Conduct*.

## Guiding Principles

- **Freedom of Expression:** St. Peter's College is committed to free speech as a fundamental right. Students have the right to express their views and to test and challenge ideas, provided they do so within the law and in a peaceful and non-threatening manner that does not disrupt the welfare and proper functioning of the university. The university encourages civic participation and open debate on issues of local, national and international importance. One person's strongly held view does not take precedence over another's right to hold and express the opposite opinion in a lawful manner.

- **Mutual Respect and Diversity:** values diversity and is committed to promoting a culture of mutual respect and inclusiveness on campus. The university will uphold the rights and freedoms of all members of the university community to work and study free from discrimination and harassment, regardless of race, ethnicity, sex, sexual orientation or sexual identity, gender identification, disability, religion or nationality.

- **A Commitment to Non-violence:** St. Peter's College values peace and nonviolence. Physical or psychological assaults of any kind or threats of violence or harm will not be tolerated.

- **A Commitment to Justice and Fairness:** All rules, regulations and procedures regarding student conduct must embody the principles of procedural fairness. Processes will be pursued fairly, responsibly and in a timely manner. Wherever appropriate, the university will attempt to resolve complaints through informal processes before invoking formal processes, and wherever possible, sanctions will be educational rather than punitive and will be applied in accordance with the severity of the offence and/or whether it is a first or subsequent offence.

<sup>1</sup> The *Guidelines for Academic Conduct* were approved by Council in 1999 and are available at

<http://www.usask.ca/secretariat/student-conduct-appeals/GuidelinesAcademicConduct1999.pdf> .

- □ **Security and Safety:** The college will act to safeguard the security and safety of all members of the university community. When situations arise in which disagreement or conflict becomes a security concern, the college will invoke appropriate processes to assess the risk to, and protect the safety and well-being of community members. Those found in violation of university policies or the law will be subject to the appropriate sanctions, which may extend to immediate removal from university property and contact with law enforcement authorities if required. The university will endeavor to provide appropriate support to those who are affected by acts of violence.

- □ **Integrity:** Honesty and integrity are expected of every student in class participation, examinations, assignments, research, practice and other academic work. Students must complete their academic work independently unless specifically instructed otherwise. The degree of permitted collaboration with or assistance from others should be specified by the instructor. The university also will not tolerate student misconduct in non-academic interactions where this misconduct disrupts any activities of the university or harms the interests of members of the university community. It is acknowledged that while similar expectations govern all members of the university community, including faculty and staff, these expectations and their associated procedures are dealt with under various of the University of Saskatchewan's other formal policies (such as Council's *Guidelines for Academic Conduct*) as well as by provincial labour legislation, employment contracts, and collective agreements.

## Authority

The *University of Saskatchewan Act 1995* ("the Act") provides **University Council** with the responsibility for student discipline in matters of academic dishonesty, which is referred to throughout this document as "academic misconduct." All hearing boards, whether at the college, school or university level, are expected to carry out their responsibilities in accordance with approved council regulations and processes. The Council delegates oversight of college and school-level hearing boards to the respective deans or executive directors, and oversight of university-level hearing boards to the governance committee of Council.

The Act gives the **Senate** responsibility to make by-laws respecting the discipline of students for any reason other than academic dishonesty. A Senate hearing board has the authority to decide whether a student has violated the Standard of Student Conduct and to impose sanctions for such violations. Senate's *Regulations Governing Student Conduct in Non-academic Matters* address the principles and procedures applicable to complaints about non-academic misconduct.

In addition, Section 79 of the Act authorizes the **President** of the University to suspend a student immediately when, in the opinion of the President the suspension is necessary to avoid disruption to any aspect of the activities of the university or any unit of the university; to protect the interests of other students, faculty members or employees of the university or members of the Board or the Senate, or to protect the property of the university. Under the Act such a suspension may be a full or partial suspension, and its duration will be determined by the President, whose authority may be delegated to the Dean of the student's College or the Executive Director of the student's School. The Act also provides that a student suspended under this provision will be given an opportunity to be heard within 15 days of the suspension, by the body established by the Council in the case of

academic misconduct, or by the Senate for non-academic misconduct, respectively.

Questions relating to the respective authority of Senate, Council, and the President under the Act and associated procedures should be directed to the University Secretary.

## **REGULATIONS ON STUDENT ACADEMIC MISCONDUCT**

### **I. SCOPE**

The Regulations apply to all St. Peter's College students as University of Saskatchewan students in academic activities. A student is defined as any person who is registered or in attendance at St. Peter's College, whether for credit or not, at the time of the misconduct.

No proceedings or action taken pursuant to any other policy, regulation, rule or code (e.g., Criminal Code of Canada and professional or other college codes of conduct) shall bar or prevent the University from also instituting proceedings and imposing sanctions under the Regulations. Nothing in the Regulations shall prevent the University from referring any student to the appropriate law enforcement agency, should this be considered necessary or appropriate.

There is an onus on every student to become informed as to what does or does not constitute academic misconduct. Lack of awareness of the Regulations, cultural differences, mental health difficulties or impairment by alcohol or drugs are not defences for academic misconduct. If it can be demonstrated that a student knew or reasonably ought to have known that he or she has violated the college's and the university's standard of academic integrity, then the violation may be dealt with under the provisions of the Regulations.

In the event there is a conflict with any other guideline or policy statement at the college, school or departmental level, these Regulations take precedence.

### **II. ACADEMIC MISCONDUCT DEFINED**

The following constitute academic misconduct that may be the subject-matter of an allegation under these Regulations:

- a) Providing false or misleading information or documentation to gain admission to the university or any university program;
- b) Theft of lecture notes, research work, computer files, or other academic or research materials prepared by another student or an instructor or staff member;
- c) Using work done in one course in fulfillment of any requirement of another course unless approval is obtained from the instructor by whom the material is being evaluated;

- d) Presenting the work of someone else as one's own;
- e) The supply of materials prepared by the student to another student for use by that student as the work or materials of that student;
- f) Alteration or falsification of records, computer files, or any document relating to a student's academic performance;
- g) Violation of the university's Responsible Conduct of Research Policy;
- h) Fabrication or invention of sources;
- i) Failure to observe any stated rule with regard to the procedure used in an examination (or an activity undertaken for academic credit) where such a failure could result in the student gaining relatively greater credit;
- j) Altering answers on a returned examination;
- k) When prohibited, removing an examination from the examination room;
- l) Seeking to acquire or acquiring prior knowledge of the contents of any examination question or paper with the intention of gaining an unfair advantage;
- m) Possessing or using notes or other sources of information or devices not permitted by the course instructor in an examination;
- n) Consulting or seeking the assistance of others when writing a "take home" examination unless permitted by the course instructor;
- o) Providing false or misleading information with the intent to avoid or delay writing an examination or fulfilling any other academic requirement;
- p) Failing to observe the terms of any agreement not to disclose the contents of an examination;
- q) Misrepresenting or conspiring with another person to misrepresent the identity of a student writing an examination or engaging in any other form of assessment;
- r) Knowingly doing anything designed to interfere with the opportunities of another person to have his or her contribution fully recognized or to participate in the academic program;
- s) Preventing others from fair and equal access to University facilities or resources, including library resources;
- t) Using or attempting to use personal relationships, bribes, threats or other illegal conduct to gain unearned grades or academic advantages;
- u) Knowingly assisting another person engaged in actions that amount to academic misconduct;

v) **Plagiarism:** the presentation of the work or idea of another in such a way as to give others the impression that it is the work or idea of the presenter.

Adequate attribution is required. What is essential is that another person have no doubt which words or research results are the student's and which are drawn from other sources. Full explicit acknowledgement of the source of the material is required.

Examples of plagiarism are:

- (i) The use of material received or purchased from another person or prepared by any person other than the individual claiming to be the author. [It is not plagiarism to use work developed in the context of a group exercise (and described as such in the text) if the mode and extent of the use does not deviate from that which is specifically authorized].
- (ii) The verbatim use of oral or written material without adequate attribution.
- (iii) The paraphrasing of oral or written material of other persons without adequate attribution.
- w) Unprofessional conduct or behaviours that occur in academic or clinical settings or other work placements, or that are related to the student's area of professional practice.

### III. INFORMAL PROCEDURES

Many cases of alleged academic misconduct on the part of students result from misunderstanding or carelessness. When an infraction is suspected, the instructor or invigilator may, at his or her own discretion, speak informally with the student(s) to discuss the matter and to consider an appropriate remedy.

1. If the student concedes having committed academic misconduct, and if the infraction is deemed by the instructor to be minor enough not to warrant a formal hearing, then the instructor and student may agree on an appropriate remedy.

2. Remedies available to an instructor are limited to the following:

- a) The grade on the work that is the subject of the infraction may be reduced to a failing grade or a zero, or by a percentage appropriate to the degree of the academic misconduct; or
- b) The student may be asked to resubmit or re-write the examination, assignment or other work.

The instructor must **inform the student in writing** (ie. Informal Resolution of Academic Misconduct form) of the nature of the remedy to be imposed.

3. Remedies applied pursuant to III.2 above are considered to be informal measures and do not result in a permanent record of academic misconduct.

4. If it appears that the academic misconduct was of a more serious nature and therefore that a formal hearing is warranted, or if the student disputes the charge of academic misconduct or the remedy proposed pursuant to III.2 above, then either the instructor or invigilator, or the student, may request a formal hearing. Where the appeal is by the student following imposition of informal measures under (3) above, the appeal must be made within 14 days of notification of the remedy. Such a request should be made to the office of the Dean, Executive Director or designate in the

College or School responsible for the course in which the alleged infraction occurred or, if the matter falls outside the responsibility of a College or School, to the Provost and Vice-President Academic. Such a request will be subject to the procedures outlined in Section IV below.

#### **IV. FORMAL ALLEGATIONS OF ACADEMIC MISCONDUCT**

1. The formal procedures for allegations of misconduct shall be followed for all allegations serious enough to require a hearing, or for those situations which it has not been possible to resolve at the informal level. It is the responsibility of the person who makes an allegation (the complainant) to provide a rationale for the allegation and to present the evidence in support of it. The allegation shall be specific with the pertinent details of the incident and shall be filed as soon as is possible after the occurrence or discovery of the incident.

2. The formal procedures are designed so that both the complainant and the respondent can present their respective arguments before an impartial board of decision-makers, and the consequences can be both meaningful and appropriate.

3. A formal allegation of academic misconduct

a) may be made by a member of the General Academic Assembly, an instructor, a student or staff member of the University.

b) shall be in writing with the name of the person making the allegation attached to it.

c) shall be delivered to the Dean, Executive Director or designate of the College or School that is responsible for the course or other academic activity to which the allegation relates. Where the matter falls outside the responsibility of a College or School, the formal allegation shall be delivered to the Provost and Vice-President (Academic).

4. The Dean, Executive Director or designate or the Provost and Vice-President (Academic) shall deliver a copy of the allegation along with a copy of these regulations

a) to the student(s) against whom the allegation is made (the respondent);

b) if the student is not registered in the college or school responsible for the course or activity to which the allegation relates, to the Dean of the College or Executive Director of the School in which the respondent is/was registered;

c) to the Head of the Department in which the alleged offence was committed;

d) to the instructor of the course, when the alleged offence involves a course; and

e) to the University Secretary.

#### **V. THE RIGHTS AND RESPONSIBILITIES OF PARTIES TO A HEARING**

Hearings provide an opportunity for a balanced airing of the facts before an impartial board of

decision-makers. All hearings of alleged academic misconduct will respect the rights of members of the university community to fair treatment in accordance with the principles of natural justice. In particular,

a) Without derogation of the President's authority under s. 79 of the Act, a student against whom an allegation of academic misconduct is made is to be treated as being innocent until it has been established, on the balance of probabilities and before a board of impartial and unbiased decision-makers, that he/she has committed an act of academic misconduct.

b) The parties have a right to a fair hearing before an impartial and unbiased decision maker. This right includes the right for either party to challenge the suitability of any member of the hearing board based on a reasonable apprehension of bias against the complainant's or respondent's case. The hearing board will determine whether a reasonable apprehension of bias exists.

c) Reasonable written notice will be provided for hearings, and hearings will be held and decisions rendered within a reasonable period of time. It is the responsibility of all parties to ensure that the University has current contact information for them. If a notice is not received because of a failure to meet this requirement, the hearing will proceed.

d) All information provided to a hearing board in advance of a hearing by either party will be shared with both parties prior to the hearing.

e) Neither party will communicate with the hearing board without the knowledge and presence of the other party. This right is deemed to have been waived by a party who fails to appear at a scheduled hearing or to send an advocate in his/her place.

f) The complainant and the respondent have a right to bring an advocate (which may be a friend, advisor, or legal counsel) to a hearing, and to call witnesses, subject to the provisions below with respect to the rights of the hearing board. This right is subject to provision of the names and contact information for any witnesses and/or advocates to the Dean, Executive Director or designate in the case of College or School hearings, or to the Secretary in the case of an appeal, at least 2 days prior to the hearing.

g) Parties to these proceedings have a right to a reasonable level of privacy and confidentiality, subject to federal and provincial legislation on protection of privacy and freedom of information.

h) The hearing board has a right to determine its own procedures subject to the provisions of these Procedures, and to rule on all matters of process including the acceptability of the evidence before it and the acceptability of witnesses called by either party. Hearing boards may at their discretion request further evidence or ask for additional witnesses to be called.



## VI. PROCEDURES FOR FORMAL HEARINGS

When it has been determined that a formal hearing should proceed, the following steps will be taken.

1. Upon receipt of an allegation as provided in Section IV, the Dean or Executive Director or, in the case of an allegation not relating to a College or School, the Vice-President (Academic) shall first determine whether the allegation relates to a breach of the Responsible Conduct of Research Policy in accordance with the definition of such breaches contained within that policy. If it does, then the Dean, Executive Director or Vice-president will follow the process outlined under “Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy” in the [Responsible Conduct of Research Policy](#). The decision of the Dean, Executive Director or Vice-president in this matter is final and not subject to appeal. The University Secretary will be notified of the decision of the Dean, Executive Director or Vice-president in this regard. In all other cases, the Dean, Executive Director or Vice-president (Academic) shall convene a hearing board composed of a chair, named by the Dean, Executive Director or Vice-president (Academic); at least two members of the General Academic Assembly, all of whom, where feasible, shall be faculty members of the department, school or college responsible for matters to which the allegation relates; and a student who is registered in the college or school responsible for the matters to which the allegation relates. The requirement for a student member on the board may be waived by the student against whom the allegation is made. The hearing board may be a standing committee of the college or school appointed for this purpose. The hearing board is to receive the evidence, decide whether an act of academic misconduct has been committed and if so, decide on the consequences within the range of sanctions as set out in the Council Rules on Academic Misconduct. If the circumstances warrant, the Dean, Executive Director or designate may appoint an individual to investigate or assist the instructor with the investigation, and to provide the hearing board with evidence relating to the allegation.
2. The Dean, Executive Director or designate shall provide both the complainant and the respondent with at least 7 days’ written notice of the date and place of the hearing. The hearing may be rescheduled if necessary to accommodate participants’ schedules, with the guideline that the hearing should wherever possible be held within thirty days of the receipt of the allegation. Where there are special circumstances (as determined by the Dean, Executive Director or designate), the matter may be heard on less than 7 days’ notice.
3. If the respondent does not respond to the written notification of the hearing, or chooses not to appear before the hearing board, the hearing board has the right to proceed with the hearing. An absent respondent may be represented by an advocate who may present the respondent’s case at the hearing.

Generally, hearings will be held with all parties present. However, if either of the parties to the hearing, or any advocate, witness, or observer, is unable to attend in person, the hearing board may at its discretion and where circumstances demand, proceed on the basis of written submissions, or it may provide for such person(s) to participate by telephone, subject to the provision that either party to the dispute (or their advocate) must be capable of hearing all evidence

being presented, and of responding to all evidence and questions, and that witnesses and/or observers may be invited to join the hearing by telephone for the part of the hearing to which they would normally have been invited in person. Provision must be made for all parties to the proceedings to know when a party participating by telephone is signing on and signing off.

4. Where a set of circumstances has led to allegations of academic misconduct against two or more students, the Dean, Executive Director or designate receiving the allegation should determine whether the identity of co-accused students or associated students should be kept confidential and whether there should be one hearing at which all of the students are heard, or individual hearings for each respondent.

5. The hearing board is not bound to observe strict legal procedures or the rules of evidence but shall establish its own procedures subject to the following:

a) Hearing boards under these regulations have an adjudicative role. It is the responsibility of the complainant(s) to provide a rationale for the allegation and to present the evidence in support of it, and it is the responsibility of the respondent(s) to answer the charge.

b) Both complainant and respondent shall be given adequate notice in writing and full opportunity to participate in the proceedings other than the deliberations of the hearing board.

c) The hearing shall be restricted to persons who have a direct role in the hearing as complainant or respondent or their advocates, members of the hearing board, persons who are acting as witnesses, and up to three non-participating observers for each party to the complaint. At the discretion of the chair, other persons may be admitted to the hearing for training purposes, or other reasonable considerations.

d) When the hearing board meets, the complainant and the respondent or their advocates shall have the opportunity to be present before the hearing board at the same time. Either side may call witnesses, who would normally be present only to provide their evidence. Exceptions may be made at the discretion of the chair. Hearing boards may at their discretion request further evidence or ask for additional witnesses to be called.

e) The chair of the hearing board should open the hearing by seeking agreement that the matter is properly before a College or School hearing board. If the authority of the Board is challenged, then the Board will hear the arguments in favour of and against the proper jurisdiction of the Board to hear the matter, and will rule whether the hearing should proceed.

f) The allegation and the evidence allegedly supporting it, and supporting documentation and/or witnesses, shall be presented by the person who made the allegation, or that person's advocate.

g) The chair may at his or her discretion grant an opportunity for the respondent or the respondent's advocate and members of the hearing board to ask questions of the person presenting the allegation and any person giving evidence allegedly supporting it.

h) The respondent or the respondent's advocate shall then be allowed to respond to the complaint and to present supporting documentation and/or witnesses.

i) The chair may at his or her discretion grant an opportunity for the person presenting the allegation and members of the hearing board to ask questions of the respondent and any witness for the respondent.

j) Both the complainant and the respondent will have the opportunity to explain their respective interpretations of the evidence presented in a closing statement, and to suggest what sanctions, if any, they believe are appropriate to the matter before the hearing board.

6. Once a hearing concludes, the hearing board may not consider any additional evidence without re-opening the hearing to ensure that the parties have an opportunity to review and respond to the new evidence.

## **VII. DECISION OF THE HEARING BOARD AND DETERMINATION OF CONSEQUENCES**

### **A. Determination of Consequences following Decision of Hearing Board Constituted under the Responsible Conduct of Research Policy**

When it has been determined that an allegation involving a student relates to a breach of the *Responsible Conduct of Research Policy*, and the allegation has been heard by a hearing board constituted under the *Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy*, the matter is referred to these *Regulations on Student Academic Misconduct* for determination of consequences, if the finding of the hearing board is that the student is at fault. The process as outlined in sections VII.A.1 to 7 shall apply.

1. The hearing board constituted under these regulations will be provided with the report of the original hearing board. The parties to the original hearing will be able to make representations to this hearing board regarding sanctions, and witnesses may be called. After all questions have been answered and all points made, the hearing board constituted under these *Regulations on Student Academic Misconduct* will meet *in camera* to determine one or more appropriate sanctions. These deliberations are confidential. The hearing board has the sole authority to determine the appropriate sanctions.

2. The student's prior record of violations of the *Responsible Conduct of Research Policy*, academic or non-academic standards and a copy of the student's transcript will be provided by the Registrar or the University Secretary to members of the hearing board constituted under these regulations, to assist them in determining one or more appropriate sanctions.

3. The hearing board shall also take into account sanctions imposed by other hearing boards or appeal boards for similar misconduct as recorded by the University Secretary and/or the College or School hearing the case.

4. The board shall rule that one or more of the following sanctions be imposed:

- a) that the student be reprimanded or censured;
- b) that a mark of zero or other appropriate grade be assigned for the entire course, for an assignment or for an examination, or that a credit or mark for the course be modified or cancelled;
- c) that an examination be rewritten, an assignment be redone or any other academic performance be repeated;
- d) that the student(s) be required to submit an essay or assignment relating to the topic of academic misconduct, or to prepare and/or deliver a presentation on that topic;
- e) that the student(s) be suspended from the University for a specified period of time;
- f) that the student(s) be expelled permanently from the University; or
- g) that the conferral of a degree, diploma or certificate be postponed, denied or revoked.

5. If the decision of the hearing board results in suspension or expulsion of the student(s), the hearing board must also rule whether the endorsement on the student(s)'s record as referenced in Section 4 is to be permanent, with no possibility of removal, or whether an application may be made after a period of time determined by the hearing board for removal of the endorsement, and the conditions to be met in granting such a removal. If no such ruling is made by the hearing board at the time, then the endorsement will be considered permanent, with no possibility of removal. If the decision of the hearing board results in suspension of the student, the hearing board should also consider and rule on whether the period of suspension will count towards the student's time in program.

6. The chair of the hearing board shall prepare a report of the board's deliberations that shall recite the evidence on which the board based its conclusion and state any sanction imposed. The record of the decision shall be distributed as provided for in Section XIII.

7. The ruling of a hearing board is deemed to have been adopted by Council unless it is appealed as provided by the following rules.

8. The student(s) and the individual who brought the allegation shall be advised that either of them may appeal the hearing board results as outlined in VIII of these regulations. Any sanctions that are the outcome of a hearing board remain in force unless and until they are overturned by an appeal board.

If the student elects to appeal the decision of the hearing board constituted under the *Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy*, any procedure under these *Regulations on Student Academic Misconduct* to determine the consequences is suspended until the resolution of the appeal under the *Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy*.

## **B. Decision of the Hearing Board and Determination of Consequences in all Other**

## Cases

For decisions of the hearing board and determination of consequences when the matter has not resulted from a finding of a hearing board constituted under the *Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy*, the following sections VII.B.1 to 10 shall apply.

1. After all questions have been answered and all points made, the hearing board will meet *in camera* to decide whether an act of academic misconduct has been committed and, if so, to apply one or more appropriate sanctions. These deliberations are confidential. The hearing board has the sole authority to determine whether or not the respondent has committed an act of academic misconduct.
2. The standard of proof shall be whether the balance of probabilities is for or against the student having committed the offense.
3. If it is established that the respondent has committed an act of academic misconduct, then the respondent's prior record of violations of the academic or non-academic standards and a copy of the respondent's transcript will be provided by the Registrar or the University Secretary to members of the hearing board to assist them in determining an appropriate penalty.
4. The hearing board shall also take into account sanctions imposed by other hearing boards or appeal boards for similar academic misconduct as recorded by the University Secretary and/or the College or School hearing the case.
5. If a majority of members of a hearing board conclude that the allegation of academic misconduct is supported by the evidence before the board, it shall rule that one or more of the following sanctions be imposed:
  - a) that the student be reprimanded or censured;
  - b) that a mark of zero or other appropriate grade be assigned for the entire course, for an assignment or for an examination, or that a credit or mark for the course be modified or cancelled;
  - c) that an examination be rewritten, an assignment be redone or any other academic performance be repeated;
  - d) that the student(s) be required to submit an essay or assignment relating to the topic of academic misconduct, or to prepare and/or deliver a presentation on that topic;
  - e) that the student(s) be suspended from the University for a specified period of time;
  - f) that the student(s) be expelled permanently from the University; or
  - g) that the conferral of a degree, diploma or certificate be postponed, denied or revoked.
6. If the decision of the hearing board results in suspension or expulsion of the student(s), the

hearing board must also rule whether the endorsement on the student(s)'s record as referenced in Section 4 is to be permanent, with no possibility of removal, or whether an application may be made after a period of time determined by the hearing board for removal of the endorsement, and the conditions to be met in granting such a removal. If no such ruling is made by the hearing board at the time, then the endorsement will be considered permanent, with no possibility of removal. If the decision of the hearing board results in suspension of the student, the hearing board should also consider and rule on whether the period of suspension will count towards the student's time in program.

7. If the allegation of academic misconduct is not substantiated, the Dean in consultation with the chair of the hearing board shall take all reasonable steps to repair any damage that the respondent's reputation for academic integrity may have suffered by virtue of the allegation.

8. The chair of the hearing board shall prepare a report of the board's deliberations that shall recite the evidence on which the board based its conclusion that academic misconduct did or did not occur and state any penalty imposed. The record of the decision shall be distributed as provided for in Section XIII.

9. The ruling of a hearing board is deemed to have been adopted by Council unless it is appealed as provided by the following rules.

10. The student(s) and the individual who brought the allegation shall be advised that either of them may appeal the hearing board results. Any sanctions that are the outcome of a hearing board remain in force unless and until they are overturned by an appeal board.

## **VIII. APPEAL BOARD**

1. Either the complainant or the respondent may appeal the decision of the hearing board and/or the sanctions imposed by delivering to the University Secretary a written notice of appeal before the expiry of 30 days from the date a copy of the hearing board report was delivered to that person. For appeals under these *Regulations on Student Academic Misconduct*, where the matter was first heard by a hearing board constituted under the *Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy*, the parties may only appeal the consequences determined by the hearing board constituted under these *Regulations*.

In all cases, the notice should include a written statement of appeal that indicates the grounds on which the appellant intends to rely, any evidence the appellant wishes to present to support those grounds, and (where relevant) what remedy or remedies the appellant believes to be appropriate. A student may seek assistance in preparing an appeal.

2. An appeal will be considered only on one or more of the following grounds:

a) That the original hearing board had no authority or jurisdiction to reach the decision or impose the sanction(s) it did;

b) That there was a reasonable apprehension of bias on the part of a member or members of the original hearing board;

c) That the original hearing board made a fundamental procedural error that seriously affected the outcome

d) That new evidence has arisen that could not reasonably have been presented at the initial hearing and that would likely have affected the decision of the original hearing board.

3. Upon receipt of a notice of appeal, the University Secretary will review the record of the original hearing and the written statement of appeal and determine whether or not the grounds for appeal are valid. If the Secretary determines that there are no valid grounds under these Procedures for an appeal, then the appeal will be dismissed without a hearing. If the Secretary determines that there may be valid grounds for an appeal, then the appeal hearing will proceed as provided for below. The decision of the Secretary with respect to allowing an appeal to go forward is final, with no further appeal.

4. The appeal board will be constituted within a reasonable time frame and will be composed of three members of Council, one of whom is a student. Where the case involves a graduate student, the faculty members on the board should be members of the graduate faculty. One faculty member of the appeal board shall be named chair. The members of the board shall be chosen from a roster nominated by the Nominations Committee. The University Secretary or designate will act as secretary to the appeal board. With the exception of the Secretary, individuals appointed to serve on an appeal board shall exclude anyone who was involved in the original hearing of the case.

## **IX. APPEAL PROCEDURE**

1. The appeal board shall convene to hear the appeal within 20 days of being constituted. Under exceptional circumstances, the Board may extend this period.

2. Written notice of the hearing, along with a copy of these Procedures and of the written statement of appeal, will be delivered by the University Secretary to the appellant, to the other party in the original hearing as respondent, to the chair of the original hearing board, and to members of the appeal board. Where possible and reasonable the Secretary will accommodate the schedules of all parties and will provide at least 7 days' notice of the time and location of the hearing. Where there are special circumstances (as determined by the Secretary), the matter may be heard on less than 7 days' notice.

3. If any party to these proceedings does not attend the hearing, the appeal board has the right to proceed with the hearing, and may accept the written record of the original hearing and the written statement of appeal and/or a written response in lieu of arguments made in person. An appellant who chooses to be absent from a hearing may appoint an advocate to present his/her case at the hearing.

4. The appeal board is not bound to observe strict legal procedures or rules of evidence but shall establish its own procedures subject to the following principles:

a) Appeal boards under these regulations will not hear the case again but are limited to

determining whether the original hearing board had authority and jurisdiction to hear the original case; whether there was a reasonable apprehension of bias on the original hearing board that heard the case; whether the original hearing board made fundamental procedural errors that seriously affected the outcome; or whether any new evidence that is being presented would likely have affected the original outcome AND could not reasonably have been presented at the original hearing.

b) The parties to the hearing shall be the appellant (who may be either the original complainant or the original respondent) and the other party to the original hearing as respondent. The chair (or another member designated by the chair) of the original hearing board is invited to attend and at the discretion of the chair will be permitted to participate in the hearing and to respond to submissions of either party or of the appeal board.

c) Except as provided for under 4a above, no new evidence will be considered at the hearing. The record of the original hearing, including a copy of all material filed by both sides at the original hearing, the student(s)'s official transcript, and the written statement of appeal, will form the basis of the appeal board's deliberations.

d) It shall be the responsibility of the appellant to demonstrate that the appeal has merit.

e) Hearings shall be restricted to persons who have a direct role in the hearing. Witnesses will not normally be called, but the appellant may request the presence of an advocate and up to three observers. At the discretion of the chair, other persons may be admitted to the hearing for training purposes, or other reasonable considerations.

f) The appellant and the respondent shall be present before the appeal board at the same time.

g) Both the appellant and the respondent will have an opportunity to present their respective cases and to respond to questions from the other party and from members of the appeal board.

h) Both the appellant and the respondent will have the opportunity to suggest what sanctions, if any, they believe are appropriate to the matter before the appeal board.

## **X. DISPOSITION BY THE APPEAL BOARD**

1. After all questions have been answered and all points made, the appeal board will meet *in camera* to decide whether to uphold, overturn or modify the decision of the original hearing board. The deliberations of the appeal board are confidential.

2. The appeal board may, by majority,

a) Conclude that the appellant received a fair hearing from the original hearing board, and uphold the original decision; or



- b) Conclude that the appellant did not receive a fair hearing, but that the outcome determined remains appropriate and the original decision is upheld; or
- c) Conclude that the appellant did not receive a fair hearing, and dismiss or modify the original decision and/or sanctions using any of the remedies available in Section VI; or
- d) Order that a new hearing board be struck to re-hear the case. This provision shall be used only in rare cases such as when new evidence has been introduced that could not reasonably have been available to the original hearing board and is in the view of the appeal board significant enough to warrant a new hearing.

3. The chair of the appeal board shall prepare a report of the board's deliberations that shall recite the evidence on which the board based its conclusions and state any penalty imposed or withdrawn. The report shall be delivered to the University Secretary and distributed as provided for in Section XIII.

4. If the decision of a hearing board is successfully appealed, the chair of the governance committee in consultation with the chair of the appeal board shall ask the Dean of the college or Executive Director of the School that originally heard the case to take all reasonable steps to repair any damage that the appellant's reputation for academic integrity may have suffered by virtue of the earlier finding of the hearing board.

## **XI. NO FURTHER APPEAL**

The findings and ruling of the appeal board shall be final with no further appeal and shall be deemed to be a finding and ruling of Council.

## **XII. ENDORSEMENT ON STUDENT RECORD**

1. Upon receipt of a report of a hearing board or an appeal board as provided in these rules, the Registrar shall:

a) in the case of a report ordering expulsion of a student, endorse on the record of the student and on any transcript of the record the following: "Expelled for academic misconduct on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_."

b) in the case of a report ordering suspension of a student, endorse on the record of the student and on any transcript of that record the following: "Suspended for academic misconduct from \_\_\_\_\_ to " \_\_\_\_\_ " [period of suspension] .

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c) In the case of a report ordering the revocation of a degree, endorse on the record of the student and on any transcript of that record the following: "[Name of Degree] revoked for academic misconduct on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_."

2. Upon notice of an appeal, and where the appellant's academic record may be affected by the

outcome of the appeal, the Registrar shall endorse on the appellant's record and on any transcript of that record the following statement: "This record is currently under appeal and may be affected by the decision of an appeal board." This endorsement shall be removed from the appellant's record upon receipt by the Registrar of a copy of the decision of the appeal board

3. Except as provided for under Sections VII.B.6 and XII.2, an endorsement on the record is permanent.

### **XIII. REPORTS**

1. Not later than 15 days after a hearing board or an appeal board has completed its deliberations, the chair shall deliver a copy of the report to the following persons:

- a) the student(s) against whom the allegation was made;
- b) the person who made the allegation;
- c) the dean of the college or executive director of the school in which the student(s) is/are registered;
- d) the head of the department that is responsible for matters to which the allegation relates;
- e) the instructor of the course, when the alleged offence involves a course;
- f) the Registrar; and
- g) the University Secretary.

2. When the alleged misconduct involves academic work supported by external funds, and if the student has been deemed guilty of misconduct after all avenues of appeal under these regulations have been exhausted, then information regarding the final outcome of the case may be provided by the Dean of the College or Executive Director of the School in which the student is registered, and to the external agency responsible for providing the said external funds as required by that agency's requirements for disclosure.

3. Subject to the provisions of the Regulations and the requirements of law, any and all records pertaining to charges and/or hearings and/or sanctions under these Procedures are confidential and should not be kept on a file accessible to individuals not named above or their confidential assistants, except that the University Secretary shall make them available to hearing boards and appeal boards as provided for in Sections VII.2 and IX.4, above, and to University personnel for use in admission decisions.

### **XIV. DELIVERY OF DOCUMENTS**

Delivery of any document referred to in these Procedures to a student may be made in person, or by courier, or by e-mail to the student's official University of Saskatchewan e-mail address and by registered mail addressed to the address of the student as set out in the records of the Registrar. Delivery is presumed to have been made when it is received by the student or 5 days after the date of registration (or Express posting), or 1 day after the e-mail was sent to the official university e-mail address. Delivery of any document referred to in these rules to anyone else may be made in person or by Campus mail or e-mail services. All students have a responsibility to ensure that the University has current contact information; if a notice is not received because of a failure to meet this requirement, the hearing will proceed.

*Questions concerning procedural matters described herein should be directed to the Chair of Academic Council, Room 118, Michael Hall, St. Peter's College, 100 College Drive, Muenster, SK S0K 2Y0. (306) 682-7888.*

### *Acknowledgements*

In creating this document, and in addition to current St. Peter's College and the University of Saskatchewan policies and regulations, the drafters have used segments (with permission) from the York University Student Code of Conduct, University of Alberta Code of Student Behaviour and the University of Western Ontario Code of Student Conduct as foundational references and sources of wording.

**Attachment: The *Informal Resolution of Academic Misconduct* form, for the use of students and instructors implementing the University of Saskatchewan Regulations on Student Academic Misconduct.**

<http://www.usask.ca/secretariat/student-conduct-appeals/forms/InformalResolutionAcademicMisconductForm.pdf>

A complete copy of these Regulations is available at:

[www.usask.ca/university\\_secretary/honest/StudentAcademicMisconduct.pdf](http://www.usask.ca/university_secretary/honest/StudentAcademicMisconduct.pdf) .

## **Informal Resolution of Academic Misconduct**

The University of Saskatchewan *Regulations on Student Academic Misconduct* allow an instructor and student to agree on an appropriate remedy for misconduct due to misunderstanding or carelessness, in cases where the student does not dispute the charge or the remedy, and where the instructor deems that the infraction is minor enough not to warrant a formal hearing.. See an excerpt from these Regulations on the back of this page.

When an infraction is suspected, the instructor or invigilator may, at his or her own discretion, speak informally with the student(s) to discuss the matter and to consider an appropriate remedy.

Course and section: \_\_\_\_\_

Term and year: \_\_\_\_\_

Instructor: \_\_\_\_\_ Invigilator (if applicable): \_\_\_\_\_

Student(s): Student number(s): \_\_\_\_\_

\_\_\_\_\_

Type of assignment (essay, exam or other academic work): \_\_\_\_\_

### **Notification of remedy proposed by instructor:**

\_\_\_ Grade reduction in the identified assignment

Reduction of assignment grade to \_\_\_\_\_

And/ or

\_\_\_ Requirement for resubmission of the identified assignment

Resubmission deadline \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**Instructor signature**

**I accept the remedy described above:**

\_\_\_\_\_ Date: \_\_\_\_\_

**Student signature**

Within 14 days of the date shown above, the student or instructor has the right to request that a formal hearing be held about this misconduct allegation. To request a formal hearing, the student or instructor must contact the Dean of the College or the Executive Director of the School responsible for the course.

This form will be retained by the instructor as a component of the grading materials for this course but will not be made part of the student's official record. The student should also keep a copy of this form for his or her records.