

Date	Number
May 1, 2009	S 10.02
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November 22, 2018	2.0

Policy Authority: VicePresident, Academic and Provost

Associated Procedure(s): None

### 1.0. PURPOSE

1.1 The purpose of this policy is to provide an impartial forum to examine allegations of student academic dishonesty ~~academic misconduct~~ that impartial forum is the University Board on Student Discipline (UBSD).

### 2.0 SCOPE AND JURISDICTION

2.1 Cases of alleged academic dishonesty or academic misconduct under the Student Academic Integrity Policy (S 10.01) may be brought forward to the UBSD by either the Chair of a Department or the Registrar.

2.2 Cases of academic dishonesty or academic misconduct under the Student Academic Integrity Policy (S 10.01) may be brought forward by students wishing to dispute the finding of fact by the instructor, the Chair of the Department, or the Registrar.

### 3.0 POLICY

#### 3.1 UBSD and Tribunal Membership

3.1.1 The UBSD consists of eleven members named by the ~~President~~ Vice President, Academic and Provost from a list of nominees drawn from the various campus constituencies. The Board must be comprised of three faculty, four students and three staff, plus a Coordinator named by the ~~Vice President~~ Vice President, Academic and Provost.

3.1.2 Normally, faculty and staff are appointed to the Board for three (3) years and students are appointed to the Board for ~~one~~ year terms. Terms of office will be staggered to ensure some continuity of membership.

3.1.3 The Coordinator of the UBSD will appoint a Tribunal of three persons consisting of a Chair and two other members for each hearing. In deciding upon the composition of the Tribunal, the Coordinator of the UBSD shall take into account the nature of the allegations brought forward and the diversity of the University community. The membership of the Tribunal shall include at least one faculty member and one student.

#### 4.0 PROCEDURAL FAIRNESS

- 4.1 The UBSD is an internal administrative body, governed by the principles of procedural fairness. Within this framework, it is free to develop procedures and practices to conduct hearings and is not constrained by strict rules of procedure and evidence.
- 4.2 Students must be treated fairly before being penalized for academic dishonesty or academic misconduct. They are entitled to receive information about the alleged wrongdoing and to provide a response.
- 4.3 The Tribunal will provide individuals with an opportunity to respond in a timely manner to allegations of academic dishonesty or academic misconduct and, if appropriate, will recommend a course of action to the President, or to the Vice President, Academic and Provost if the President has already played a role in the case.
- 4.4 In exceptional circumstances, the Coordinator of the UBSD may extend the time limits for a student to dispute the findings of fact made by an instructor, a Chair or the Registrar.

#### 5.0 UBSD HEARINGS

- 5.1 If a student is unable or unwilling to participate in a UBSD hearing for any reason, the UBSD Coordinator must determine if there are sufficient grounds to proceed in the student's absence. If so, the Coordinator may decide to proceed with a hearing without the student. If a determination is made that there are not sufficient grounds to proceed, the Coordinator will consult with the Registrar. The Registrar will determine, as outlined in the Procedures for Academic Dishonesty and Misconduct, whether academic restrictions will be placed on the student if the case has been dealt with.
- 5.2 The impartiality of any member of the Committee scheduled to hear an appeal may be challenged and will be determined by the Chair. If the impartiality of the Chair is challenged, the other members of the Tribunal will determine the issue.
- 5.3 UBSD hearings shall be closed to the public unless both parties involved provide explicit written consent.
- 5.4 Hearings may be held using videoconferencing or other communications technology at the discretion of the Chair.
- 5.5 In exceptional circumstances, the Tribunal may permit the student to appear *in absentia* by delegate.
- 5.6 The parties to a hearing (i.e., the applicant and the respondent) may have a representative present at the hearing and/or may be accompanied by a support person.
- 5.7 If the applicant or respondent fails to appear before the Tribunal at the appointed time, the Tribunal may proceed or dismiss the complaint or review.
- 5.8 If there are medical or compassionate reasons for non-appearance, the Secretary of the UBSD must be notified in writing immediately and evidence in support of the reasons for non-appearance must be sent to the Chair as soon as possible. The Chair will determine the

acceptability of such reasons and whether the hearing should be postponed.

- 5.9 Both parties are entitled to be present throughout the hearing, but witnesses must be excluded until they have presented their evidence. Evidence will not be given under oath. Each party must be given the opportunity to ask questions of any witness.
- 5.10 The Tribunal is responsible for interpreting any policy under consideration.
- 5.11 The Chair of the Tribunal shall be responsible for maintaining an orderly hearing.
- 5.12 In cases brought before the UBSD by a University official, the Tribunal will first hear the evidence and determine the facts of the case. If the Tribunal finds that academic dishonesty or academic misconduct is established, it will hold a second hearing to consider any recommendation on the penalty (penalty hearing). These two hearings may take place on the same or different days. If all parties are in agreement as to the facts, the Tribunal may proceed directly to consider any recommendation on the penalty.
- 5.13 The Tribunal may hear impact statements from witnesses or parties prior to making a recommendation about a penalty.
- 5.14 The burden of proof is on the person alleging academic misconduct or academic dishonesty. The appropriate standard for a decision in this process is proof on a balance of probabilities.

## 6.0 DECISION-MAKING

6.1 -



- 8.4 A notation of a permanent or other suspension must be placed on the student's official transcript. A notation of such a suspension will be removed when it expires. This report will remain sealed and may be opened only on the authorization of the Registrar if the student is involved in other incidents of academic dishonesty or academic misconduct, or as permitted or required by law.
- 8.5 Academic work undertaken by a student at another institution while under a penalty prohibiting attendance at SFU may not subsequently be transferred or in any other way credited to the student's academic record at SFU.
- 8.6 If the student's appeal is successful, the University must, if possible, take steps to return the student to the position would have been in if the appeal decision had not been made.

## 9.0 REPORTING

- 9.1 The Registrar must maintain a statistical summary of cases handled through their offices each year, and these data must be included in the Annual Report to Senate on Student Discipline Matters.
- 9.2 In addition to the data referred to in section 9.1, the Annual Report on Student Discipline Matters must contain a summary of the UBSD Tribunal's findings, the President's decisions, SCODA's decisions and the penalties imposed. This report must be accessible to the University community and must be submitted to Senate for information except where the Tribunal, SCODA or the President determine that cases or parts of cases should not be disclosed. This summary must not disclose the identities of the parties. A set of decisions that does not disclose the identities of the parties must be maintained in the office of the Secretary of the UBSD and be available for review upon reasonable notice.

## 10.0 RELATED LEGAL AND POLICY AUTHORITIES

- 10.1 The legal and other University policy authorities that may bear on the administration of this policy and may be consulted as needed include but are not limited to:
- 10.1.1 (t)6S(r)-4

- 11.2 A University employee who is involved in addressing or investigating a case of academic dishonesty or academic misconduct must:
- 11.2.1 make every reasonable effort to protect personal information and maintain confidentiality;
  - 11.2.2 collect the minimum information about individuals that relates directly to and is necessary to respond to a case of academic dishonesty or academic misconduct, which is considered to be supplied in confidence;
  - 11.2.3 use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking action;
  - 11.2.4 limit disclosure of information about individuals to those within the University who need to know to perform their duties; and
  - 11.2.5 disclose personal information in all other circumstances only as permitted under the *Freedom of Information and Protection of Privacy Act*.
- 11.3 The University may disclose personal information where appropriate, including where:
- 11.3.1 it is needed to prepare or obtain legal advice for the University;
  - 11.3.2 it uses the information for the purpose for which it was obtained or compiled or for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness); or
  - 11.3.3

