

School the of Arts, Media, Performance & Design Policy on Academic Honesty

Introduction

On April 28, 2005, the Senate of York University approved the revised *Senate Policy, Guidelines and Procedures on Academic Honesty* (last amended, February 17, 2011). The School of the Arts, Media, Performance & Design (AMPD), like the rest of the University, is governed by the *Senate Policy, Guidelines and Procedures on Academic Honesty*, which affirms York University's commitment to academic honesty [s. 1], identifies what constitutes an offence against standards of academic honesty, provides the range of penalties that may be invoked, and identifies factors that should be taken into consideration when penalties are set [s. 2]. The Senate 'Procedures Governing Breach of Academic Honesty' defines the purpose, jurisdiction, and the standards of procedures governing the investigation, exploratory meeting and formal hearing for the resolution of cases of potential or alleged violations of the Senate Policy on Academic Honesty [s. 3]. The Order of Faculty or Senate Hearings on Academic Honesty is set out in s. 4.

AMPD has established the following complementary procedures specific to the investigation and resolution of alleged violations of the Senate Policy on Academic Honesty involving students in AMPD degree program courses at the undergraduate level.

3. AMPD Implementation of the Senate Procedures Governing Breach of Academic Honesty

The procedures outlined below are consistent with those specified in the *Senate Policy, Guidelines and Procedures on Academic Honesty*, available on line at: <http://secretariat-policies.info.yorku.ca/policies/academic-honesty-senate-policy-on/>.

Note: The person to whom questions about the academic honesty policy, guidelines and procedures should normally be addressed is the Manager, Faculty Governance & Policy, who is located in the Office of the Dean and serves as Secretary to Faculty Council. The Manager provides procedural advice to all parties (students, faculty, staff) and maintains records of meetings and decisions reached for all cases in which the dishonesty charge reaches at least the 'Exploratory Meeting' phase (see s. 3.5 below). The Manager is present at the Exploratory Meeting and also provides administrative support to the Academic/Administrative Policy and Planning Committee (AAPPC), its panels, and subcommittees.

3.1 Purpose

The following procedures are provided for the investigation and resolution of cases of alleged violations of the Senate Policy on Academic Honesty involving students in AMPD-based degree program courses at the undergraduate level. In these procedures, the term "student" includes a York undergraduate student, a York graduate, a former York student, or a student who is applying to take, is taking or has taken a York course. (Note that academic honesty cases involving graduate students are handled by the Faculty of Graduate Studies.)

3.2 Jurisdiction

3.2.1 Allegations of a breach of academic honesty by a student in a course offered by the School of the Arts, Media, Performance & Design shall be

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

- 3.2.2 All allegations of breaches of academic honesty other than those in course work shall be communicated by the administrator, committee or other person with direct knowledge (faculty, staff,) to the student's home Faculty.
- 3.2.3 Should a matter arise for which there appears to be no clear Faculty jurisdiction, the Senate Appeals Committee shall determine which Faculty shall have carriage of the matter.
- 3.2.4 Appeals of decisions of a Faculty committee are considered by the Senate Appeals Committee.

3.3 Investigating Potential Academic Misconduct

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

- 3.3.1 on assignments, term papers, essays, theses and dissertations, etc., the matter shall be reported to the concerned course director or graduate supervisor. For courses, if the evaluator is not the course director, the evaluator shall retain possession of the suspect material and provide a written report, together with the confiscated material, to the instructor;
- 3.3.2 on non-course work, the person discovering the potential breach of academic honesty, shall retain possession of the suspect material and provide a written report, together with any confiscated material to the AMPD Associate Dean, Academic (ADA);
- 3.3.3 in an examination, in cases of suspected impersonation, the invigilator, who is normally the instructor, shall ask the student concerned to remain after the examination and shall request appropriate University identification or shall otherwise attempt to identify the student. In other cases of suspected breach of academic honesty the invigilator shall confiscate any suspect material. In all cases, the student will be allowed to complete the examination. The invigilator, if other than the course director, shall give a full report, together with any confiscated material, to the course director (See the Senate Policy on Invigilation of Examinations for further information);
- 3.3.4 for research not conducted as part of a course, major research papers/projects, comprehensive examinations, theses and dissertations, person(s) suspecting potential academic dishonesty shall report the matter to the ADA.

3.4 Initiating an Investigation of Potential Academic Misconduct

- 3.4.1 When the course director, or a faculty member having or sharing responsibility for a student's research, examination, or dissertation preparation, becomes aware of a possible violation of academic honesty, it is the responsibility of the faculty member to notify their department Chair, who will consult with the AMPD Manager, Faculty Governance & Policy on whether and how to proceed.
- 3.4.2 Upon consultation with the Manager, Faculty Governance & Policy, a determination will be made as to whether the matter is (i) minor in nature, or (ii) serious. If it is deemed minor, it may be referred to the department Chair, who, with the course director, may conduct an exploratory meeting with the student (see s. 3.5, below). *Note:* A matter is minor in nature where the infraction is small in extent, can reasonably be construed as an error on the student's part, and where there appears to be no intent to deceive.
- 3.4.3 Regardless, of whether the case is deemed to be minor or serious, the Manager, Faculty Governance & Policy shall put a "flag" on the student's file and post a block on the student's enrolment activity in the course. These measures may be temporary, pending the outcome of proceedings.
- 3.4.4 It is the responsibility of the course director or faculty member to collect or assist in the collection of the necessary information, to participate in the exploratory meeting and to be prepared to act as a witness at any committee hearing of the matter.
- 3.4.5 Once notified of a potential breach of academic honesty, if it is determined that the infraction is more than minor in nature, the Manager, Faculty Governance & Policy shall put a "flag" on the student's file and post a block on the student's enrolment activity in the course. These will remain in place pending the outcome of proceedings. The student may not drop nor be deregistered from the course for any reason, nor withdraw from the University, nor may transcripts be released to the student until a final decision is reached.
- 3.4.6 If the investigation relates to work already presented for evaluation but not yet evaluated, the course director or faculty member may elect to defer the evaluation of the work until after the matter has been dealt with. Normally, any evaluation of a work which relates to a charge will not be entered into the student's record until after the matter is concluded.
- 3.4.7 If the Chair decides that the infraction is serious rather than minor in nature, complaint shall be submitted in writing to the Manager, Faculty Governance & Policy as soon as is reasonably possible, initiating an exploratory meeting in the Office of the Dean. The complaint shall contain a full, but concise, statement of the facts as perceived by the complainant and be accompanied by all available supporting evidence.
- 3.4.8 Carriage of a case by the Associate Dean, Academic (ADA).**
When an apparent breach of academic honesty is *not* tied to a student's enrolment in a specific course (examples of such infractions include 'falsification of an academic record', 'improper research practices', 'obstruction of other's academic activities'), the ADA or his/her designate

will take carriage of the investigation and the exploratory meeting stages of the process. The ADA may also take carriage of any alleged breach of academic honesty if circumstances in her/his judgment warrant such a role. The ADA or designate may follow all three stages (investigation, exploratory meeting and formal hearing) or proceed directly with submission of a charge to the AMPD Administrative/Administrative Policy and Planning Committee (AAPPC) and request a formal hearing of the matter.

3.5 Exploratory Meeting

- 3.5.1 If, upon consultation with the Manager, Faculty Governance & Policy, it is determined that there are reasonable and probable grounds to proceed with a charge of academic honesty, but the matter is determined to be minor in nature, an exploratory meeting shall be convened by the department Chair. If it is more serious, the meeting shall be convened in the Office of the Dean by the Manager, Faculty Governance & Policy. In either case, the proceedings shall be conducted according to the following process:
- 3.5.2 At least seven (7) calendar days' written notice of the meeting and a brief description of the reason for the meeting shall be provided to the student. The student may be accompanied by a representative, and the faculty member may have another person present. The meeting will be organized and chaired by either the department Chair or the Manager, Faculty Governance & Policy (see s. 3.5.1, above), who will make reasonable attempts to accommodate the schedules of the concerned parties. Should the student fail to appear at the scheduled exploratory meeting, the meeting may proceed without the student present.
- 3.5.3 The exploratory meeting will result in one of the following:
- i) It is agreed by all parties that no breach of academic honesty has occurred. No records of the matter shall be retained and the 'flag' on the student file is removed.
 - ii) In all cases, whether minor or not, if the student wishes to admit to a breach of academic honesty, a document signed by the student and the faculty member, which includes the admission, a summary of the matter, and a joint submission as to penalty, shall be forwarded to the Associate Dean, Academic (ADA). In such cases, the penalty agreed upon by the instructor or faculty member shall not exceed failure in the course. In cases that are more than minor in nature, the ADA may be consulted regarding a suitable penalty if necessary.
 - iii) If the student wishes to admit to a breach of academic honesty but no agreement is reached on recommended penalty, a document signed by the student and the instructor or faculty member, which includes the admission, a summary of the matter, and individual submissions by the student and faculty member as to penalty shall be forwarded to the AAPPC, which shall arrange a hearing of the matter, to which the student and course director or faculty member will be invited, each of whom may be accompanied by a representative.

- iv) If the student elects not to attend the meeting, and if those present find sufficient grounds to proceed with a charge of breach of academic honesty, a summary of the matter shall be forwarded to the AAPPC, which shall arrange a formal hearing of the matter, to which the student and the instructor or faculty member will be invited, each of whom may be accompanied by a representative.
- v) If it is decided that sufficient grounds exist to proceed with a formal charge of academic misconduct and the student does not admit to this alleged breach of academic honesty, a formal charge shall be prepared and submitted to the AAPPC. The charge shall contain a full, but concise, statement of the facts as perceived by the complainant and be accompanied by all available supporting evidence. The Manager, Faculty Governance & Policy or person chairing the exploratory meeting will forward the documents contemplated in items iii) and iv) above and this section to the ADA and the AAPPC.

3.5.4 In all cases, whether minor or serious, resolutions at the exploratory level shall be communicated to the Manager, Faculty Governance & Policy.

3.6 Formal Hearing

3.6.1 The responsible Faculty shall give each party a written copy of the charge, a copy of the materials submitted by the faculty member, which includes a summary of the evidence, a copy of the procedures to be followed and not less than twenty-one (21) calendar days' written notice of the time and location of the hearing. If the student wishes to file a written response to the charge, it must be received within fourteen (14) calendar days of the date on which the charge was sent to the student. The Faculty will send a copy of the student's response to the charge to the faculty member and unit level representative(s) concerned. Both parties must inform the committee of their intention to call witnesses and file names of these witnesses at least seven calendar days prior to the hearing.

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

- i) In this statement, the student may make submissions as to appropriate penalty and give reasons. If the faculty member submitting the charge concurs with the penalty recommendation of the student, a jointly signed submission will be forwarded to the responsible Faculty committee, the AAPPC. In such cases, the agreed-upon penalty shall not exceed failure in the course. Should the Committee panel find that some other penalty would be more appropriate, it shall arrange for a hearing of the matter, to which the student and instructor or faculty member will be invited.
- ii) If the faculty member and student do not agree on a recommended penalty, individual submissions as to penalty shall be made by the student and faculty member to the committee, which shall arrange a hearing of the matter, to which the student and faculty member will be invited.

- 3.6.3 Hearings shall be heard in front of a panel of the AAPPC. Each panel will be comprised of faculty members¹, and one student. The panel shall select its own chair. Only the committee members, a recording secretary, the case presenter, the student, each party's representative(s) / adviser(s) (who may be lawyers), and the witnesses may be present at a hearing. The faculty member(s) or person(s) who submitted the charge may attend as witnesses. Committee members shall be at "arms length" from the student charged with a breach of academic honesty. Committee members are not at "arms length" if they have had a significant personal or professional relationship with the student charged. Witnesses shall be present at the hearing only while testifying. Exceptions to this policy may be made at the discretion of the committee. The committee shall arrange for a recording secretary to provide administrative support and to take notes at the hearing. A record prepared from these notes will constitute the official record of the proceedings. Parties may, if they wish, arrange for their own written record of the hearing to be taken. The Chair of the committee has full authority to assure an orderly and expeditious hearing. Any person who disrupts a hearing, or who fails to adhere to the rulings of the committee may be required to leave.
- 3.6.4 The committee shall consider the facts and circumstances of the case and determine whether there has been a breach of academic honesty. If a finding of academic misconduct is determined, the committee shall hear submissions as to the appropriate penalty and then decide the penalty.
- 3.6.5 If a student fails to appear at a hearing after proper notice, the hearing may proceed, a decision may be made and sanctions may be imposed, unless the student can establish, in advance of the hearing and to the satisfaction of the panel, that there are circumstances beyond her or his control which make an appearance impossible or unfairly burdensome.
- 3.6.6 Parties must be allowed a full and fair opportunity to present their evidence and to respond to the evidence presented against them. Parties are allowed to cross-examine each other's witnesses in matters related to the charge. The panel has the discretion to make rulings as to admissibility of evidence or the suitability of cross-examination. The committee is not bound by formal rules of evidence applicable in courts of law.
- 3.6.7 When the parties have presented all available relevant evidence and witnesses, each party may present a final argument. Following this the parties shall be excused without further discussion. The committee shall then enter into closed session to determine whether a breach of academic honesty has occurred. A finding of academic misconduct supported by a majority of committee members shall be binding.
- 3.6.8 If the committee does not render a finding of academic misconduct, all records of the charge and hearing will be held by the Faculty until such time as appeals procedures are exhausted or abandoned. Thereafter, a

¹ Normally all panelists shall be members of the AAPPC. However, in cases where scheduling or other factors make the timely organization of a panel difficult, the Chair of the committee may appoint any AMPD tenure stream faculty member to a faculty role on the panel and any member of Undergraduate Student Council to the student position on the panel.

record consisting of the complaint and the decision letter will be placed in a confidential file retained by the Manager, Faculty Governance & Policy, in the Office of the Dean, AMPD.

- 3.6.9 Following a finding of academic misconduct, the committee shall next allow both parties to make a presentation as to suitable penalty. At this point the committee may be made aware of other academic offences in the student's file. The committee will again enter into closed session and decide upon the sanction. A decision by the majority of the committee to impose a particular penalty shall be binding. The decision of the committee, as described in Item 4.8 of the Senate Policy on Academic Honesty, must be communicated to the parties in writing, delivered by hand or by mail. A record of the offence, the proceedings and the finding will be retained by the Office of the Dean, AMPD, regardless of the severity of the penalty, and be held for a time consistent with the University's records retention guidelines. This record is for internal academic purposes only. A note shall be placed on the Student Information System to bar withdrawal from the course.
- 3.6.10 If the student is found to have committed a breach of academic honesty in work related to a funded research project, the Vice-President Academic shall be notified and the Vice-President or a designate shall determine whether to notify the granting agency.
- 3.6.11 If a student from another institution enrolled in a joint program or attending York on Letter of Permission is found to have committed a breach of academic honesty, notice of the AMPD findings will be sent to the other institution.

4. Order of Faculty or Senate Hearings on Academic Honesty

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

- 4.1 The Chair shall:
- introduce the parties and members of the committee;
 - identify the nature of the case and evidence before the committee.
- 4.2 The presenter's case:
- briefly describe the case to be presented, in an opening statement;
 - present support for the charge through oral testimony of complainant and witnesses, and through documentary evidence;
 - the student (or her/his representative) may ask questions of each of the presenter's witnesses at the close of that person's testimony;
 - committee members normally ask questions at the end of each person's testimony, but may interrupt if clarity is required.
- 4.3 The student's case:
- the student (or her/his representative) shall briefly reply and indicate main arguments in an opening statement;

- present support for her/his case through oral testimony provided by her/himself and witnesses as well as documentary evidence.;
 - the presenter may ask questions of each of the student's witnesses at the close of that person's testimony;
 - committee members normally ask questions at the end of each person's testimony, but may interrupt if clarity is required..
- 4.4 The presenter shall be allowed to present testimony or other evidence in reply to new issues raised in the student's case which were not raised in the original presentation.
- 4.5 At any time, the committee may require other witnesses or the production of other written or documentary evidence and may, if it sees fit, adjourn the hearing after allowing both parties the opportunity to speak to the adjournment.
- 4.6 Following the presentation of evidence, the parties are entitled to make closing arguments and to summarize briefly the main points of their cases, but no new evidence may be introduced. This will proceed in the following order: the student (or her/his representative) followed by the presenter.
- 4.7 The committee will move into closed sessions for deliberations and decision. If there is a finding of academic misconduct, the committee will then consider submissions as to appropriate penalty, then return to closed sessions and decide on the appropriate penalty.
- 4.8 The written decision of the committee shall include:
- the names of committee members and all who appeared;
 - a summary of the cases of the parties;
 - the committee's findings of fact, decision and reasons;
 - the route of appeal.