

# Schulich School Implementation Of The Senate Policy On Academic Honesty

## Introduction

On February 17, 2011, the Senate of York University approved the revised Senate Policy, Guidelines and Procedures on Academic Honesty. The Schulich School, like the rest of the University, is governed by the Senate Policy, Guidelines and Procedures on Academic Honesty ([yorku.ca/secretariat/policies/document.php?document=69](http://yorku.ca/secretariat/policies/document.php?document=69)) and has established the following complementary procedures specific to the investigation and resolution of alleged violations. The policy and procedures pertain to students in all Schulich-based courses (with the exception of courses in the joint EMBA program, which are governed by a separate procedure) and cover all student work, including that submitted to the instructor or classmates for inclusion in the final submission.

## 1. Senate Policy on Academic Honesty

The Policy on Academic Honesty is an affirmation and clarification for members of the University of the general obligation to maintain the highest standards of academic honesty. As a clear sense of academic honesty and responsibility is fundamental to good scholarship, the policy recognizes the general responsibility of all faculty members to foster acceptable standards of academic conduct and of the student to be mindful of and abide by such standards.

Academic honesty requires that persons do not falsely claim credit for the ideas, writing or other intellectual property of others, either by presenting such works as their own or through impersonation. Similarly, academic honesty requires that persons do not cheat (attempt to gain an improper advantage in an academic evaluation), nor attempt or actually alter, suppress, falsify or fabricate any research data or results, official academic record, application or document. Finally, academic honesty requires that persons do not aid or abet others to commit an offence of academic dishonesty, including intentional acts to disrupt academic activities.

Suspected breaches of academic honesty will be investigated and charges shall be laid if reasonable and probable grounds exist. A student who is charged with a breach of academic honesty shall be presumed innocent until, based upon clear and compelling evidence, a committee determines the student has violated the academic honesty standards of the University. A finding of academic misconduct will lead to the range of penalties described in the guidelines which accompany this policy. In some cases the University regulations on non-academic discipline may apply. A lack of familiarity with the Senate Policy and Guidelines on Academic Honesty on the part of a student does not constitute a defence against their application. Some academic offences constitute offences under the Criminal Code of Canada; a student charged under University regulations may also be subject to criminal charges. Charges may also be laid against York University students for matters which arise at other educational institutions.

## 2. Senate Guidelines on Academic Honesty

### 2.1 Summary of Offences Against the Standards of Academic Honesty

The following summary of offences is not exhaustive, nor are the definitions provided for each offence confined to the examples cited.

**2.1.1 Cheating** is the attempt to gain an improper advantage in an academic evaluation. Forms of cheating include:

- Obtaining a copy of an examination before it is officially available or learning an examination question before it is officially available;
- Copying another person's answer to an examination question;
- Consulting an unauthorized source during an examination;
- Disruption of an academic evaluation by any means;
- Obtaining assistance by means of documentary, electronic or other aids which are not approved by the instructor;
- Changing a score or a record of an examination result;
- Submitting the work one has done for one class or project to a second class, or as a second project, without the prior informed consent of the relevant instructors;

- Submitting work prepared in collaboration with another or other member(s) of a class, when collaborative work on a project has not been authorized by the instructor;
- Submitting work prepared in whole or in part by another person and representing that work as one's own;
- Offering for sale essays or other assignments, in whole or in part, with the expectation that these works will be submitted by a student for appraisal;
- Preparing work in whole or in part, with the expectation that this work will be submitted by a student for appraisal.

**2.1.2 Impersonation** is to have someone impersonate one's self in class, in a test, examination or interview, or in connection with any other type of assignment or placement associated with a course or academic program. Both the impersonator and the individual impersonated may be charged.

**2.1.3 Plagiarism** is the misappropriation of the work of another by representing another person's ideas, writing or other intellectual property as one's own. This includes the presentation of all or part of another person's work as something one has written, paraphrasing another's writing without proper acknowledgement, or representing another's artistic or technical work or creation as one's own. Any use of the work of others, whether published, unpublished or posted electronically, attributed or anonymous, must include proper acknowledgement.

**2.1.4 Improper research practices.** Academic research includes the collection, analysis, interpretation and publication of information or data obtained in the scientific laboratory or in the field. Forms of improper research practices include:

- Dishonest reporting of investigative results, either through fabrication or falsification;
- Taking or using the research results of others without permission or due acknowledgement;
- Misrepresentation or selective reporting of research results or the methods used.

**2.1.5 Dishonesty in publication.** It is a violation of academic honesty to knowingly publish information that will mislead or deceive readers. This includes the falsification or fabrication of data or information, as well as 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 dishonesty in publication.

**2.1.6 Dissemination of information without permission.** Information or experimental data that was collected with a member of faculty or another student, and other works that involved the participation of a faculty member or another student, should not be submitted for publication or otherwise disseminated without their permission.

**2.1.7 Abuse of confidentiality.** Taking or releasing the ideas or data of others that were given with the expectation that they are confidential is inappropriate. This includes the ideas or data obtained via the evaluation of confidential grant proposals, award applications or manuscripts that will be or may have been submitted for possible funding or publication. Unless one is authorized to do so, it is improper to obtain a password assigned to another or to copy or modify a data file or program belonging to someone else. Proper authorization means being granted permission either by the owner or originator of that material, or by an appropriate faculty member or administrator.

**2.1.8 Falsification or unauthorized modification of an academic document/record.** It is a breach of academic honesty to falsify, fabricate or in any way modify, either through omission or commission, an application to the University or a program, course student examination or test, transcript, grade, letter of recommendation or related document, a degree, a physician's letter/form or any other document used in support of an academic application, record, petition/appeal or endeavor.

**2.1.9 Obstruction of the academic activities of another.** It is a violation of academic honesty to interfere with the scholarly activities of another in order to harass or gain unfair academic advantage. This includes interference or tampering with experimental data, with a human or animal subject, with a written or other creation (e.g., a painting, sculpture or film), with a chemical used for scientific study, or with any other object of study.

**2.1.10 Aiding and abetting.** Encouraging, enabling or causing others to do or attempt any of the above with intent to mislead an instructor, academic unit, program, office or committee as to a student's academic status, qualifications, actions or preparation, or knowingly aiding or abetting anyone in a breach of academic honesty shall itself be considered misconduct. Taking any action which can reasonably be interpreted as intending to encourage or enable others to commit an offence of academic dishonesty.

## **2.2 Summary of Penalties for Academic Misconduct**

When verified, violations of academic honesty may lead to the following range of penalties, which may be imposed singularly or in combination for any offence. The following penalties are listed in ascending order of severity.

**2.2.1 Written disciplinary warning or reprimand.**

**2.2.2 Required completion of an academic honesty assignment.**

**2.2.3 Make-up assignment, examination or rewriting a work, subject to a lowered grade.**

**2.2.4 Lower grade on the assignment, examination or work.**

**2.2.5 Lower grade in the course.**

**2.2.6 Failure in the course.**

**2.2.7 Permanent grade of record.** The grade assigned shall remain as the one grade of record for the course, even if the course is repeated. This penalty can be added to any other penalty, but shall always be attached to the penalty of failure in the course.

**2.2.8 Notation on transcript.** Notation on transcript can be a separate penalty or it can be added to any other penalty. Transcript notation shall always be included in cases of suspension, withholding or rescinding a York degree, diploma or certificate and expulsion from the University. Transcript notation can be for a limited period, at the end of which the notation will be removed from the student's transcript. When no period is specified for a transcript notation, a student may petition to the Faculty Petitions 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.

**2.2.9 Suspension from the University for a definite period, not to exceed 5 years, with transcript notation.** Suspension is defined as a penalty of a variable but limited period during which the student may not register in the University, imposed for serious academic offences such as plagiarism and cheating. A student who is otherwise eligible to graduate, but is suspended, may not graduate until the suspension expires or is lifted. This penalty may be awarded only by a Faculty-level committee which is recognized by a Faculty Council as the responsible body to assign this penalty.

**2.2.10 Expulsion from the University with transcript notation.** Expulsion is defined as permanently terminating a person's right to continue as a student in the University and to be re-admitted as a student in the University. This penalty is to be imposed for extreme forms and / or multiple incidences of academic dishonesty. Expulsion from the University may be awarded only by a Faculty-level committee which is recognized by a Faculty Council as the responsible body to assign this penalty.

**2.2.11 Withholding or rescinding a York degree, diploma or certificate with transcript notation.** When a Faculty decides to rescind a degree, diploma or certificate, the decision, with supporting documentation, must be forwarded to the Senate Appeals Committee for approval on behalf of Senate.

## **2.3 Factors Considered When Imposing Academic Penalties**

The circumstances surrounding each case of academic misconduct may vary to a significant degree. The penalty imposed should reflect, reasonably, these circumstances. These guidelines are not intended to restrict the authority

or flexibility of Faculty committees in imposing the penalties contained in this Policy. In each case, Faculties shall exercise their discretion, taking into consideration the relevant factors, as outlined below. For the benefit of students, however, Faculties shall provide an explanation in their written decision of the major reason(s) the penalty imposed was deemed warranted.

Important factors to be considered by committees in imposing penalties or reviewing penalty recommendations are:

**2.3.1 Extent of violation:** The actions which constitute specific offences of academic honesty (i.e., plagiarism, cheating) vary in terms of severity. Some instances of academic dishonesty constitute only minor infractions while others represent the most extreme form of violation. Penalties should correspond to the nature of the offence. Penalties may be imposed singularly or in combination for any offence.

Basic considerations include:

- The level of the student's academic experience;
- Extenuating circumstances may help explain the action taken by a student, and due weight should be attached to those circumstances;
- If the student admits guilt, accepts responsibility for their action, and is amenable to educative remedies, committees may find it justified to levy a less severe penalty.
- Prior/multiple incidents: If the offence is a second (or subsequent) one for the student and/or is in combination with another offence, then a severe penalty should be considered.

### 3. Procedures Governing Breach of Academic Honesty

#### 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 Schulich-based courses (with the exception of courses in the joint EMBA program, which are governed by separate procedures unique to the joint program). In these procedures, the term "student" includes a York graduate or 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.

#### 3.2 Jurisdiction

3.2.1 Allegations of a breach of academic honesty in a course offered by the Schulich School shall be dealt with by the Schulich 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 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, clinical supervisor, etc.) 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 faculty member\*. For courses, if the evaluator is not a faculty member, the evaluator shall retain

possession of the suspect material and provide a written report, together with the confiscated material, to the concerned faculty member;

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 Schulich Associate Dean Academic;

3.3.3 In an examination, the invigilator, who is normally the faculty member directing that course, in cases of suspected impersonation, 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 faculty member who is directing that course, shall give a full report, together with any confiscated material, to the concerned faculty member (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 Associate Dean Academic.

### **3.4 Initiating an Investigation of Potential Academic Misconduct**

3.4.1 When a faculty member directing a course, or 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 initiate an investigation of the matter. The faculty member must collect or assist in the collection of the necessary information and be prepared to act as a witness at any committee hearing of the matter, if required.

3.4.2 If the investigation relates to work already presented for evaluation but not yet evaluated, the 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.

3.4.3 If the faculty member or person designated by Schulich School policy decides to proceed with a formal complaint alleging a breach of academic honesty, the complaint shall be submitted in writing to the Petitions and Appeals Officer as soon as is reasonably possible. 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.

3.4.4 Once notified of a potential breach of academic honesty, the Petitions and Appeals Officer shall post a block on enrolment activity in the course. The student may not drop or 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. 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 guilty of a breach of academic honesty, the recipients of the transcript will be provided automatically with an updated transcript.

3.4.5 The Associate Dean Academic will normally take carriage of an alleged breach of academic honesty, including when an apparent breach of academic honesty is not tied to a student's enrolment in a specific course.

### **3.5 Exploratory Meeting**

3.5.1 When a complaint is received by the Petitions and Appeals Officer, an exploratory meeting shall be arranged to determine whether or not there are reasonable and probable grounds to proceed with a charge of breach of academic honesty. At least seven calendar days' written notice of the meeting via email and a brief description of the reason for the meeting shall be provided. At this meeting, convened and chaired by the Petitions and Appeals Officer, the student may be accompanied by a representative and the Associate Dean Academic may have another person present. If the student elects not to attend the meeting, the meeting may proceed without the student present.

3.5.2 The exploratory meeting will result in one of the following:

- i. It is agreed by all parties that no breach of academic honesty occurred. No records of the matter shall be retained.
- ii. If the student wishes to admit to a breach of academic honesty but no agreement is reached on recommended penalty, or the breach is a second or subsequent incident by the student, a document signed by the student and the

Associate Dean Academic, which includes the admission, a summary of the matter and individual submissions by the student and Associate Dean Academic as to penalty shall be forwarded to the responsible Faculty committee, which shall arrange a hearing to determine penalty, to which the student and Associate Dean Academic will be invited.

iii. If the student wishes to admit to a breach of academic honesty, a document signed by the student and the Associate Dean Academic which includes the admission, a summary of the matter and a joint submission as to penalty shall be forwarded to the Faculty committee, which deals with allegations of breach of academic honesty. In such cases, the agreed-upon penalty shall not exceed failure in the course. The responsible Faculty committee receiving such a joint submission will normally impose the penalty suggested, but if it is of the opinion that some other penalty would be more appropriate, or the breach is a second or subsequent incident by the student, it shall arrange for a hearing of the matter to determine penalty, to which the student and Associate Dean Academic will be invited.

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 responsible Faculty committee, which shall arrange a hearing of the matter, to which the student and the Associate Dean Academic will be invited.

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 responsible Faculty committee. 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.

### **3.6 Formal Hearing at the Faculty Level**

3.6.1 The Petitions and Appeals Officer shall give to 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 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 calendar days of the date on which the charge was sent to the student. The Petitions and Appeals Officer will send a copy of the student's response to the charge to the Associate Dean Academic. 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 Associate Dean Academic submitting the charge concurs with the penalty recommendation of the student, a jointly signed submission will be forwarded to the responsible Faculty committee. In such cases, the agreed-upon penalty shall not exceed failure in the course. Should the Faculty committee find that some other penalty would be more appropriate, or if the breach is a second or subsequent offence, it shall arrange for a hearing to determine penalty, to which the student and Associate Dean Academic will be invited.

ii. If the Associate Dean Academic and student do not agree on a recommended penalty, individual submissions as to penalty shall be made by the student and Associate Dean Academic to the responsible Faculty committee, which shall arrange a hearing to determine penalty, to which the student and Associate Dean Academic will be invited. If the breach is a second or subsequent offence by the student, a copy of the written decision from the prior offence(s) shall be provided by the case presenter to the committee at the penalty hearing.

3.6.3 Only the Faculty committee members and 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 person(s) who submitted the charge may attend as witness(es). 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 Faculty committee. The Chair of the Faculty 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 Faculty 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 Faculty 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 committee, 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 committee 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 student's home Faculty until such time as appeals procedures are exhausted or abandoned. Thereafter, a record consisting of the complaint and the decision letter will be placed in a confidential file retained in Student Services & International Relations in the Schulich School.

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 prior academic offences in the student's file. In such cases a copy of the written decision from the prior offence(s) shall be provided by the case presenter to the committee. The committee will again enter into closed session to 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 (confirmed via signature), by registered mail and/or by email. If the breach of academic honesty is related to course work, a note shall be placed on the Student Information System to bar withdrawal from the course(s) in which the breach occurred.

3.6.10 A Record of the Proceeding will be retained in Student Services & International Relations, regardless of the severity of the penalty, and held for a time consistent with the University's records retention guidelines. The Record of the Proceeding shall include the:

- Formal charge of academic misconduct and all documentary evidence filed with the Faculty committee
- Written response from the student to the charge, if any
- Notice of the Hearing
- Decision of the committee

If a penalty is imposed that requires a notation on the transcript, a copy of the decision of the committee will be sent to the Registrar's Office for the penalty to be implemented. All other alterations to the student's record will be implemented by Student Services & International Relations. The decision will be retained for a time consistent with the University's records retention guidelines.

3.6.11 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 and Provost shall be notified and the Vice President or a designate shall determine whether to notify the granting agency.

3.6.12 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 Committee's 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 his/her 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 his/her representative) shall briefly reply and indicate main arguments in an opening statement;
- Present support for his/her case through oral testimony provided by him/herself 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 his/her 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. If the breach is a second or subsequent offence the case presenter shall provide the committee with a copy of the written decision from the prior offence. Following the presentation of submission on penalty by both parties, the committee will then return to closed session to 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.

*Senate Policy on Academic Honesty, Approved Senate April 28, 2005. Amended February 17, 2011.*

*Schulich School Implementation of Senate Procedures Governing Breach of Academic Honesty, Approved Schulich School Faculty Council April 19, 2013.*