

UNIVERSITY COUNCIL
GOVERNANCE COMMITTEE
REQUEST FOR INPUT

PRESENTED BY: Terry Wotherspoon, Chair, Governance Committee

DATE OF MEETING: October 21, 2021

SUBJECT: Revisions to the *Student Academic Misconduct Regulations*

COUNCIL ACTION: Request for Input

SUMMARY:

This item serves to update Council on the review the University of Saskatchewan's *Regulations on Student Academic Misconduct* and to recommend changes to the *Regulations*. The Governance Committee met on October 5, 2021, to consider the final draft of the proposed revisions and approved a motion to recommend them to Council for decision. Following this request for input to Council, and incorporation of feedback and further changes as needed, a request for decision will be presented to Council in November.

BACKGROUND:

Since late 2019, work has been underway in the Governance Office, led by the Academic Governance and Hearings Advisor, Amanda Storey, on revisions to the *Regulations on Student Academic Misconduct*. Revisions were needed to ensure that definitions of academic misconduct adequately addressed the current academic environment; for delegations of responsibility; to address concerns about obligations to academic partners, professional and regulatory bodies; and for minor editorial changes.

A summary of revisions includes:

- Gender inclusive language
- Additions and changes to "Misconduct Defined" section to reflect current practices and realities
- Addition of language to allow for limited disclosure of misconduct allegations/findings to regulatory bodies, professional bodies, and/or partner educational institutions
- Clarification of the application of *Responsible Conduct of Research Policy* for allegations of misconduct involving research

- Explanation of the limited role of the chair of the original hearing board at an appeal hearing
- Other editorial and stylistic changes
- Guidelines for hearings involving multiple students were developed (these do not require Council approval, but are attached for information only)

CONSULTATION PROCESS:

Throughout Winter 2021, consultation occurred with the Governance Committee (January 12, 2021), the Associate Deans, Academic (February 18, 2021, April 15, 2021, and October 14, 2021), the vice-provost, teaching, learning and student engagement, graduate chairs (April 21, 2021), and the Office of the Vice-President Research regarding alignment with the revised *Responsible Conduct of Research Policy* (February 11, 2021). These revisions were also shared with the Teaching, Learning, and Academic Resources Committee (March 16, 2021) and the Research, Scholarly, and Artistic Work Committee (May 6, 2021). Feedback from these stakeholders was incorporated to the extent possible. Legal counsel was consulted about the revisions as they were developed (April 30, 2021) and prior to submission to the Governance Committee for decision (September 3, 2021).

NEXT STEPS:

A request for decision will be presented to Council in November, following consultation with Council.

Through the consultation process, it was suggested that *Regulations* be further contemplated in light of the institution's commitments to Indigenization and equity, diversity and inclusion. This important work will occur as part of a comprehensive review of institutional policies and procedures.

ATTACHMENTS:

- a. Revised *Regulations on Student Academic Misconduct* (no markup)
- b. Proposed revisions to *Regulations on Student Academic Misconduct* (with markup)
- c. Guidelines for Allegations Involving Multiple Students as Respondents
- d. Fillable Form – Informal Resolution of Academic Misconduct



Regulations on Student Academic Misconduct

Approved by University Council October 15, 2009

Revisions June 2013, June 23 2016, and XXXX, 2021

Effective date of these Regulations January 1, 2022

Questions concerning procedural matters described herein should be directed to the Governance Office,
105 Administration Place, Saskatchewan, Saskatoon SK S7N 5A2 (306) 966-4632; email
governance.office@usask.ca

Table of Contents

Table of Contents.....	1
Preamble.....	3
Guiding Principles	3
Authority.....	4
Regulations On Student Academic Misconduct	5
I. Scope	5
II. Definitions.....	5
A. General Definitions	5
B. Academic Misconduct Defined	6
III.....	8
Informal Resolution	8
A. General Principles	8
B. Informal Procedure	9
IV. Formal Allegations of Academic Misconduct.....	9
V. The Rights of Parties to a Hearing.....	10
VI. Continuation of Program while Under Allegation	11
VII. Procedures for Formal Hearings	11
A. General Procedures	11
B. Order of Proceedings	12
VIII. Determination of Sanctions	13
IX. Appeal Board	15
X. Appeal Procedure	16
XI. Disposition by the Appeal Board	17
XII. No Further Appeal.....	18
XIII. Endorsement on Student Record	18
XIV. Reports	18
XV. Delivery of Documents	19
XVI. Confidentiality	19

ATTACHMENT: Informal Resolution of Academic Misconduct form

Preamble

The mission of the University of Saskatchewan (“USask”) 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 USask also requires a positive and productive living, working and learning environment characterized by an atmosphere of peace, civility, security and safety.

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

The following Guiding Principles and Authority description are from Council’s *Student Discipline* Policy:

Guiding Principles

- **Freedom of Expression:** The University of Saskatchewan 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:** The University of Saskatchewan 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:** The University of Saskatchewan values peace and non-violence. 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.
- **Security and Safety:** The university 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 university 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 endeavour 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, practica 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.

Authority

The *University of Saskatchewan Act 1995* (“the Act”) provides **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. 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 bylaws 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 Standard of Student Conduct in Non-Academic Matters and Procedures for Resolution of Complaints and Appeals* 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 has a right to appeal to 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 Governance Office.

Regulations On Student Academic Misconduct

I. Scope

The Regulations apply to all USask students in academic activities.

No proceedings or action taken pursuant to any other policy, regulation, rule or code (e.g., Criminal Code of Canada or professional or other college codes of conduct) shall bar or prevent USask from also instituting proceedings and imposing sanctions under the Regulations. Nothing in the Regulations shall prevent USask 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 at USask. If it can be demonstrated that a student knew or reasonably ought to have known that they have violated USask's standard of academic integrity, then the violation may be dealt with under the provisions of the Regulations.

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

Allegations of a violation of USask's Responsible Conduct of Research Policy will be addressed through the Responsible Conduct of Research Policy and Procedures <http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php>.

II. Definitions

A. General Definitions

"Academic Administrator" means the dean, executive director, or faculty member designate of the college or school that is responsible for the class or academic activity to which the allegation relates or, where the matter falls outside the responsibility of a college or school, the Provost and Vice-President (Academic).

"Act" means *The University of Saskatchewan Act*, 1995.

"Complainant" means the individual making a formal allegation of academic misconduct.

"Designate" means a senior leadership position, i.e., associate dean, executive officer/assistant, and select staff members within the college, Registrar's Office, or Governance Office as determined by the Dean or Executive Director of the applicable college/school, the Provost, the Registrar, or University Secretary.

"Professional College" means colleges or schools with professional training programs, including the Colleges of Medicine, Veterinary Medicine, Law, Dentistry, Nursing, Education, Engineering, Pharmacy and Nutrition, and the Edwards School of Business.

“Regulations” means these Regulations on Student Academic Misconduct.

“Respondent” means, at the hearing board stage, the student who is alleged to have committed academic misconduct, and, at the appeal stage, the individual responding to the appeal.

“Student” means any person who is registered or in attendance at USask, whether for credit or not, at the time of the misconduct and prospective students applying for admission to USask programs.

“USask” means University of Saskatchewan.

B. Academic Misconduct Defined

Academic misconduct that may be the subject of an allegation under these Regulations includes, but is not limited to:

- a) Providing false or misleading information or documentation to gain admission to USask or any USask program;
- b) Theft of lecture notes, research work, computer files, or other academic or research materials (including data) prepared by another student or an instructor or staff member;
- c) Using work done in one class in fulfilment of any requirement of another class unless approval is obtained from the instructor by whom the material is being evaluated;
- d) Colluding in the development of or completion of work, examinations and/or assessments (sometimes called unauthorized collaboration) without direction from or approval of the instructor in the class *It is not academic misconduct to use work developed in the context of a group exercise if the mode and extent of the use does not deviate from that which is specifically authorized.*;
- e) Alteration or falsification of records, computer files, or any document relating to a student's academic performance, including but not limited to falsification of information provided for application to USask or any of its programs;
- f) Fabrication or invention of sources;
- g) Examinations and assessments: The following are examples of academic misconduct involving examinations and assessments:
 - (i) Failure to observe any stated rule with regard to the procedures used in an examination, assessment, or an activity undertaken for academic credit where such a failure could result in the student gaining relatively greater credit;
 - (ii) Altering answers on a returned examination;
 - (iii) When prohibited, removing an examination (including creating a digital copy) from the examination room and/or sharing examination or assessment material;
 - (iv) Seeking to acquire or acquiring prior knowledge of the contents of any examination question or paper;

- (v) Attempting to use, possessing or using notes or other sources of information or devices not permitted by the instructor in an examination or assessment;
 - (vi) Consulting or seeking the assistance of others when writing an unsupervised (e.g., “take home”) examination or assessment unless permitted by the instructor;
 - (vii) Providing false or misleading information with the intent to avoid or delay writing an examination or fulfilling any other academic requirement;
 - (viii) Failing to observe the terms of any agreement not to disclose the contents of an examination;
 - (ix) Misrepresenting or conspiring with another person to misrepresent the identity of a student writing an examination or engaging in any other form of assessment;
- h) 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;
- i) Preventing others from fair and equal access to USask facilities or resources, including library resources;
- j) Using or attempting to use personal relationships, bribes, threats or other similarly inappropriate conduct to gain unearned grades or academic advantages;
- k) Knowingly assisting another person engaged in actions that amount to academic misconduct, including the supply of materials prepared by the student to another student for use by that student as the work or materials of that student;
- l) **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, website, or other source or prepared by any person other than the individual claiming to be the author. The use of material received through purchase is also known as “contract cheating.”
 - (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.
- m) Unprofessional conduct that occurs in academic or clinical settings or other work placements, or that is related to the student's area of professional practice. Professional Colleges may develop

professionalism policies that define unprofessional conduct in the context of the professional programs. In Professional Colleges where the professionalism is part of the academic assessment of the student, unprofessional conduct may also be addressed through academic evaluation. Non-academic offenses are dealt with under the Standard of Student Conduct in Non-Academic Matters and Regulations and Procedures for Resolution of Complaints and Appeals.

III. Informal Resolution

Cases of alleged academic misconduct on the part of students may result from misunderstanding or carelessness and may be better addressed through informal measures.

A. General Principles

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 resolution following the process outlined in Section III.B.
2. In deciding whether an infraction is minor enough not to warrant a formal hearing, the instructor should consider:
 - a) the seriousness of the alleged misconduct;
 - b) any apparent impact on other students and/or USask, and;
 - c) whether the alleged misconduct appears to have resulted from carelessness or a misunderstanding.
3. The resolutions available to an instructor and student to agree upon are limited to the following:
 - a) the grade on the work that is the subject of the infraction may be reduced by a percentage appropriate to the degree of the academic misconduct; and/or
 - b) the student may be asked to resubmit or re-write the examination, assignment or other work.
4. The resolution agreed to must be proportionate in the circumstances to the academic misconduct.
5. The resolutions applied pursuant to Section III.A.3 are to be considered informal measures and do not result in a permanent record of academic misconduct. Temporary records of informal resolutions of academic misconduct are kept until the longer of: five years or until the student has completed their program. Temporary records of informal resolutions are not included in the student's academic record.
6. The discussions with the student over a potential informal resolution of an allegation are confidential and may not be used as evidence in a formal hearing.

B. Informal Procedure

1. When an infraction is suspected and where appropriate the instructor may raise the concern with the student.
2. The instructor shall then consult with the Academic Administrator in determining whether an informal resolution would be appropriate in the circumstances, taking into account the principles set out in Section III.A. If, in the view of the Academic Administrator, the student's prior formal or informal resolutions under these Regulations would make it inappropriate to proceed under the informal procedure, the Academic Administrator may inform the instructor of these prior resolutions.
3. Where informal resolution is considered appropriate, the instructor must inform the student in writing (i.e. Informal Resolution of Academic Misconduct form) of the nature of the resolution to be imposed and the student must agree in writing to accept this outcome. A copy of the signed Informal Resolution of Academic Misconduct form shall be provided to the student and the Academic Administrator and to the Academic Administrator of the college or school in which the student is registered, if not the same. A signed copy of the form provided by email is acceptable. This form shall be retained by colleges for future consideration should further incidents transpire until the longer of: five years or until the student has completed their program.
4. If it appears to the instructor that the academic misconduct is of a serious nature, or if the student disputes the charge of academic misconduct or the resolution proposed pursuant to Section III.A, then the allegations are to be referred to a formal hearing pursuant to Section IV.

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.
2. A formal allegation of academic misconduct may be made by a member of the General Academic Assembly, the Academic Administrator, an instructor, a student or staff member of USask, or by an individual(s) outside of USask who is affected by the alleged academic misconduct. Colleges and schools may designate an individual to investigate and make formal allegations of academic misconduct on behalf of the instructor(s) of the college or school.
3. A formal allegation of academic misconduct shall be:
 - a) in writing with the name of the person making the allegation (the complainant) attached to it and with specific details of the incident; and
 - b) delivered as soon as reasonably possible after the incident or discovery of the incident to the Academic Administrator.
4. The Academic Administrator shall deliver, in accordance with Section XV, 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 class 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 class, when the alleged offence involves a class; and
 - e) to the University Secretary.
5. Upon receipt of a formal allegation of misconduct, the Academic Administrator shall follow the procedures set out in Section VII, subject to Section IV.6 and IV.7.
 6. The Academic Administrator may dismiss the allegation where they are of the opinion that:
 - a) The allegation has already been or is being addressed adequately through the informal process or another formal process; or
 - b) The allegation is frivolous or vexatious.
 7. A decision of the Academic Administrator under this section may be appealed to the Provost (or designate) who will confirm or overturn the Academic Administrator's decision. The Provost's (or designate's) decision is final and not subject to appeal.
 8. *Special Procedures Applying Only to Allegations Relating to Responsible Conduct of Research Policy:* Allegations that relate to a breach of the Responsible Conduct of Research Policy must be determined in accordance with procedures set out in that Policy (<http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php>) Upon receipt of an allegation of academic misconduct related to research, the Academic Administrator, in consultation with the Associate Vice-President Research, shall first determine whether the allegation must be heard under the procedures in the Responsible Conduct of Research Policy. The decision of the Academic Administrator in this matter is final and not subject to appeal. The University Secretary will be notified of the decision of the Academic Administrator in this regard.

V. The Rights of Parties to a Hearing

Hearings provide an opportunity for a balanced airing of the facts before an impartial board of decision-makers in a timely manner. All hearings of alleged academic misconduct will respect the rights of members of the USask community to fair treatment in accordance with the principles of natural justice. In particular:

1. 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, that they have committed an act of academic misconduct.

2. 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.
3. 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.
4. The hearing board has the sole authority to determine whether the student has committed an act of academic misconduct.

VI. Continuation of Program while Under Allegation

As provided in Section V.a) above, a student against whom an allegation of academic misconduct is made is to be treated as being innocent until it has been established that they have committed an act of academic misconduct. However, if a formal allegation concerns conduct that may significantly impact the safety or wellbeing of others, including without limitation patients, students or clients, the Academic Administrator may modify the participation of the respondent(s) in academic or clinical settings or other work placements, pending final outcome of the hearing or any appeals under these Regulations.

Where required by law, and in accordance with governing privacy legislation, allegations of academic misconduct may be disclosed to necessary third parties including, but not limited to, regulatory bodies, professional organizations, or University educational partners.

VII. Procedures for Formal Hearings

A. General Procedures

1. The Academic Administrator shall convene a hearing board composed of a chair, named by the Academic Administrator; 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 or, at the request of the respondent, a student from another college or school. The hearing board may be a standing committee of the college or school appointed for this purpose.
2. Where the allegations of academic misconduct are made against two or more students, the Academic Administrator has discretion to decide whether there should be one hearing at which all of the co-accused students are heard, or individual hearings for each respondent.
3. The Academic Administrator will provide both the complainant and the respondent with at least 7 days' written notice of the hearing. Where there are special circumstances (as determined by the Academic Administrator), the matter may be heard on less than 7 days' notice. Hearings will be held as soon as practicable in the circumstances, and in accordance with principles of procedural fairness. 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.

4. The hearing board is not bound to observe strict legal procedures or the rules of evidence but shall establish its own procedures and rule on all matters of process including the acceptability of the evidence before it and the acceptability of witnesses called by either party, 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 role of the respondent(s) to answer the charge. Both complainant and respondent shall be given full opportunity to participate in the proceedings other than the deliberations of the hearing board.
 - b) At least 5 days before the hearing the complainant, and at least 2 days before the hearing the respondent, shall provide to the Academic Administrator the names and contact information for any witnesses and/or advocates and any documentation the parties intend to submit at the hearing. This information will be shared with the hearing board. All information provided to a hearing board in advance of the hearing will be shared with both parties.
 - 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. Witnesses should normally be present only to provide their evidence. At the discretion of the chair, other persons may be admitted to the hearing for training purposes or other reasonable considerations.
 - d) Generally, hearings will be held with all parties present. Neither party will communicate with the hearing board without the knowledge and presence of the other party, except where a party fails to appear at a scheduled hearing. An absent respondent may be represented by an advocate who may present the respondent's case at the hearing. If either of the parties to the hearing, or any advocate, or witness are unable to attend the hearing, the hearing board may, at its discretion, approve arrangements for participation by telephone or other electronic means, provided that both parties to the dispute (or their advocate) must be capable of hearing all evidence being presented, and of responding to all evidence and questions.

B. Order of Proceedings

The following shall be the order of proceedings in the hearing:

1. 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.
2. The allegation and the evidence allegedly supporting it, and supporting documentation and/or witnesses, shall be presented by the complainant, or that person's advocate.
3. The respondent or the respondent's advocate may ask questions, which are relevant to the complaint, of the complainant and any person giving evidence allegedly supporting the allegation.

The chair may at their discretion permit members of the hearing board to ask clarifying questions of the complainant and any person giving evidence allegedly supporting the allegation

4. The respondent or the respondent's advocate shall then be allowed to respond to the allegation and to present supporting documentation and/or witnesses.
5. The complainant or the complainant's advocate may ask questions, which are relevant to the allegation, of the respondent and any person giving evidence allegedly supporting the respondent's response. The chair may at their discretion permit members of the hearing board to ask clarifying questions of the respondent and any person giving evidence supporting the response to the allegation.
6. Hearing boards may at their discretion request further evidence or ask for additional witnesses to be called.
7. Both the complainant and the respondent will have the opportunity to make a closing statement to explain their respective interpretations of the evidence presented and to offer submissions on the allegation and the appropriate sanction, if any. The hearing board may receive written submissions together with, or in lieu of, a verbal closing statement. Once the hearing concludes, the hearing board may not consider any additional evidence on whether an act of academic misconduct has been committed without re-opening the hearing to ensure that the parties have an opportunity to review and respond to the new evidence.
8. The hearing board will meet *in camera* to decide whether an act of academic misconduct has been committed. Where it is concluded that academic misconduct occurred, the hearing board will render a decision on the appropriate sanction in accordance with Section VIII. The standard of proof applied by the hearing board is whether, on a balance of probabilities, the student has committed the act(s) of academic misconduct alleged. The decision of the hearing board, if not unanimous, shall be by majority vote.
9. If the allegation of academic misconduct is not substantiated, the Academic Administrator 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.

VIII. Determination of Sanctions

1. The hearing board has the sole authority to determine the appropriate sanctions.
2. Following a determination that a student has committed academic misconduct, 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 will request from the Governance Office a record (if any) of any sanctions imposed by other University hearing boards or appeal boards for similar academic misconduct matters.

4. The hearing board shall have the authority to dismiss the matter completely, or to impose one or more sanctions which may include, but are not limited to, the following:
 - 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 assessment, and/or that a credit or mark for the class 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 or a related topic;
 - e) that the students(s) be required to complete additional training related to academic integrity;
 - f) that a prospective student be denied admission to the program;
 - g) that the student(s) be suspended from USask for a specified period of time;
 - h) that the student(s) be expelled permanently from USask; or
 - i) that the conferral of a degree, diploma or certificate be postponed, denied or revoked.
5. Where the student has withdrawn from a class prior to the hearing, and the hearing board determines that the appropriate sanction for the misconduct should be a failing grade for the entire class, the student's official transcript will be changed from the withdrawal to the failing grade.
6. If the decision of the hearing board results in suspension or expulsion of the student(s) as referenced in Section VIII.4, the hearing board must also rule whether the endorsement on the student(s)'s record indicating suspension or expulsion 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 unless appealed to the Provost (or designate). The Provost's (or designate's) decision on the endorsement is final and not subject to appeal. If the decision of the hearing board results in suspension of the student, the hearing board shall also consider and rule on whether the period of suspension will count towards the student's time in program.
7. In light of the unique aspects of professional programs, Professional Colleges may establish policies authorizing hearing boards to consider remedial outcomes in addition to the sanctions prescribed in Section VIII.4, including, where required or permitted by law, informing appropriate third parties of a finding of academic misconduct.
8. The chair of the hearing board shall prepare a report of the board's deliberations that shall recite the reason(s) for its decision and the evidence on which the board based its decision(s) as well as

any sanction(s) imposed. The record of the decision shall be distributed as provided for in Section XIV.

9. The student(s) and the complainant shall be advised that either of them may appeal the hearing board results.
10. The ruling of a hearing board is deemed to have been adopted by Council unless it is appealed as provided by the following rules. Any sanctions that are the outcome of a hearing board remain in force unless and until they are overturned by an appeal board.

IX. 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. 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 (but see Section IX.2), and (where relevant) what resolution or resolutions the appellant believes to be appropriate.
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 Regulations 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 (or, in the case of the unavailability of a student Council member, a student appointed by the USSU or GSA Executive to hear the case). 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 the student academic hearing and appeals committee, which

comprises all Council members other than *ex officio* members. The University Secretary or designate will support 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.

X. 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 Regulations 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. Appellants and respondents are permitted to be represented by an advocate at the hearing and those who choose to be absent from a hearing may have their advocate present their 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 the appeal on the grounds set out in Section IX.2. Unless that evidence relates to the grounds set out in Section IX.2, 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.
 - b) The parties to the hearing shall be the appellant 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. The chair of the original hearing board (or designate) will make no submissions to the appeal board, except to answer questions relating exclusively to the process followed by the original hearing board. Any questioning of the chair of the original hearing board (or designate) will be subject to the discretion of the chair of the appeal board.
 - c) At least 5 days before the hearing the appellant, and at least 2 days before the hearing the respondent, shall provide to the Secretary the names and contact information for their respective advocates (if any) and witnesses (only as provided for in Section X.4.a above) and any documentation the parties intend to submit at the hearing.

- d) Hearings shall be restricted to persons who have a direct role in the hearing. The appellant and the respondent 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.
- e) The appellant and the respondent shall be present before the appeal board at the same time. Both the appellant and the respondent will have an opportunity to present their respective cases and to respond to questions from members of the appeal board. It shall be the responsibility of the appellant to demonstrate that the appeal has merit.
- f) 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.

XI. Disposition by the Appeal Board

1. After all questions have been posed and all arguments submitted by the parties, 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 VIII; 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 XIV.
4. If the decision of a hearing board is successfully appealed, the chair of the appeal board shall ask the Academic Administrator 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.

XII. 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.

XIII. Endorsement on Student Record

1. Upon receipt of a report of a hearing board or an appeal board as provided in these Regulations, 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] .
 - 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 VIII. 6 and XIII.2, an endorsement on the record is permanent.

XIV. 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 decision report to the following persons:
 - a) the student(s) against whom the allegation was made;
 - b) the complainant;
 - 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 class, when the alleged offence involves a class;
 - 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, the final outcome of the case shall be provided to the external agency responsible for providing the said external funds as required by that agency's requirements for disclosure by the Dean of the College, or Executive Director of the School, in which the student is registered.

XV. Delivery of Documents

Delivery of any document referred to in these Regulations to a student may be made in person, or by courier, by e-mail to the student's official university e-mail address, or 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 the earlier of: 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 Regulations to anyone else may be made in person or by campus mail or e-mail services. All students have a responsibility to ensure that USask has current contact information; if a notice is not received because of a failure to meet this requirement, the hearing will proceed.

XVI. Confidentiality

1. USask will protect the confidentiality of information regarding a potential violation of these Regulations to the fullest extent possible. If the allegation is substantiated, USask reserves the right to use or disclose information in accordance with the Local Authority Freedom of Information and Protection of Privacy Act, which may include disclosing the discipline, if any, imposed on members of USask.
2. Subject to the provisions of these Regulations and the requirements of law, any and all records pertaining to charges and/or hearings and/or sanctions under these Regulations are confidential and should not be stored in a way that makes them accessible to individuals not named above or their confidential assistants or designates, except that the University Secretary shall make them available to hearing boards and appeal boards as provided for in Sections VIII.2, VIII.3 and X.4.a, above, to University personnel for use in admission decisions, to professional bodies as outlined in Section IV. and VIII.7. above, and to Registrars at other universities if requested.
3. The deliberations of the hearing board (referred to in Sections VIII.B.h) and the deliberations of the appeal board (referred to in Section XI.1) are confidential.

Questions concerning procedural matters described herein should be directed to the Governance Office: E290 Administration Building, 105 Administration Place, University of Saskatchewan, Saskatoon SK S7N 5A2; (306) 966-4632; email: governance.office@usask.ca

Approved by University Council October 15, 2009
Revisions June 2013, June 2016, and XXXX, 2021
Effective date of these regulations January 1, 2022

Acknowledgements

In creating this document, and in addition to current 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:

[Informal Resolution of Academic Misconduct](#) form, for the use of students and instructors implementing the University of Saskatchewan *Regulations on Student Academic Misconduct*.



Regulations on Student Academic Misconduct

Approved by University Council October 15, 2009

Revisions June 2013, ~~and~~ June 23, 2016, and XXXX, 2021

Effective date of these Regulations January 1, 2017 ~~XXXXX, 2021~~ January 1, 2022

Questions concerning procedural matters described herein should be directed to the [University Secretary, 212 Peter MacKinnon Building, 107 Administration Place, University of Governance Office, 105 Administration Place](#), Saskatchewan, Saskatoon SK S7N 5A2 (306) 966-4632; ~~fax (306) 966-4530;~~

email university.secretary@usask.ca

governance.office@usask.ca

Table of Contents

Table of Contents..... 1

Preamble..... 43

 Guiding Principles 43

 Authority..... 54

Regulations On Student Academic Misconduct 75

 I. Scope 75

 II. Definitions..... 75

 A. General Definitions 75

 B. Academic Misconduct Defined 86

 III..... 108

 Informal Resolution 118

 A. General Principles 118

 B. Informal Procedure 129

 IV. Formal Allegations of Academic Misconduct 129

 V. The Rights of Parties to a Hearing 1410

 VI. Continuation of Program while Under Allegation 1411

 VII. Procedures for Formal Hearings 1411

 A. General Procedures 1411

 B. Order of Proceedings 1612

 VIII. Determination of Sanctions 1713

 IX. Appeal Board 1915

 X. Appeal Procedure 1916

 XI. Disposition by the Appeal Board 2117

 XII. No Further Appeal..... 2118

 XIII. Endorsement on Student Record 2118

 XIV. Reports 2218

 XV. Delivery of Documents 2319

 XVI. Confidentiality 2319

Table of Contents..... 1

Preamble..... 3

Formatted: Normal

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Guiding Principles	3
Authority	4
Regulations On Student Academic Misconduct	5
I. Scope	5
II. Definitions	5
A. General Definitions	5
B. Academic Misconduct Defined	6
III. Informal Resolution	8
A. General Principles	8
B. Informal Procedure	9
IV. Formal Allegations of Academic Misconduct	9
V. The Rights of Parties to a Hearing	10
VI. Continuation of Program while Under Allegation	11
VII. Procedures for Formal Hearings	11
A. General Procedures	11
B. Order of Proceedings	12
VIII. Determination of Sanctions	13
IX. Appeal Board	15
X. Appeal Procedure	16
XI. Disposition by the Appeal Board	17
XII. No Further Appeal	18
XIII. Endorsement on Student Record	18
XIV. Reports	18
XV. Delivery of Documents	19
XVI. Confidentiality	19

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

Formatted: Default Paragraph Font, Check spelling and grammar

ATTACHMENT: Informal Resolution of Academic Misconduct form

|

Preamble

~~The mission of the UniversityUSask.~~ The University of Saskatchewan ("USask") is committed 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 universityUSask also requires a positive and productive living, working and learning environment characterized by an atmosphere of peace, civility, security and safety.

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

~~Many of these principles and expectations are further discussed in other university policies, including the Council's Guidelines for Academic Conduct¹.~~

The following Guiding Principles and Authority description are from Council's Student Discipline Policy:

Guiding Principles

- **Freedom of Expression:** The University of Saskatchewan 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:** The University of Saskatchewan values diversity and is committed to promoting a culture of mutual respect and inclusiveness on campus. The universityUSask 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.

¹The ~~Guidelines for Academic Conduct~~ were approved by Council in 1999 and are available at <http://www.usask.ca/university-council/reports/archives/guide-conduct.shtml>

Commented [SA1]: "Guiding principles" and "Authority" are both quoted directly from the "student discipline policy" the governance committee might consider whether this policy needs updating

NB: this Preamble is identical in the non-academic misconduct regulations so we will want to consider if changes here should also reflect changes there

- **A Commitment to Non-violence:** The University of Saskatchewan values peace and non-violence. 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.
- **Security and Safety:** The university 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 university 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 endeavour 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, practica 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 USask community, including faculty and staff, these expectations and their associated procedures are dealt with under various of the university USask's other formal policies (such as Council's Guidelines for Academic Conduct and the Responsible Conduct of Research Policy) as well as by provincial labour legislation, employment contracts, and collective agreements.~~

Authority

The *University of Saskatchewan Act 1995* ("the Act") provides **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 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 *Standard of Student Conduct in Non-Academic Matters and Procedures for Resolution of Complaints and Appeals*~~*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 ~~USask~~ 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 ~~USask~~ 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~~ 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 has a right to appeal to 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 Governance Office.

Regulations On Student Academic Misconduct

I. Scope

The Regulations apply to all ~~University of Saskatchewan (USask)~~ students in academic activities. A student is defined as any person who is registered or in attendance at the University of Saskatchewan ~~USask~~, whether for credit or not, at the time of the misconduct; prospective students applying for admission to USask programs; and those previously enrolled at USask.

No proceedings or action taken pursuant to any other policy, regulation, rule or code (e.g., Criminal Code of Canada ~~and/or~~ professional or other college codes of conduct) shall bar or prevent ~~the UniversityUSask~~ from also instituting proceedings and imposing sanctions under the Regulations. Nothing in the Regulations shall prevent ~~the UniversityUSask~~ 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 [at USask](#). ~~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~~[they](#) have violated [the university's](#)[USask's](#) standard of academic integrity, then the violation may be dealt with under the provisions of the Regulations.

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

Allegations of a violation of USask's Responsible Conduct of Research Policy will be addressed through the Responsible Conduct of Research Policy and Procedures <http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php>.

II. Definitions

A. General Definitions

“Academic Administrator” means the ~~d~~Dean, ~~Executive-executive Director-director~~, or faculty member designate of the cCollege or sSchool that is responsible for the ~~course-class~~ or ~~other~~ academic activity to which the allegation relates or, where the matter falls outside the responsibility of a ~~ec~~College or ~~ss~~School, the Provost and Vice-President (Academic).

"Act" means *The University of Saskatchewan Act*, 1995.

“complainant/Complainant” means the individual that makesmaking a formal allegation of academic misconduct.

“Designate” means a senior leadership position, i.e., ~~an~~ associate ~~ed~~ dean, executive officer/assistant, and select staff members within the college, Registrar’s Office, or Governance Office as determined by the Dean or Executive Director of the applicable ~~ecollege/sschool~~, the Provost, the Registrar, or the ~~University~~USaskUniversity Secretary.

“Professional College” means colleges or schools with professional training programs, including the Colleges of Medicine, Veterinary Medicine, Law, Dentistry, Nursing, Education, Engineering, Pharmacy and Nutrition, and the Edwards School of Business.

“Regulations” means these Regulations on Student Academic Misconduct.

“~~respondent~~Respondent” means, at the hearing board stage, the student who is alleged to have committed academic misconduct, and, at the appeal stage, the individual responding to the appeal.

“Student” means any person who is registered or in attendance at USaskas, whether for credit or not, at the time of the misconduct and ~~pro~~ prospective students applying for admission to USask programs;
and/or those previously enrolled at USask.

“~~University~~USask” means University of Saskatchewan.

B. Academic Misconduct Defined

The following constitute ~~a~~ academic misconduct that may be the subject ~~matter~~ of an allegation under these Regulations includes, but is not limited to:

- a) Providing false or misleading information or documentation to gain admission to ~~the~~ universityUSask or any universityUSask program;
- b) Theft of lecture notes, research work, computer files, or other academic or research materials (including data) prepared by another student or an instructor or staff member;
- c) Using work done in one course-class in fulfilment of any requirement of another course-class unless approval is obtained from the instructor by whom the material is being evaluated;
- e)d) Co~~l~~laborating and/or ~~collu~~ding in the development of or completion of work, examinations and/or assessments (sometimes called unauthorized collaboration) without direction from or approval of the instructor in the class. ~~It is not academic misconduct 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~~;
- e)e) Alteration or falsification of records, computer files, or any document relating to a student's academic performance, including but not limited to: falsification of information ~~included in~~ provided for applications to USask or, any of its programs; and/or falsification of USask information included in applications to any other universities;

Commented [SA13]: From McKercher: Attempting to extend jurisdiction over former students where alleged misconduct which occurred after the former student achieved their degree (or left the institution) will be vulnerable to legal challenge. That being said, in our view, the University can take actions to address misleading information submitted by a former student to another institution without needing to invoke these *Regulations* to do so.

Commented [SA15]:

Commented [SA16]: Left in b/c theft of research material not explicitly covered under the RCR procedures (and might not “fit” under RCR)

Formatted: Font: 11 pt, Italic

- e) Violation of the university's Responsible Conduct of Research Policy (see <http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php>);
- f) Fabrication or invention of sources;
- g) Examinations and assessments: The following are examples of academic misconduct involving examinations and assessments:
- (i) Failure to observe any stated rule with regard to the procedures used in an examination, assessment, ~~or~~ an activity undertaken for academic credit, where such a failure could result in the student gaining relatively greater credit;
 - (ii) Altering answers on a returned examination;
 - (iii) When prohibited, removing an examination (including creating a digital copy) from the examination room and/or sharing examinations or assessments material digitally;
 - (iv) Seeking to acquire or acquiring prior knowledge of the contents of any examination question or paper ~~with the intention of gaining an unfair advantage~~;
 - (v) Attempting to use, possessing or using notes or other sources of information or devices not permitted by the ~~course~~ instructor in an examination or assessment;
 - (vi) Consulting or seeking the assistance of others when writing an unsupervised (e.g., "take home") ~~"take home"~~ examination or assessment unless permitted by the ~~course~~ instructor;
 - (vii) Providing false or misleading information with the intent to avoid or delay writing an examination or fulfilling any other academic requirement;
 - (viii) Failing to observe the terms of any agreement not to disclose the contents of an examination;
 - (ix) Misrepresenting or conspiring with another person to misrepresent the identity of a student writing an examination or engaging in any other form of assessment;
- h) Knowingly doing anything designed to interfere with the opportunities of another person to have their ~~his or her~~ contribution fully recognized or to participate in the academic program;
- i) Preventing others from fair and equal access to UniversityUSask facilities or resources, including library resources;
- j) Using or attempting to use personal relationships, bribes, threats or other ~~illegal~~ similarly inappropriate conduct to gain unearned grades or academic advantages;

- k) Knowingly assisting another person engaged in actions that amount to academic misconduct, including the supply of materials prepared by the student to another student for use by that student as the work or materials of that student;
- l) **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, website, or other source or prepared by any person other than the individual claiming to be the author. The use of material received through purchase (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.) is also known as "contract cheating."
- (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.

m) Unprofessional conduct that occurs in academic or clinical settings or other work placements, or that is related to the student's area of professional practice. Professional Colleges may develop professionalism policies that define unprofessional conduct in the context of the professional programs. In Professional Colleges where the professionalism is part of the academic assessment of the student, unprofessional conduct may also be addressed through academic evaluation. Non-academic offenses are dealt with under the Standard of Student Conduct in Non-Academic Matters and Regulations and Procedures for Resolution of Complaints and Appeals.

III.

~~m)~~ — **Allegations of a violation of the university's Responsible Conduct of Research Policy will be addressed through the Responsible Conduct of Research Policy and Procedures**

Formatted: Heading 2, No bullets or numbering

<http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php>

Informal Resolution

Many cases of alleged academic misconduct on the part of students may result from misunderstanding or carelessness and may be better addressed through informal measures.

A. General Principles

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 resolution following the process outlined in Section III.B.
2. In deciding whether an infraction is minor enough not to warrant a formal hearing, the instructor should consider:

(i) the seriousness of the alleged misconduct;

(ii) any apparent impact on other students and/or the University of Saskatchewan, and;

(iii) whether the alleged misconduct appears to have resulted from carelessness or a misunderstanding.

3. The resolutions available to an instructor and student to agree upon are limited to the following:
 - a) the grade on the work that is the subject of the infraction may be reduced by a percentage appropriate to the degree of the academic misconduct; and/or
 - b) the student may be asked to resubmit or re-write the examination, assignment or other work.
4. The resolution agreed to must be proportionate in the circumstances to the academic misconduct.
5. The resolutions applied pursuant to Section III.A.3 are to be considered informal measures and do not result in a permanent record of academic misconduct. Temporary records of informal resolutions of academic misconduct are kept until the longer of: five years or until the student has completed their program. Temporary records of informal resolutions are not included in the student's academic record.
6. The discussions with the student over a potential informal resolution of an allegation are confidential and may not be used as evidence in a formal hearing.

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

B. Informal Procedure

7. ~~When an infraction is suspected and, where appropriate the instructor may raise the concern with the student.~~

Formatted: List Paragraph, Indent: Left: 0", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

1. _____

(iv) ~~When an infraction is suspected, the instructor or invigilator should where possible speak informally with the student(s) to discuss the concern.~~

8. The instructor shall then consult with the Academic Administrator in determining whether an informal resolution would be appropriate in the circumstances, taking into account the principles set out in Section III.A. If, in the view of the Academic Administrator, the student's prior formal or informal resolutions under these Regulations would make it inappropriate to proceed under the informal procedure, the Academic Administrator may inform the instructor of these prior resolutions.

2. _____

9. Where informal resolution is considered appropriate, the instructor must inform the student in writing (i.e. Informal Resolution of Academic Misconduct form) of the nature of the resolution to be imposed and the student must agree in writing to accept this outcome. A copy of the signed Informal Resolution of Academic Misconduct form shall be provided to the student and the Academic Administrator and to the Academic Administrator of the ~~College-college~~ or ~~Sschool~~ in which the student is registered, if not the same. A signed copy of the form provided by email is acceptable. This form ~~may~~ shall be retained by colleges for future consideration should further incidents transpire until the longer of: five years or until the student has completed their program.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

3. _____

~~10.4.~~ If it appears to the instructor that the academic misconduct is of a serious nature, or if the student disputes the charge of academic misconduct or the resolution proposed pursuant to Section III.A, then the allegations are to be referred to a formal hearing pursuant to Section IV.

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.
2. A formal allegation of academic misconduct may be made by a member of the General Academic Assembly, the Academic Administrator, an instructor, a student or staff member of ~~the UniversityUSask~~, or by an individual(s) outside of ~~the UniversityUSask~~ who is affected by the alleged academic misconduct. Colleges and Schools schools may designate an individual to investigate and make formal allegations of academic misconduct on behalf of the instructor(s) of the ~~College-college~~ or ~~Schools-school~~.
3. A formal allegation of academic misconduct shall be:

- a) in writing with the name of the person making the allegation (the complainant) attached to it and with specific details of the incident; and
 - b) delivered as soon as reasonably possible after the incident or discovery of the incident to the Academic Administrator.
4. The Academic Administrator shall deliver, in accordance with Section XV, 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-class~~ or activity to which the allegation relates, to the Dean of the ~~College-college~~ or Executive Director of the ~~School-school~~ in which the respondent is/was registered;
 - c) to the Head of the ~~Department-department~~ in which the alleged offence was committed;
 - d) to the instructor of the ~~courseclass~~, when the alleged offence involves a ~~courseclass~~; and
 - e) to the University Secretary.
5. Upon receipt of a formal allegation of misconduct, the Academic Administrator shall follow the procedures set out in Section VII, subject to Section IV.6 and IV.7.
6. The Academic Administrator may dismiss the allegation where he or she is they are of the opinion that:
 - a) The allegation has already been or is being addressed adequately through the informal process or another formal process; or
 - b) The allegation is frivolous or vexatious.
7. A decision of the Academic Administrator under this section may be appealed to the Provost (or designate) who will confirm or overturn the Academic Administrator's decision. The Provost's (or designate's) decision is final and not subject to appeal.
8. *Special Procedures Applying Only to Allegations Relating to Responsible Conduct of Research Policy:* Allegations that relate to a breach of the Responsible Conduct of Research Policy must be determined in accordance with special hearing procedures set out in that Policy (<http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php>) ~~before such allegations can be addressed under these Regulations.~~ Upon receipt of an allegation of academic misconduct related to research, the Academic Administrator, in consultation with the Associate Vice-President Research, shall first determine whether the allegation must be heard under the procedures in the Responsible Conduct of Research Policy. The decision of the Academic Administrator in this matter is final and not subject to appeal. The University Secretary will be notified of the decision of the Academic Administrator in this regard.

Formatted: Font: Italic

Commented [SA25]: From McKercher: It may not be necessary to formalize in either the Regulations or RCR how it will be determined if the misconduct falls within one or another. Pursuant to our earlier comments, in most situations it will likely be readily apparent which policy applies. Where either policy could reasonably apply, the University likely enjoys an appropriate degree of discretion (and judicial deference) which may not exist if there is a formal process for making that determination.

V. The Rights of Parties to a Hearing

Hearings provide an opportunity for a balanced airing of the facts before an impartial board of decision-makers in a timely manner. All hearings of alleged academic misconduct will respect the rights of members of ~~the the university~~ [USask](#) community to fair treatment in accordance with the principles of natural justice. In particular:

1. 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, that ~~he/she~~[they has-have](#) committed an act of academic misconduct.
2. 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.
3. 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.
4. The hearing board has the sole authority to determine whether the student has committed an act of academic misconduct.

VI. Continuation of Program while Under Allegation

As provided in Section V.a) above, a student against whom an allegation of academic misconduct is made is to be treated as being innocent until it has been established that he / she~~they~~ [has-have](#) committed an act of academic misconduct. However, if a formal allegation concerns conduct that may significantly impact the safety or wellbeing of others, including without limitation patients, students or clients, the Academic Administrator may modify the participation of the respondent(s) in academic or clinical settings or other work placements, pending final outcome of the hearing or any appeals under these Regulations.

[Where required by law, and in accordance with governing privacy legislation, allegations of academic misconduct may be disclosed to necessary third parties including, but not limited to, regulatory bodies, professional organizations, or University educational partners.](#)

VII. Procedures for Formal Hearings

A. General Procedures

1. The Academic Administrator shall convene a hearing board composed of a chair, named by the Academic Administrator; 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 or, at the request of the respondent, a

Commented [SA26]: From McKercher There have been instances where disclosure of an allegation is required by law, and does not offend the University's obligations under *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP). The University, some colleges/programs, and some individual professionals, may have obligations to disclose specific allegations. However, the authority for providing such information typically arises from legislation or contractual obligations, rather than any operation of this policy. Outside of those obligations, student discipline would be captured under LAFOIP protections of personal information. The reasons for needing to disclose allegations of misconduct (or a subsequent finding of misconduct) vary and are very much dependent on the specifics of the situation. It would be our recommendation that before disclosing allegations or findings of misconduct, the University consult with internal and/or external privacy and legal resources

student from another college or school.- The hearing board may be a standing committee of the college or school appointed for this purpose.

2. Where the allegations of academic misconduct are made against two or more students, the Academic Administrator has discretion to decide whether there should be one hearing at which all of the co-accused students are heard, or individual hearings for each respondent.
3. The Academic Administrator will provide both the complainant and the respondent with at least 7 days' written notice of the hearing. Where there are special circumstances (as determined by the Academic Administrator), the matter may be heard on less than 7 days' notice. Hearings will be held as soon as practicable in the circumstances, and in accordance with principles of procedural fairness, and not later than 60 days from receipt of the allegation by the Academic Administrator. 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.
4. The hearing board is not bound to observe strict legal procedures or the rules of evidence but shall establish its own procedures and rule on all matters of process including the acceptability of the evidence before it and the acceptability of witnesses called by either party, 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 role of the respondent(s) to answer the charge. Both complainant and respondent shall be given full opportunity to participate in the proceedings other than the deliberations of the hearing board.
 - b) At least 5 days before the hearing the complainant, and at least 2 days before the hearing the respondent, shall provide to the Academic Administrator the names and contact information for any witnesses and/or advocates and any documentation the parties intend to submit at the hearing. This information will be shared with the hearing board. All information provided to a hearing board in advance of the hearing will be shared with both parties.
 - 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. Witnesses should normally be present only to provide their evidence. At the discretion of the chair, other persons may be admitted to the hearing for training purposes, or other reasonable considerations.
 - d) Generally, hearings will be held with all parties present. Neither party will communicate with the hearing board without the knowledge and presence of the other party, except where a party fails to appear at a scheduled hearing. An absent respondent may be represented by an advocate who may present the respondent's case at the hearing. If either of the parties to the hearing, or any advocate, or witness are unable to attend the hearing, the hearing board may, at its discretion, approve arrangements for participation by telephone or other electronic means, provided that both parties to the dispute (or their advocate) must be capable of hearing all evidence being presented, and of responding to all evidence and questions.

~~6. **Special Hearing Procedures for Breaches of Responsible Conduct of Research Policy:** If a hearing under the Responsible Conduct of Research Policy determines that a breach of that Policy has occurred, then a hearing under these Regulations will occur with regard solely to sanctions. The hearing board will be provided the report (decision) of the Responsible Conduct of Research Policy hearing board and will hear evidence and submissions only in relation to sanctions. The hearing board will render a decision in accordance with Section VIII of these Regulations. In the event a student appeals the finding of breach (in accordance with the Procedures under the Responsible Conduct of Research Policy), the hearing under these Regulations to determine sanctions is suspended until the resolution of the appeal.~~

B. Order of Proceedings

The following shall be the order of proceedings in the hearing:

1. 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.
2. The allegation and the evidence allegedly supporting it, and supporting documentation and/or witnesses, shall be presented by the complainant, or that person's advocate.
3. ~~The respondent or the respondent's advocate may ask questions, which are relevant to the complaint, of the complainant and any person giving evidence allegedly supporting the allegation. The chair may at their discretion permit members of the hearing board to ask clarifying questions of the complainant and any person giving evidence allegedly supporting the allegation. 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 complainant and any person giving evidence allegedly supporting the allegation.~~
4. The respondent or the respondent's advocate shall then be allowed to respond to the allegation and to present supporting documentation and/or witnesses.
5. ~~The complainant or the complainant's advocate may ask questions, which are relevant to the allegation, of the respondent and any person giving evidence allegedly supporting the respondent's response. The chair may at their discretion permit members of the hearing board to ask clarifying questions of the respondent-complainant and any person giving evidence supporting the allegedly supporting response to the allegation. the allegation. The chair may at their his or her discretion grant an opportunity for the complainant and members of the hearing board to ask questions of the respondent and any witness for the respondent.~~
6. Hearing boards may at their discretion request further evidence or ask for additional witnesses to be called.

7. Both the complainant and the respondent will have the opportunity to make a closing statement to explain their respective interpretations of the evidence presented and to offer submissions on the allegation and the appropriate sanction, if any. The hearing board may receive written submissions together with, or in lieu of, a verbal closing statement. Once the hearing concludes, the hearing board may not consider any additional evidence on whether an act of academic misconduct has been committed without re-opening the hearing to ensure that the parties have an opportunity to review and respond to the new evidence.
8. The hearing board will meet *in camera* to decide whether an act of academic misconduct has been committed. Where it is concluded that academic misconduct occurred, the hearing board will render a decision on the appropriate sanction in accordance with Section VIII. The standard of proof applied by the hearing board is whether, on a balance of probabilities, the student has committed the act(s) or acts of academic misconduct alleged. The decision of the hearing board, if not unanimous, shall be by majority vote.
9. If the allegation of academic misconduct is not substantiated, the Academic Administrator 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.

Formatted: Font: Italic

VIII. Determination of Sanctions

1. The hearing board has the sole authority to determine the appropriate sanctions.
2. Following a determination that a student has committed academic misconduct ~~or has breached the Responsible Conduct of Research Policy~~, 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~~ USask ~~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 University Secretary will provide the hearing board of a~~ The hearing board shall request from the Governance Office a record (if any) of any sanctions imposed by other University hearing boards or appeal boards for similar academic misconduct matters.
4. The hearing board shall have the authority to dismiss the matter completely, or to impose one or more sanctions which may include, but are not limited to, the following:
 - 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 assessment, and/- or that a credit or mark for the course class 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 or a related topic;

e) that the student(s) be required to complete additional training related to academic integrity;

f) that a prospective student be denied admission to the program;

~~e)g)~~ that the student(s) be suspended from the UniversityUSask for a specified period of time;

~~f)h)~~ that the student(s) be expelled permanently from the UniversityUSask; or

~~g)i)l)~~ that the conferral of a degree, diploma or certificate be postponed, denied or revoked.

5. Where the student has withdrawn from a course-class prior to the hearing, and the hearing board determines that the appropriate sanction for the misconduct should be a failing grade for the entire courseclass, the student's official transcript will be changed from the withdrawal to the failing grade.
6. If the decision of the hearing board results in suspension or expulsion of the student(s) as referenced in Section VIII.4, the hearing board must also rule whether the endorsement on the student(s)'s record indicating suspension or expulsion 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 unless appealed to the Provost (or designate). The Provost's (or designate's) decision on the endorsement is final and not subject to appeal. If the decision of the hearing board results in suspension of the student, the hearing board shall also consider and rule on whether the period of suspension will count towards the student's time in program.

7. In light of the unique aspects of professional programs, Professional Colleges may establish policies authorizing hearing boards to consider remedial outcomes in addition to the sanctions prescribed in Section VIII.4, including, where required or permitted by law, informing appropriate third parties of a finding of academic misconduct.

~~7. In light of the unique aspects of professional programs, pProfessional cColleges may establish policies authorizing hearing boards to consider remedial outcomes in addition to the sanctions prescribed in Section VIII.4, including informing professional associations of which the student is a member of the outcome of the hearing.~~

8. The chair of the hearing board shall prepare a report of the board's deliberations that shall recite the reason(s) for its decision and the evidence on which the board based its ~~conclusions~~ decision(s) and as well as state any sanction(s) imposed. The record of the decision shall be distributed as provided for in Section XIV.
9. The student(s) and the complainant shall be advised that either of them may appeal the hearing board results.
10. The ruling of a hearing board is deemed to have been adopted by Council unless it is appealed as provided by the following rules. Any sanctions that are the outcome of a hearing board remain in force unless and until they are overturned by an appeal board.

IX. 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. 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 (but see Section IX.2), and (where relevant) what resolution or resolutions the appellant believes to be appropriate.
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 Regulations 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 (or, in the case of the unavailability of a student Council member, a student appointed by the USSU or GSA Executive to hear the case). Where the case involves a graduate student, the faculty members on the board ~~should~~should all 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 the student academic hearing and appeals committee, which comprises all Council members other than *ex officio* members. The University Secretary or designate will ~~act as secretary~~support 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.

Formatted: Font: Italic

X. Appeal Procedure

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

2. Written notice of the hearing, along with a copy of these Regulations and of the written statement of appeal, will be delivered by ~~the University~~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. ~~As~~
~~Appellants or and~~ respondents are permitted to be represented by an advocate at the hearing and those who chooses to be absent from a hearing may ~~appoint an~~have their advocate ~~to~~ present ~~his/her~~their 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 the appeal on the grounds set out in Section IX.2. Unless that evidence relates to the grounds set out in Section IX.2, 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.
 - b) The parties to the hearing shall be the appellant 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. The chair of the original hearing board (or designate) will make no submissions to the appeal board, except to answer questions relating exclusively to the process followed by the original hearing board. Any questioning of the chair of the original hearing board (or designate) will be subject to the discretion of the chair of the appeal board. ~~d 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) At least 5 days before the hearing the appellant, and at least 2 days before the hearing the respondent, shall provide to the Secretary the names and contact information for their respective advocates (if any) and witnesses (only as provided for in Section X.4.a above) and any documentation the parties intend to submit at the hearing.
 - d) Hearings shall be restricted to persons who have a direct role in the hearing. The appellant and the respondent 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.
 - e) The appellant and the respondent shall be present before the appeal board at the same time. Both the appellant and the respondent will have an opportunity to present their respective cases and to respond to questions from members of the appeal board. It shall be the responsibility of the appellant to demonstrate that the appeal has merit.

- f) 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.

XI. Disposition by the Appeal Board

1. After all questions have been ~~answered posed~~ and all ~~points made arguments submitted by the parties~~, 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 VIII; 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 name~~ University Secretary and distributed as provided for in Section XIV.
4. If the decision of a hearing board is successfully appealed, ~~the chair of the Governance Committee of Council in consultation with~~ the chair of the appeal board shall ask the Academic Administrator 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.

Formatted: Font: Italic

XII. 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.

XIII. Endorsement on Student Record

1. Upon receipt of a report of a hearing board or an appeal board as provided in these Regulations, 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] .
 - 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 VIII. 6 and XIII.2, an endorsement on the record is permanent.

XIV. 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 ~~its~~the decision reportof the report to the following persons:
 - a) the student(s) against whom the allegation was made;
 - b) the complainant;
 - 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 courseclass, when the alleged offence involves a courseclass;
 - 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, the final outcome of the case shall be provided to the external agency responsible for providing the said external funds as required by that agency's requirements for disclosure by the Dean of the College, or Executive Director of the School, in which the student is registered.

Formatted: Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

XV. Delivery of Documents

Delivery of any document referred to in these Regulations to a student may be made in person, or by courier, by e-mail to the student's official university e-mail address, or 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 the earlier of: when it is received by the student or 5 days after the date of registration (or eExpress 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 Regulations to anyone else may be made in person or by cCampus mail or e-mail services. All students have a responsibility to ensure that [the UniversityUSask](#) has current contact information; if a notice is not received because of a failure to meet this requirement, the hearing will proceed.

XVI. Confidentiality

1. [The UniversityUSask](#) will protect the confidentiality of information regarding a potential violation of these Regulations to the fullest extent possible. If the allegation is substantiated, ~~the~~ [UniversityUSask](#) reserves the right to use or disclose information in accordance with the Local Authority Freedom of Information and Protection of Privacy Act, which may include disclosing the discipline, if any, imposed on members of [the UniversityUSask](#).
2. Subject to the provisions of these Regulations and the requirements of law, any and all records pertaining to charges and/or hearings and/or sanctions under these Regulations are confidential and should not be ~~kept stored in a way that makes them on a file~~ accessible to individuals not named above or their confidential assistants ~~or designates~~, except that the University Secretary shall make them available to hearing boards and appeal boards as provided for in Sections VIII.2, VIII.3 and X.4.a, above, ~~and to~~ University personnel for use in admission decisions, to professional bodies as outlined in Section IXV. and VIII.7. above, and to rRegistrars at other universities if requested.
3. ~~—~~
- 2.3. The deliberations of the hearing board (referred to in Sections VIII.B.h) and the deliberations of the appeal board (referred to in Section XI.1) are confidential.

Questions concerning procedural matters described herein should be directed to ~~the University Secretary~~the Governance Office: E290 Administration Building, 212 Peter MacKinnon Building, 107105 Administration Place, University of Saskatchewan, Saskatoon SK S7N 5A2; (306) 966-4632 fax (306) 966-4530; email: university.secretary@usask.cagovernance.office@usask.ca

Commented [SA39]: DAVID STACK XVI 2 limits who can be informed of outcomes of academic misconduct decisions. I have been asked to look into whether it is possible to share outcomes with Advising staff at the college level, so that they can appropriately guide students with respect to their academic programs? Your thoughts would be appreciated

Commented [SA40]: From McKercher: LAFOIP restricts the use of personal information to the use for which it was acquired, and requires minimal distribution within the local authority, in this case the University. From the comment in the Draft, we understand that "advising staff" would be those giving academic guidance in the respective colleges/programs. To include such individuals in the "need to know" group, the University would need to be satisfied that protecting academic integrity is tied to guiding an individual's overall successful academic progress. That may be true in many situations, but we are reluctant to suggest that it would be appropriate in all situations. An approach which alleviates any concern would be to give the student working with an academic advisor the opportunity to consent to the advisor becoming privy to the student's history of academic misconduct. If the student is unwilling to provide such consent, it may be prudent to respect the choice and not share the misconduct history.

Formatted: Font: Calibri, Bold, Not Italic

Field Code Changed

Approved by University Council October 15, 2009

Revisions June 2013, ~~June and June 23, 2016, and XXXX, 2021~~

Effective date of these regulations ~~January 1, 2017~~ ~~XXXX~~ January 1, 2022, 2021

Acknowledgements

In creating this document, and in addition to current 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 ~~USask~~ of Western Ontario Code of Student Conduct as foundational references and sources of wording.

ATTACHMENT:

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

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Academic Misconduct - Guidelines for allegations involving multiple students as respondents

Handling allegations involving multiple students

- When an allegation is against multiple students and contains evidence against multiple students, every effort should be made to ensure that the version of the complaint sent to each student contains no identifying information about other students
 - names/nsids/student numbers should be redacted
 - other students can be identified as “Student A, Student B, etc.” if it is necessary to differentiate between them in the complaint
- It is important at this phase to anonymize the evidence, as a decision has not yet been made by the Academic Administration whether to proceed with the allegation against all students named in the allegation and/or whether to proceed with a single hearing

Hearings involving multiple students

- Section VII A.2. of the Regulations on Student Academic Misconduct (the “Regulations”) empowers the Academic Administrator to decide whether there should be one or multiple hearings when an allegation is made against two or more students
- It is important to come back to the Guiding Principles of the Regulations, particularly the commitment to justice and fairness and the principles of procedural fairness
 - Key to this is that the students must all know the case against them and have an opportunity to respond
 - Therefore, once a decision has been made to proceed with a single hearing involving all multiple students, written evidence related to the allegation should be presented to the respondents in full to ensure that all students have all evidence that the hearing board will use in its decision-making
 - Any written submissions provided by the respondent students should be shared with all other co-respondents, as the written submissions may be used by the Hearing Board when they make their decision
- When a determination is made to hear an allegation against multiple students, it is still important that a decision is rendered about each student based on the case made against them
- Some suggestions to balance this need for procedural fairness with the need to pursue these matters in a timely way:
 - Allegations against multiple students proceed before a single Hearing Board
 - The Hearing Board and all students would be present throughout the hearing to hear the evidence and testimony of the complainant, the other students, and to hear witness testimony
 - The students would then each be afforded the opportunity to ask questions of the complainant and to respond to the allegations, in the presence of the other students involved, to ensure each student is afforded the opportunity to hear all evidence against them
 - The order for proceeding of the students may be determined by consent or arbitrarily by the Hearing Board
 - Good notes should be taken by the secretary to the Hearing Board to ensure that it is clear what evidence is being used to support the finding against each student and to ensure that evidence used in the decision was presented to the student about which the decision is being made
 - After having heard from all students, including providing all students the opportunity to make submissions on potential sanctions, and after having reached decisions about

academic misconduct in each case, the Hearing Board can decide the issue of sanctions at the end of the process

- The Hearing Board would meet *in camera* to decide whether academic misconduct has occurred and to outline the basis for this decision **for each student** with allegations of **academic misconduct**.
 - When making a finding that academic misconduct has occurred, the finding ***must be based on the evidence that related to that particular student***, however such evidence does not necessarily need to come from that particular student or the complainant.

Outcome reports from hearings involving multiple students

- A decision about student academic misconduct cannot be made about a student on the basis of evidence or information that that student did not have the ability to hear and respond to
- When providing the decision reports for the hearing, it will be important to ensure that each student is only provided with information related to the decision against them, including any decisions on sanctions

Questions can be directed to Amanda Storey, Academic Governance and Hearing Advisor with the Governance Office (amanda.storey@usask.ca)



Informal Resolution of Academic Misconduct

The student has the right under the University of Saskatchewan *Regulations on Student Academic Misconduct* (the "*Regulations*") to a full and fair hearing before an impartial hearing board if the student disputes an allegation of academic misconduct or the sanction proposed as an informal resolution. Students are considered innocent until a hearing board determines that academic misconduct has occurred.

The *Regulations* allow an instructor and student to agree on an appropriate informal resolution for minor infractions of academic misconduct due to misunderstanding or carelessness, in cases where the student does not dispute the allegation or proposed resolution. A complete copy of the *Regulations* is available at:

governance.usask.ca/student-conduct-appeals/academic-misconduct.php

The informal resolution proposed by the instructor or invigilator will only be imposed if the student voluntarily accepts it (pursuant to Part III of the *Regulations*). By signing this form, the student expressly agrees that the Academic Administrator may (at their sole discretion) use and/or disclose the existence of this informal resolution, including information pertaining to this informal resolution, when determining whether informal resolution is appropriate with respect to subsequent incidents of academic misconduct.

Information

Student Name		Student Number	
Instructor Name		Invigilator Name (if applicable)	
Course	Section	Term	Year
Type of assignment <input type="checkbox"/> Essay <input type="checkbox"/> Exam <input type="checkbox"/> Other academic work			
Nature of misconduct			

Resolution

Notification of resolution proposed by instructor:

Grade reduction in the identified assignment	Reduction of assignment grade to
--	----------------------------------

and/or

Requirement for resubmission of the identified assignment	Failure to resubmit the assignment will result in	Resubmission deadline
---	---	-----------------------

Instructor Signature	Date (mm/dd/yyyy)
----------------------	-------------------

I accept the resolution described above:

Student Signature	Date (mm/dd/yyyy)
-------------------	-------------------

This form will be retained by the Academic Administrator and instructor as a component of the grading materials for this class but will not be made part of the student's academic record. This form will also be shared with the Academic Administrator of the college or school in which the student is registered. The student should also keep a copy of this form for their records. This form may be retained by colleges for future consideration should further incidents transpire until the longer of: five years or until the student has completed their program.

For more information about the informal and formal procedures for dealing with academic misconduct, please contact the college or school's general office or the Governance Office

Governance Office

E290 Administration Building ■ 105 Administration Place ■ University of Saskatchewan ■ Saskatoon, SK S7N 5A2

Canada Email: governance.office@usask.ca ■ Website: governance.usask.ca ■ Tel: 306-966-4632