



FOR APPROVAL

PUBLIC

OPEN SESSION

TO: Governing Council

SPONSOR: Prof. Cheryl Regehr, Vice-President and Provost

CONTACT INFO: 416-978-2122/provost@utoronto.ca

PRESENTER: See above

CONTACT INFO:

DATE: June 14, 2016 for June 23, 2016

AGENDA ITEM: 7 (i)

ITEM IDENTIFICATION: Administrative Update of the *Code of Behaviour on Academic Matters, 1995* (the “Code”)

JURISDICTIONAL INFORMATION:

Section 5.2.6 (a) of the Terms of Reference of the Academic Board provides that proposed amendments to the *Code* be submitted to the Academic Board.

GOVERNANCE PATH:

1. Academic Board [for recommendation] (May 30, 2016)
2. Executive Committee [for endorsement and forwarding] (June 14, 2016)
3. **Governing Council [for approval] (June 23, 2016)**

PREVIOUS ACTION TAKEN:

The *Code of Behaviour on Academic Matters* was approved by the Governing Council on June 1, 1995.

HIGHLIGHTS:

The volume and complexity of academic discipline cases has increased substantially since the adoption of the current *Code* in 1995. Further, the Tribunal’s adoption of *Rules of Practice and Procedure* in April, 2012, provided new processes for case management, narrowing of issues in dispute and other kinds of prehearing matters that require additional scheduling of Chairs’ time. In addition, the increased complexity of many academic integrity cases has led to an increase in the number of days required from panels in order to complete the hearings.

As you know the University relies on volunteer time from busy practicing lawyers to Chair these cases. Currently, the number of Chairs is at the maximum of 15 provided for in the Code. The Senior Chair of the Tribunal has identified a need for additional co-chairs to be appointed to be able to establish and schedule a sufficient number of panels to be able to process, hear and decide these matters in a timely way. In order to address the need for an increased number of Chairs, and after consultation with the Senior Chair, and the Office of Appeals, Discipline and Faculty Grievances, it is proposed that the language in the *Code* be changed to allow for the appointment of more co-chairs. This proposed language change will mirror the language that is already in the *Code* regarding the number of Faculty and Student members, and will allow for greater efficiency and flexibility by being able to offer more hearing dates to the parties. This will ensure that cases continue to be resolved in a timely manner, while addressing work load distribution issues of the co-chairs, all of whom are volunteers.

The existing language in the *Code* is as follows:

“The members of the Trial Division of the Tribunal shall consist of a Senior Chair, two Associate Chairs and up to fifteen co-chairs, appointed by the Academic Board.”

The change being proposed is as follows:

“The members of the Trial Division of the Tribunal shall consist of a Senior Chair, two Associate Chairs and at least ~~up to~~ fifteen co-chairs, appointed by the Academic Board.”

FINANCIAL IMPLICATIONS:

There are no financial implications.

RECOMMENDATION:

Be it Resolved

THAT the proposed amendment to Section C.II.(a).12 of the *Code of Behaviour on Academic Matters, 1995* pertaining to the appointment of co-chairs, as outlined in the Memorandum dated May 16, 2016, be approved, effective July 1, 2016.



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Code of Behaviour on Academic Matters

Approved June 1, 1995

Effective August 18, 1995

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: governing.council@utoronto.ca

Website: <http://www.governingcouncil.utoronto.ca/>

Code of Behaviour on Academic Matters

A. Preamble

The concern of the Code of Behaviour on Academic Matters is with the responsibilities of all parties to the integrity of the teaching and learning relationship. Honesty and fairness must inform this relationship, whose basis remains one of mutual respect for the aims of education and for those ethical principles which must characterize the pursuit and transmission of knowledge in the University.

What distinguishes the University from other centres of research is the central place which the relationship between teaching and learning holds. It is by virtue of this relationship that the University fulfills an essential part of its traditional mandate from society, and, indeed, from history: to be an expression of, and by so doing to encourage, a habit of mind which is discriminating at the same time as it remains curious, which is at once equitable and audacious, valuing openness, honesty and courtesy before any private interests.

This mandate is more than a mere pious hope. It represents a condition necessary for free enquiry, which is the University's life blood. Its fulfillment depends upon the well being of that relationship whose parties define one another's roles as teacher and student, based upon differences in expertise, knowledge and experience, though bonded by respect, by a common passion for truth and by mutual responsibility to those principles and ideals that continue to characterize the University.

This Code is concerned, then, with the responsibilities of faculty members and students, not as they belong to administrative or professional or social groups, but as they co-operate in all phases of the teaching and learning relationship.

Such co-operation is threatened when teacher or student forsakes respect for the other--and for others involved in learning--in favour of self-interest, when truth becomes a hostage of expediency. On behalf of teacher and student and in fulfillment of its own principles and ideals, the University has a responsibility to ensure that academic achievement is not obscured or undermined by cheating or misrepresentation, that the evaluative process meets the highest standards of fairness and honesty, and that malevolent or even mischievous disruption is not allowed to threaten the educational process.

These are areas in which teacher and student necessarily share a common interest as well as common responsibilities.

Note: Appendix "A" contains interpretations of the language of this Code.
Appendix "B" contains a statement concerning the rights and freedoms enjoyed by members of the University.

B. Offences

The University and its members have a responsibility to ensure that a climate which might encourage, or conditions which might enable, cheating, misrepresentation or unfairness not be tolerated. To this end, all must acknowledge that seeking credit or other advantages by fraud or misrepresentation, or seeking to disadvantage others by disruptive behaviour is unacceptable, as is any dishonesty or unfairness in dealing with the work or record of a student.

Wherever in this Code an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

B.i.

1. It shall be an offence for a student knowingly:
 - (a) to forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form;
 - (b) to use or possess an unauthorized aid or aids or obtain unauthorized assistance in any academic examination or term test or in connection with any other form of academic work;
 - (c) to personate another person, or to have another person personate, at any academic examination or term test or in connection with any other form of academic work;
 - (d) to represent as one's own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e. to commit plagiarism (for a more detailed account of plagiarism, see Appendix "A");
 - (e) to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere;
 - (f) to submit any academic work containing a purported statement of fact or reference to a source which has been concocted.
2. It shall be an offence for a faculty member knowingly:
 - (a) to approve any of the previously described offences;
 - (b) to evaluate an application for admission or transfer to a course or program of study by reference to any criterion that is not academically justified;
 - (c) to evaluate academic work by a student by reference to any criterion that does not relate to its merit, to the time within which it is to be submitted or to the manner in which it is to be performed.
3. It shall be an offence for a faculty member and student alike knowingly:
 - (a) to forge or in any other way alter or falsify any academic record, or to utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form;
 - (b) to engage in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind.
4. A graduate of the University may be charged with any of the above offences committed knowingly while he or she was an active student, when, in the opinion of the Provost, the offence, if detected, would have resulted in a sanction sufficiently severe that the degree would not have been granted at the time that it was.

B.ii. Parties to Offences

1. (a) Every member is a party to an offence under this Code who knowingly:
 - (i) actually commits it;
 - (ii) does or omits to do anything for the purpose of aiding or assisting another member to commit the offence;
 - (iii) does or omits to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed the offence;

- (iv) abets, counsels, procures or conspires with another member to commit or be a party to an offence; or
 - (v) abets, counsels, procures or conspires with any other person who, if that person were a member, would have committed or have been a party to the offence.
- (b) Every party to an offence under this Code is liable upon admission of the commission thereof, or upon conviction, as the case may be, to the sanctions applicable to that offence.
2. Every member who, having an intent to commit an offence under this Code, does or omits to do anything for the purpose of carrying out that intention (other than mere preparation to commit the offence) is guilty of an attempt to commit the offence and liable upon conviction to the same sanctions as if he or she had committed the offence.
 3. When a group is found guilty of an offence under this Code, every officer, director or agent of the group, being a member of the University, who directed, authorized or participated in the commission of the offence is a party to and guilty of the offence and is liable upon conviction to the sanctions provided for the offence.

C. Procedures in Cases Involving Students

At both the divisional level and the level of the University Tribunal, the procedures for handling charges of academic offences involving students reflect the gravity with which the University views such offences. At the same time, these procedures and those which ensure students the right of appeal represent the University's commitment to fairness and the cause of justice.

C.i.(a) Divisional Procedures

Note: Where a student commits an offence, the faculty in which the student is registered has responsibility over the student in the matter. In the case of Scarborough and Erindale Colleges, the college is deemed to be the faculty.

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| <i>not proceedings of Tribunal</i> | 1. | No hearing within the meaning of section 2 of the <i>Statutory Powers Procedure Act</i> is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in section C.i.(a), and such discussions, meetings and determinations are not proceedings of the Tribunal. |
| <i>instructor's duties</i> | 2. | Where an instructor has reasonable grounds to believe that an academic offence has been committed by a student, the instructor shall so inform the student immediately after learning of the act or conduct complained of, giving reasons, and invite the student to discuss the matter. Nothing the student says in such a discussion may be used or receivable in evidence against the student. |
| | 3. | If after such discussion, the instructor is satisfied that no academic offence has been committed, he or she shall so inform the student and no further action shall be taken in the matter by the instructor, unless fresh evidence comes to the attention of the instructor, in which case he or she may again proceed in accordance with subsection 2. |
| <i>instructor's report to the department chair</i> | 4. | If after such discussion, the instructor believes that an academic offence has been committed by the student, or if the student fails or neglects to respond to the invitation for discussion, the instructor shall make a report of the matter to the department chair or through the department chair to the dean. (See also section C.i.(b) 1.) |
| <i>dean's or chair's meeting with student</i> | 5. | When the dean or the department chair, as the case may be, has been so |

informed, he or she shall notify the student in writing accordingly, provide him or her with a copy of the Code and subsequently afford the student an opportunity for discussion of the matter. In the case of the dean being informed, the chair of the department and the instructor shall be invited by the dean to be present at the meeting with the student. The dean shall conduct the interview.

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| <i>dean's warning</i> | 6. | Before proceeding with the meeting, the dean shall inform the student that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the student in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the student, without further comment or discussion, of the sanctions that may be imposed under section C.i.(b), and that the dean is not obliged to impose a sanction but may instead request that the Provost lay a charge against the student. Where such advice and warning have been given, the statements and admissions, if any, made in such a meeting may be used or received in evidence against the student in any such hearing. |
| <i>admissions used at a hearing</i> | | |
| <i>no further action</i> | 7. | If the dean, on the advice of the department chair and the instructor, or if the department chair, on the advice of the instructor, subsequently decides that no academic offence has been committed and that no further action in the matter is required, the student shall be so informed in writing and the student's work shall be accepted for normal evaluation or, if the student was prevented from withdrawing from the course by the withdrawal date, he or she shall be allowed to do so. Thereafter, the matter shall not be introduced into evidence at a Tribunal hearing for another offence. |
| <i>imposition of sanction</i> | 8. | If the student admits the alleged offence, the dean or the department chair may either impose the sanction(s) that he or she considers appropriate under section C.i.(b) or refer the matter to the dean or Provost, as the case may be, and in either event shall inform the student in writing accordingly. No further action in the matter shall be taken by the instructor, the department chair or the dean if the dean imposes a sanction. |
| <i>student may refer matter</i> | 9. | If the student is dissatisfied with a sanction imposed by the department chair or the dean, as the case may be, the student may refer the matter to the dean or Provost as the case may be, for consideration. |
| <i>referral of matter to Tribunal</i> | 10. | If the student does not admit the alleged offence, the dean may, after consultation with the instructor and the department chair, request that the Provost lay a charge against the student. If the Provost agrees to lay a charge, the case shall then proceed to the Trial Division of the Tribunal. |
| <i>decanal procedures at trial</i> | 11. | Normally, decanal procedures will not be examined in a hearing before the Tribunal. A failure to carry out the procedures referred to in this section, or any defect or irregularity in such procedures, shall not invalidate any subsequent proceedings of or before the Tribunal, unless the chair of the hearing considers that such failure, defect or irregularity resulted in a substantial wrong, detriment or prejudice to the accused. The chair will determine at the opening of the hearing whether there is to be any objection to an alleged defect, failure or irregularity. |
| <i>student's standing pending disposition</i> | 12. | No degree, diploma or certificate of the University shall be conferred or |

awarded, nor shall a student be allowed to withdraw from a course from the time of the alleged offence until the final disposition of the accusation. However, a student shall be permitted to use University facilities while a decision is pending, unless there are valid reasons for the dean to bar him or her from a facility. When or at any time after an accusation has been reported to the dean, he or she may cause a notation to be recorded on the student's academic record and transcript, until the final disposition of the accusation, to indicate that the standing in a course and/or the student's academic status is under review. A student upon whom a sanction has been imposed by the dean or the department chair under section C.i.(b) or who has been convicted by the Tribunal shall not be allowed to withdraw from a course so as to avoid the sanction imposed.

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| <i>recording cases</i> | 13. | A record of cases disposed of under section C.i.(a) and of the sanctions imposed shall be kept in the academic unit concerned and may be referred to by the dean in connection with a decision to prosecute, or by the prosecution in making representations as to the sanction or sanctions to be imposed by the Tribunal, for any subsequent offence committed by the student. Information on such cases shall be available to other academic units upon request and such cases shall be reported by the dean to the Secretary of the Tribunal for use in the Provost's annual report to the Academic Board. The dean may contact the Secretary of the Tribunal for advice or for information on cases disposed of under section C.ii hereof. |
| <i>referral to records reporting cases</i> | | |
| <i>advice on cases</i> | | |
| <i>analogy to faculty member</i> | 14. | Where a proctor or invigilator, who is not a faculty member, has reason to believe that an academic offence has been committed by a student at an examination or test, the proctor or invigilator shall so inform the student's dean or department chair, as the case may be, who shall proceed as if he or she were an instructor, by analogy to the other provisions of this section. |
| <i>analogy to procedures</i> | 15. | In the case of alleged offences not covered by the procedures above and not involving the submission of academic work, such as those concerning forgery or uttering, and in cases involving cancellation, recall or suspension of a degree, diploma or certificate, the procedure shall be regulated by analogy to the other procedures set out in this section. |

C.i.(b) Divisional Sanctions

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| <i>department chair's duties</i> | 1. | In an assignment worth ten percent or less of the final grade, the department chair may deal with the matter if, <ul style="list-style-type: none"> (i) the student admits guilt; and (ii) the assignment of a penalty is limited to at most a mark of zero for the piece of work. <p>If the student does not admit guilt, or if the department chair chooses, the matter shall be brought before the dean.</p> |
| <i>sanctions listed</i> | 2. | One or more of the following sanctions may be imposed by the dean where a student admits to the commission of an alleged offence: <ul style="list-style-type: none"> (a) an oral and/or written reprimand; (b) an oral and/or written reprimand and, with the permission of the instructor, the resubmission of the piece of academic work in respect of which the offence was committed, for evaluation, Such a sanction shall be imposed only for minor offences and where the student has |

- committed no previous offence;
- (c) assignment of a grade of zero or a failure for the piece of academic work in respect of which the offence was committed;
 - (d) assignment of a penalty in the form of a reduction of the final grade in the course in respect of which the offence was committed;
 - (e) denial of privileges to use any facility of the University, including library and computer facilities;
 - (f) a monetary fine to cover the costs of replacing damaged property or misused supplies in respect of which the offence was committed;
 - (g) assignment of a grade of zero or a failure for the course in respect of which the offence was committed;
 - (h) suspension from attendance in a course or courses, a program, an academic division or unit, or the University for a period of not more than twelve months. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed.
- recording on academic transcript* 3. The dean shall have the power to record any sanction imposed on the student's academic record and transcript for such length of time as he or she considers appropriate. However, the sanctions of suspension or a notation specifying academic misconduct as the reason for a grade of zero for a course shall normally be recorded for a period of five years.
- provost's Guidelines* 4. The Provost shall, from time to time, indicate appropriate sanctions for certain offences. These guidelines shall be sent for information to the Academic Board and attached to the Code as Appendix "C".

C.II.(a) Tribunal Procedures

- laying of charge* 1. A prosecution for an alleged academic offence shall be instituted by the laying of a charge by the Provost against the accused. This is done when the student does not admit guilt; when the sanction desired is beyond the power of the dean to impose; when the student has been found guilty of a previous offence; or when the student is being accused simultaneously of two or more different offences involving more than one incident.
- Consultation* 2. No charge shall be laid except with the agreement of the dean concerned and of the Provost, after consultation between the Provost and the Discipline Counsel.
- form of charge* 3. A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost and filed with the Secretary. It shall contain a statement that the student is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the student to identify the alleged act or conduct giving rise to the charge.
- notice of hearing* 4. Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to be the chair of the hearing and the Secretary shall immediately determine and give appropriate notice of a date, time and place for the hearing.

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- withdrawal from course not precluding prosecution* 5. Withdrawal of a student from a course or program of study shall not preclude or affect any prosecution before the Tribunal in respect of an alleged academic offence.
- record of hearing* 6. The proceedings at a hearing, including the evidence and the verdict of the panel shall be recorded by the Secretary by means of a tape recording, stenographic reporter or other reliable means.
- Statutory Powers Procedure Act* 7. The procedures of the Tribunal shall conform to the requirements of the Statutory Powers Procedure Act, Revised Statutes of Ontario, 1990, Chapter S. 22, as amended from time to time.
- modification of rules* 8. The Tribunal may, from time to time, by a majority of its members, make, adopt and modify rules governing its procedures which are not inconsistent with the provisions hereof, and all such rules and modifications shall be reported to the Academic Board for information.
- onus and standard of proof* 9. The onus of proof shall be on the prosecutor, who must show on clear and convincing evidence that the accused has committed the alleged offence.
- not compellable to testify* 10. The accused shall not be compelled to testify at his or her hearing.
- Tribunal structure* 11. The divisions of the Tribunal are:
(a) Trial, and
(b) Appeal.
- Membership* 12. The members of the Trial Division of the Tribunal shall consist of a Senior Chair, two Associate Chairs and ~~at least up to~~ fifteen co-chairs, appointed by the Academic Board.
13. No presiding member of the Trial Division of the Tribunal shall be a full-time student or a full-time member of the teaching staff or a member of the administrative staff
14. The Senior Chair, Associate Chairs and co-chairs shall be legally qualified.
15. The Senior Chair shall be the chair of the Tribunal and either the Senior Chair, an Associate Chair or a co-chair, as selected by the Secretary, shall preside at trial hearings of the Tribunal.
- place of hearing* 16. Trial hearings of the Tribunal involving students registered at Scarborough College shall normally be held on the Scarborough campus of the University and those involving students registered at Erindale College shall normally be held on the Erindale campus of the University.
- duties of Tribunal* 17. (a) The Tribunal shall,
(i) hear and dispose of charges brought under the Code;
(ii) report its decisions for information to the Academic Board;
(iii) make recommendations to the Governing Council as contemplated by the Code.
(iv) advise the Academic Board, from time to time, on policy and procedures with respect to the Code; and
(v) determine its practice and procedures, subject to the

provisions hereof.

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| <i>award of costs</i> | (b) | Where it is considered to be warranted by the circumstances, the chair of a hearing may in his or her discretion award costs of any proceedings at trial, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid. |
| <i>panel</i> | 18. | Hearings in the Trial Division of the Tribunal shall be by a hearing panel composed of three persons, of whom one shall be a student, one shall be a faculty member and the third shall be the Senior Chair, an Associate Chair or a co-chair of the Tribunal. |
| <i>membership</i> | 19. | The members of each panel (other than the chair) shall be drawn from a pool consisting of at least 15 students who are not also faculty members and at least 15 faculty members who are not also students. The members of such pool shall be appointed by the Secretary, drawn from the various academic divisions and units of the University, and shall serve for a period of two years. The appointments shall be renewable upon invitation by the Senior Chair of the Tribunal. |
| <i>selection of panel</i> | 20. | Panel members for each case shall be selected by the Secretary who shall exercise due discretion in excluding members who may know either the accused or the circumstances of the alleged offence. Generally, student members will not be drawn from the same program of study as the accused. Faculty members from the department in which an offence is alleged to have occurred will be excluded from the panel. |
| <i>challenging panel members</i> | 21. | Either the accused or the prosecution may challenge prior to the hearing, and the chair of the hearing may disqualify any prospective panel member for cause which in his or her opinion justifies such disqualification. |
| <i>chair's role</i> | 22. | At trial hearings of the Tribunal,
(a) the chair of the hearing shall determine all questions of law and has a vote on the verdict and sanction; and |
| <i>panel's role</i> | (b) | the panel shall determine all questions of fact and render a verdict according to the evidence. |
| <i>admission of guilt after charge laid</i> | 23. | Where, after a charge has been laid by the Provost but before a Tribunal hearing takes place, the accused admits the alleged offence, the Provost may refer the matter either (i) to the dean, who shall impose the sanction(s) that he or she considers appropriate under section C.i.(b); or (ii) to a panel, in which event the panel may convict the accused without the prosecution having to lead evidence of guilt, and the panel shall impose a sanction or sanctions in accordance with section 25 or 26; provided that before any sanction is imposed, the dean or the panel, as the case may be, shall have afforded the accused an opportunity to offer an explanation and to present arguments and submissions as to sanction. |
| <i>verdict of panel</i> | 24 | The verdict of a panel need not be unanimous but at least two affirmative votes shall be required for a conviction. Unless there are at least two affirmative votes for conviction, the accused shall be acquitted. |
| <i>sanction of panel</i> | 25. | The sanction or sanctions to be imposed upon conviction at a hearing shall be |

- determined by a majority of the panel members, and the panel shall give reasons for the sanction or sanctions imposed.
- disagreement on sanction(s)* 26. If the panel is unable to reach agreement, by a majority of its members, as to the sanction to be imposed, the chair of the hearing shall impose the sanction or set of sanctions which is the least severe of those that the individual members of the panel would impose.
- Discipline Counsel* 27. There shall be a University Discipline Counsel and there may be one or more assistants to the Discipline Counsel, appointed by the Academic Board on the recommendation of the Provost.
28. The Discipline Counsel and any assistant shall be a barrister and solicitor qualified to practise law in Ontario and shall not be a full-time student or a full-time member of the teaching staff or a member of the administrative staff.
29. The Discipline Counsel or an assistant shall conduct all proceedings on behalf of the Provost before the Tribunal and on any appeal from a Tribunal decision.
30. The other duties of the Discipline Counsel and assistants shall be as determined by the Provost.
- Secretary* 31. The Secretary of the Tribunal and his or her assistants shall be appointed by the Academic Board on the recommendation of the Provost.
32. The duties of the Secretary and assistants shall be determined by the Senior Chair and members of the Tribunal and reported to the Academic Board for information.
33. Where anything is required by the Code to be done by or with the Secretary, it may be done by or with the Secretary or any of his or her assistants.

C.ii.(b) Tribunal Sanctions

- sanctions listed* 1. One or more of this following sanctions may be imposed by the Tribunal upon the conviction of any student:
- (a) an oral and/or written reprimand;
 - (b) an oral and/or written reprimand and, with the permission of the instructor, the resubmission of the piece of academic work in respect of which the offence was committed, for evaluation. Such a sanction shall be imposed only for minor offences and where the student has committed no previous offence;
 - (c) assignment of a grade of zero or a failure for the piece of academic work in respect of which the offence was committed;
 - (d) assignment of a penalty in the form of a reduction of the final grade in the course in respect of which the offence was committed;
 - (e) denial of privileges to use any facility of the University, including library and computer facilities;
 - (f) a monetary fine to cover the costs of replacing damaged property or misused supplies in respect of which the offence was committed;
 - (g) assignment of a grade of zero or a failure for any completed or

- uncompleted course or courses in respect of which any offence was committed;
- (h) suspension from attendance in a course, or courses, a program, an academic unit or division, or the University for such a period of time up to five years as may be determined by the Tribunal. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed;
- expulsion* (i) recommendation of expulsion from the University. The Tribunal has power only to recommend that such a penalty be imposed. In any such case, the recommendation shall be made by the Tribunal to the President for a recommendation by him or her to the Governing Council. Expulsion shall mean that the student shall be denied any further registration at the University in any program, and his or her academic record and transcript shall record this sanction permanently. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed. If a recommendation for expulsion is not adopted, the Governing Council shall have the power to impose such lesser penalty as it sees fit.
- cancellation of degree* (j) (i) recommendation to the Governing Council for cancellation, recall or suspension of one or more degrees, diplomas or certificates obtained by any graduate; or
(ii) cancellation of academic standing or academic credits obtained by any former student
- who, while enrolled, committed any offence which if detected before the granting of the degree, diploma, certificate, standing or credits would, in the judgement of the Tribunal, have resulted in a conviction and the application of a sanction sufficiently severe that the degree, diploma, certificate, standing, credits or marks would not have been granted.
- recording sanction* 2. The hearing panel shall have the power to order that any sanction imposed by the Tribunal be recorded on the students academic record and transcript for such length of time as the panel considers appropriate.
- publishing decision and sanction* 3. The Tribunal may, if it considers it appropriate, report any case to the Provost who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

D. Procedures in Cases Involving Faculty Members

Divisional and Tribunal procedures for faculty members charged with academic offences, and the sanctions and appeal procedures for those convicted, resemble - with appropriate modifications - procedures and sanctions in force for students, with this signal exception: grounds and procedures for terminating employment of tenured faculty are those set forth in the *Policy and Procedures on Academic Appointments*, as amended from time to time.

D.i.(a) Divisional Procedures

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| <i>not proceedings of Tribunal</i> | 1. | No hearing within the meaning of section 2 of the <i>Statutory Powers Procedure Act</i> is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in section D.i.(a), and such discussions, meetings and determinations are not proceedings of the Tribunal. |
| <i>department chair's duties</i> | 2. | Where a student or a faculty member or a member of the administrative staff has reason to believe that an academic offence has been committed by a faculty member, he or she shall so inform the chair of the department or academic unit in which the faculty member holds a primary appointment. The department chair shall inform the faculty member immediately after learning of the act or conduct complained of and invite the faculty member to discuss the matter. The chair shall inform the faculty member that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the faculty member in the hearing of any charge with respect to the alleged offence in question. |
| <i>no further action</i> | 3. | If after discussion, the department chair is satisfied that no academic offence has been committed, he or she shall inform the faculty member in writing and no further action shall be taken in the matter, unless fresh evidence comes to the attention of the department chair, in which case he or she may again proceed in accordance with subsection 2. |
| <i>department chair's report to dean</i> | 4. | If after such discussion the department chair believes that an academic offence has been committed by the faculty member, or if the faculty member falls or neglects to respond to the invitation for discussion, the department chair shall make a report of the matter in writing to the dean. |
| <i>dean's meeting with faculty member</i> | 5. | When the dean has been so informed, he or she shall immediately notify the faculty member in writing accordingly, provide him or her with a copy of the Code and subsequently afford the faculty member an opportunity for discussion of the matter. The department chair and the complainant shall be invited by the dean to be present at the meeting with the faculty member. The dean shall conduct the interview. |
| <i>dean's warning</i> | 6. | Before proceeding with the meeting, the dean shall inform the faculty member that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the faculty member in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the faculty member, without further comment or discussion, of the sanctions that may be imposed under section D.i.(b), and that the dean is not obliged to impose a sanction but may instead request either that the Provost lay a charge against the faculty member or that the President initiate dismissal proceedings. Where such advice and warning have been given, the statements and admissions, if any, made at such a meeting may be used or received in evidence against the faculty member in any such hearing. |
| <i>admissions used at a hearing</i> | | |
| <i>no further action</i> | 7. | If after the discussions at such a meeting, the complainant is satisfied that no |

academic offence has been committed and the department chair and the dean agree, no further action in the matter shall be taken by the complainant or the dean, and the dean shall so inform the faculty member in writing. Thereafter, the matter shall not be introduced into evidence at a Tribunal or any hearing for another offence.

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| <i>imposition of sanction</i> | 8. | If the faculty member admits the alleged offence, the dean may impose sanctions that are within the power and authority of the dean, and no further action in the matter shall be taken by the dean or the complainant if the dean proceeds under this subsection. |
| <i>faculty member may refer matter</i> | 9. | If the faculty member is dissatisfied with a sanction imposed by the department chair or the dean, the faculty member may refer the matter to the dean or the Provost for consideration. If the complainant is dissatisfied with a decision of the department chair or the dean not to refer the complaint to the next level with a recommendation for further action, the complainant may refer the matter to the dean or Provost for consideration. |
| <i>complainant may refer matter</i> | | |
| <i>referral of matter to President or Tribunal</i> | 10. | Where the dean believes that an academic offence has been committed by a faculty member with respect to which further proceedings should be taken (whether or not such offence has been admitted by the faculty member), the dean shall either, <ul style="list-style-type: none"> (a) in the case of a faculty member having tenure, request the President to appoint a committee under the <i>Policy and Procedures on Academic Appointments</i>, as amended from time to time, to consider dismissal of the faculty member; or (b) in the case of any faculty member, proceed to request that the Provost lay a charge against the faculty member under section D.ii below. |
| <i>Tribunal proceedings suspended</i> | 11. | Where a dean requests the President to appoint a committee under the <i>Policy and Procedures on Academic Appointments</i> , as amended from time to time, to consider dismissal of a tenured faculty member, any proceedings before the Tribunal shall be suspended until either the President signifies that he or she will not accept and act upon the request, or the proceedings for dismissal have been finally determined, as the case may be. |
| <i>offence by department chair or dean</i> | 12. | Where a student or a faculty member or an administrative staff member has reason to believe that an academic offence has been committed by a department chair, he or she shall so inform the dean of the academic unit in which the chair holds an appointment, and where he or she has reason to believe that an academic offence has been committed by a dean, he or she shall so inform the Provost, and the procedure shall be regulated by analogy to other provisions of this section. |

D.i.(b) Divisional Sanctions

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| <i>sanctions listed</i> | 1. | One or more of the following sanctions may be imposed by the dean where a faculty member admits the commission of an alleged offence: <ul style="list-style-type: none"> (a) an oral and/or written reprimand; (b) assignment by the dean of administrative sanctions. |
| <i>Provost's Guidelines</i> | 2. | The Provost shall, from time to time, indicate appropriate sanctions for certain |

offences. These guidelines shall be sent for information to the Academic Board and appended to the Code.

D.ii.(a) Tribunal Procedures

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| <i>laying of charge</i> | 1. | A prosecution for an alleged academic offence shall be instituted by the laying of a charge by the Provost against the accused. |
| <i>consultation</i> | 2. | No charge shall be laid except with the agreement of the dean and the Provost, after consultation between the Provost and the Discipline Counsel. |
| <i>form of charge</i> | 3. | A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost and filed with the Secretary. It shall contain a statement that the faculty member is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the faculty member to identify the alleged act or conduct giving rise to the charge. |
| <i>notice of hearing</i> | 4. | Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to be the chair of the hearing and the Secretary shall immediately determine and give appropriate notice of a date, time and place for the hearing. |
| <i>Tribunal duties and procedures</i> | 5. | The duties, membership and procedures of the Tribunal shall be as in section C.ii.(a) 6 to 33. |

D.ii.(b) Tribunal Sanctions

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| <i>sanctions listed</i> | 1. | One or more of the following sanctions may be imposed by the Tribunal upon the conviction of any faculty member: <ul style="list-style-type: none">(a) an oral and/or written reprimand;(b) recommendation to the President for the application of administrative sanctions; |
| <i>dismissal</i> | | <ul style="list-style-type: none">(c) recommendation to the President for dismissal, or, in the case of a tenured faculty member, for the appointment of a committee under the <i>Policy and Procedures on Academic Appointments</i>, as amended from time to time, to consider dismissal. The Tribunal has power only to recommend that such a penalty be imposed. If a recommendation for dismissal is not adopted, the Governing Council or the President, as the case may be, shall have power to impose such lesser penalty as is deemed fit. |

E. Appeals

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| <i>Discipline Appeals Board-panel membership</i> | 1. | Appeals from decisions at trial shall be heard by a panel drawn from the Discipline Appeals Board consisting of the Senior Chair of the Tribunal, or an Associate Chair designated by him or her, and three members of the Discipline Appeals Board drawn preferably from the Academic Board nominees to the Board. The Academic Board's nominees shall be chosen from among its current or former members. At least one member of each panel shall be a faculty member who is not also a student and at least one shall be a student who is not also a faculty member. |
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2. The Senior Chair or an Associate Chair shall preside at all appeal hearings.
3. Where the Discipline Appeals Board hears an appeal,
 - (a) no Tribunal member who participated in the decision appealed from shall participate in the appeal; and
 - (b) the decision of the majority of the members hearing the appeal shall govern, and the presiding Chair shall be a voting member.
- cases for appeal* 4. An appeal to the Discipline Appeals Board may be taken in the following cases, only:
 - (a) *by the accused, from a conviction at trial, upon a question which is not one of fact alone;*
 - (b) by the Provost, from an acquittal at trial, upon a question which is not one of fact alone;
 - (c) by the accused or the Provost, from a sanction imposed at trial.
- filing of appeal* 5. An appeal shall be made by filing with the Secretary, within 21 days after the giving of notice of the decision of the Tribunal, a notice of appeal stating briefly the relief sought and the grounds upon which the appeal is taken; provided that in exceptional circumstances, the Senior Chair shall have the power to enlarge the time for appeal upon application made either before or after the expiry of that time.
- appellant bears cost of transcription* 6. If the appellant wishes to refer in the argument of the appeal to the transcript of oral proceedings recorded at the trial, five copies of such transcript certified by the reporter or recorder thereof shall be ordered by and normally at the expense of the student. A transcript of the entire proceedings shall be produced unless the parties can agree to dispense with certain portions.
- powers of Board* 7. The Discipline Appeals Board shall have power,
 - (a) to dismiss an appeal summarily and without formal hearing if it determines that the appeal is frivolous, vexatious or without foundation;
 - (b) in circumstances which the Tribunal members hearing the appeal consider to be exceptional, to order a new hearing; and
 - (c) in any other case, to affirm, reverse, quash, vary or modify the verdict, penalty or sanction appealed from and substitute any verdict penalty or sanction that could have been given or imposed at trial.
- appeal not trial de novo* 8. An appeal shall not be a trial de novo, but in circumstances which it considers to be exceptional, the Discipline Appeals Board may allow the introduction of further evidence on appeal which was not available or was not adduced at trial, in such manner and upon such terms as the members of the Board hearing the appeal may direct.
- award of costs* 9. Where it is considered to be warranted by the circumstances, the Board may in its discretion, award costs of any proceedings on appeal, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid.

Code of Behaviour on Academic Matters

*stay unless otherwise
ordered*

10. An appeal operates as a stay of the decision appealed from unless the Senior Chair of the Tribunal, on behalf of the Discipline Appeals Board, otherwise orders upon application by the accused or the Provost.

Approved June 1, 1995
Effective August 18, 1995

Appendix "A" Code of Behaviour on Academic Matters

Interpretation

1. Unless otherwise provided herein, words defined in section 1 of the *University of Toronto Act, 1971*, as amended from time to time, have the same meaning in this Code as in that Act.
2. In this Code, unless the context otherwise requires:
 - (a) "Academic Board" means the Academic Board of the Governing Council;
 - (b) "academic offence" or "offence" means an offence under the Code;
 - (c) "academic record" includes any record or document included within the definition of the "official student academic record" contained in the University's Policy on Access to Student Academic Records, as amended from time to time, and any other record or document of the University or of another educational institution, and any library or any other identity or identification card or certificate, used, submitted or to be submitted for the purposes of the University;
 - (d) "academic work" includes any academic paper, term test, proficiency test, essay, thesis, research report, project, assignment or examination, whether oral, in writing, in other media or otherwise and/or registration and participation in any course, program, seminar, workshop, conference or symposium offered by the University;
 - (e) "Code" means this Code of Behaviour on Academic Matters, as amended from time to time;
 - (f) "computer" means any computer facility operated wholly or partly within or from the University;
 - (g) "datasets" includes all records, data and datasets stored either on-line to a computer or off-line in machine-readable form or any other transportable medium;
 - (h) "dean" means the Director of the School of Physical and Health Education, the Director of the School of Continuing Studies, or the Principal of Erindale College, or the Principal of Scarborough College, or the dean of the faculty or school where the member is registered or has primary appointment, as the case may be, or, in the case of an offence concerning a library, library material or library resources, the Chief librarian, or the designate of any such person;
 - (i) "department chair" means the chair of a department of an academic unit, or the principal of a constituent college or the Principal of University College, or the director of a centre or institute, or, where a unit is not subdivided into departments, the dean of the unit or, in the case of Scarborough College, a divisional chair or, in the case of Erindale College, a discipline representative or, in the case of an offence concerning a library, library material or library resources, the head of the library concerned, or the designate of any such person;
 - (j) "Discipline Counsel" means the University Discipline Counsel or an assistant appointed by the Academic Board;
 - (k) "faculty member" means a member of the teaching staff;
 - (l) "group" means a club, society, association, committee or other body of members having an affinity based upon common or collective interest or purpose, whether or not incorporated and whether or not officially recognized by the University;

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- (m) "instructor" means any person who teaches or instructs or has a duty to teach or instruct a student or students or who evaluates or who has a duty to evaluate the work of a student or students, and includes a faculty member, a teaching assistant and a librarian;
- (n) "legally qualified" means in good standing as a member (other than an honorary member or student member) of The Law Society of Upper Canada or of the legal profession in any other province of Canada;
- (o) "member" or "member of the University" means a student or a faculty member, proctor or invigilator in the University, and includes a group;
- (p) "plagiarism." The present sense of plagiarism is contained in the original (1621) meaning in English: "the wrongful appropriation and purloining, and publication as one's own, of the ideas, or the expression of the ideas ... of another." This most common, and frequently most elusive of academic infractions is normally associated with student essays. Plagiarism can, however, also threaten the integrity of studio and seminar room, laboratory and lecture hall. Plagiarism is at once a perversion of originality and a denial of the interdependence and mutuality which are the heart of scholarship itself, and hence of the academic experience. Instructors should make clear what constitutes plagiarism within a particular discipline;
- (q) "Provost" means the Vice-President and Provost of the University or a member of the staff of the University designated by him or her;
- (r) "Secretary" means Secretary of the Tribunal and his or her assistants appointed by the Academic Board;
- (s) "student" means that type of member of the University who is currently or was previously
 - (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade, or statement of performance by the appropriate authority in the University or another institution; and/or
 - (ii) registered in any academic course which entitles the member to the use of a University library, library materials, library resources, computer facility or dataset; and/or
 - (iii) a post-doctoral fellow.
- (t) "Tribunal" or "University Tribunal" means the University Tribunal as constituted under section C.ii.(a) hereof and any other person or body that may be substituted therefor;
- (u) "University" includes the University of Toronto, University College, and the constituent colleges, the federated universities, faculties, departments, schools, centres, institutes and other divisions and academic units of the University.

Appendix A Approved June 1, 1995
Effective August 18, 1995

Appendix "B" Code of Behaviour on Academic Matters

The Rights and Freedoms Enjoyed by Members of the University

All members enjoy the right to the fullest possible freedom of enquiry. In particular this includes:

- the freedom to communicate in any reasonable way, and to discuss and explore any idea;
- the freedom to move about the University and to the reasonable use of the facilities of the University;
- the freedom from discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap;
- the freedom in respect of offices, lockers, residences and private papers from unjustified invasions of privacy.

In addition, all members enjoy the following freedoms in relation to their freedom of association:

- the freedom to hold and advertise meetings, to debate and to engage in peaceful demonstrations;
- the freedom to organize groups for any lawful purpose;
- the freedom of the reasonable use of University facilities for the purposes of any lawful group.

Appendix B Approved June 1, 1995
Effective August 18, 1995

Appendix “C” Code of Behaviour on Academic Matters

Provost's Guidance on Sanctions

The Provost recognizes that the particular circumstances of each case will, of course, have to be taken into account in each case. Nevertheless, to promote consistency across the University, the Provost has provided the following guidance on sanctions for offences resolved at the Divisional level and the range of sanctions the Provost may ask the Tribunal to impose.

Students who have committed an academic offence and admit to it at the Divisional level, or earlier may be demonstrating a significant level of insight into their behaviour. This insight may be evidence that the academic relationship can be rehabilitated and may justify the imposition of a less significant sanction than would otherwise be appropriate had the case proceeded to the Tribunal level. The fact that lesser sanctions may be imposed at the Divisional level taking into consideration circumstances such as the student's demonstration of insight and remorse, is not intended to inform the sanctioning process at the Tribunal level.

A. Divisional Level

1. In all cases, the division should consider placing a notation of the sanction on the student's academic record and transcript.
2. For offences involving plagiarism, depending on the amount of plagiarism contained in the work, whether or not accurate (or any) citations are provided or concocted, and whether or not any acknowledgment of the source material is provided, the Provost recommends a sanction ranging from reduction in the grade on the piece of academic work by one-half, to a final grade of zero or failure for the piece of work or zero for the course.
3. For offences involving the submission (or resubmission) of assignments for academic credit in two or more courses, the Provost recommends a sanction of up to a final grade of zero in the course.
4. For offences involving providing or receiving unauthorized assistance on an assignment or in a test or examination, or possession or use of unauthorized aids during a test or examination, the Provost recommends a sanction ranging from a zero on the assignment or test up to a final grade of zero in the course.
5. The Provost recommends that divisions normally refer cases to the Provost to consider whether or not to file a charge under the Code where a student:
 - (a) has previously been found to have committed an offence under the Code of Behaviour on Academic Matters;
 - (b) has purchased and submitted work for academic credit;
 - (c) has personated another student or has had someone personate that student in a test, exam, or other academic evaluation;
 - (d) has forged or falsified, or circulated a forged or falsified academic record; or
 - (e) has submitted forged or falsified information in support of an academic petition or other request for academic accommodation.

However, where the division representatives conclude that, despite the matter falling within one of the above categories, there are extenuating circumstances such that the division believes it is appropriate to impose a divisional sanction rather than refer the case to the Provost, the dean's designate may choose to impose an appropriate sanction within the divisional sanctioning authority.

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6. In any case where a student has committed a prior offence, and the division chooses to impose a sanction, the division should strongly consider imposing a suspension of up to one year.
7. For offences related to damaging or misusing library materials, computer equipment or other facilities the recommended sanctions shall be a monetary fine and/or denial of privileges to use the facility involved.

B. Tribunal Level

8. To provide guidance to students facing a hearing at the Tribunal, absent exceptional circumstances, the Provost will request that the Tribunal:
 - (a) impose a final grade of zero in any course where a student is found to have committed an offence;
 - (b) suspend a student for two years for any offence involving academic dishonesty, where a student has not committed any prior offences;
 - (c) suspend a student for three or more years for any offence involving academic dishonesty, where a student has committed a prior offence;
 - (d) impose a notation on a student's academic transcript and notation that is at least one year longer than any period of suspension that is imposed;
 - (e) recommend that a student be expelled where that student has:
 - (i) forged or falsified an academic record, including but not limited to a transcript or unofficial report of grades;
 - (ii) impersonated another student or had a student impersonate that student in a test, exam, or other academic evaluation; or
 - (iii) submitted multiple forged or falsified documents to the University, unless that student has demonstrated through her or his cooperation, or otherwise, that a lesser penalty is appropriate; or
 - (iv) has submitted academic work that the student has purchased, in whole or in part, unless that student has demonstrated through her or his cooperation, or otherwise, that a lesser penalty is appropriate.

Appendix C Approved June 1, 1995

Effective August 18, 1995

Revised by Vice-President and Provost March 19, 2015, Effective July 1, 2015