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University of Waterloo Policy 71

Student Academic Discipline Policy

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Class: G

I. INTRODUCTION

A university is a community of scholars in which knowledge is generated and disseminated through scholarship and teaching. All members of the community – faculty, students and staff – are bound to conduct themselves with honesty, integrity, fairness and a concern for others. Any action which unnecessarily impedes the scholarly activities of members of the University is an offence punishable by appropriate disciplinary action which, in the case of students, is described in this policy.

The Ombudsperson¹ is available to advise students of their rights under this policy and to advise on the procedures to be followed.

The *University of Waterloo Act*, 1972 empowers the Board of Governors and the Senate to establish rules and regulations to govern University activities, including regulations for: the conduct of examinations, the certification of academic performance, and the conduct of students should such conduct interfere with the scholarly pursuits of others. Included in particular is the conduct of students on campus (e.g., in the classroom, in the laboratory, in the library, during examinations) and at official functions off campus (e.g., field trips, co-op placements).

The University and its members have the responsibility of providing facilities and surroundings which do not present undue possibility of inadvertent commission of academic offences. Information will be issued from time to time to inform members of the University community about the nature and disposition of academic discipline cases.

II. ACADEMIC OFFENCES

Academic offences shall include, **but shall not be limited to**, the following:

- **Infringing unreasonably** on the work of other members of the University community (e.g., disrupting classes or examinations; harassing, intimidating or threatening others).
- **Violation of safety regulations** in a laboratory or other academic setting.
- **Cheating** on examinations, assignments, work term reports, or any other work used to judge student performance. Cheating includes copying from another student's work or allowing another student to copy from one's own work, submitting another person's work as one's own, fabrication

- of data, consultation with any unauthorized person during an examination or test, and use of unauthorized aids.
- **Impersonating** another student or entering into an arrangement with another person to be impersonated for purposes of taking examinations or tests, or carrying out laboratory or other assignments.
 - **Plagiarism**, which is the act of presenting the ideas, words or other intellectual property of another as one's own. The use of other people's work must be properly acknowledged and referenced in all written material such as take-home examinations, essays, laboratory reports, work-term reports, design projects, statistical data, computer programs and research results. The properly acknowledged use of sources is an accepted and important part of scholarship. Use of such material without complete and unambiguous acknowledgement, however, is an offence under this policy.
 - **Obtaining by improper means** examination papers, tests, or similar materials, or using or distributing such materials to others.
 - **Falsifying academic records**, including tests and examinations, or submitting false credentials for purposes of gaining admission to a program or course, or for any other purpose.
 - Oral or written **misrepresentations** which may have an effect on academic evaluations, such as making fraudulent health claims, obtaining medical or other certificates under false pretenses, or altering certificates for purposes of misrepresentation.
 - Submitting an essay, report, or assignment when a major portion has been **previously submitted** or is being submitted for another course without the express permission of all instructors involved.

III. DISCIPLINARY PENALTIES

One or more of the following disciplinary penalties may be imposed:

- **A reprimand** shall be in the nature of a warning to the student that her/his behaviour has been unacceptable to the University and that further similar behaviour will lead to a stiffer penalty. A note to this effect shall be placed in the student's file by the Associate Dean, but will not appear on grade reports and transcripts; the note will be removed when the student completes her/his degree requirements.
- **Submission of a failing grade** in an examination, test, assignment, or course; or, where applicable, failed standing in a term. A failing grade in a course or term shall remain part of the permanent academic record. The grade UR may be used while an alleged offence is under investigation or appeal.
- **Disciplinary probation** for the balance of the period of registration at the University in the degree program in which the student was registered at the time of the offence. A note that the student has been placed on disciplinary probation shall be placed in the student's file by the Associate Dean, but will not appear on grade reports and transcripts; the note will be removed when the student completes her/his degree requirements. The impact of being placed on disciplinary probation is that any further offence will lead to a significantly stiffer penalty.
- **Restraining orders** in the case of threats to individuals **or restitution** for property or other damages, as may be appropriate in certain cases.
- **Expunging grades or revoking degrees.**
- **Suspension** of a student from the University, which shall not exceed three years. While suspended, a student may not register in the University and shall lose the right to attend lectures, write examinations and receive payment from University sources; courses taken elsewhere during a period of suspension shall not be eligible for credit toward a UW degree. Notice of a suspension shall be placed in the student's file and will appear on any transcripts issued during the period of suspension. Upon completion of the period of suspension, the student will be eligible for

reinstatement to full academic status and the notice of suspension will no longer appear on transcripts.

It is the student's responsibility to consult with an academic advisor prior to resuming studies. Depending on factors such as program changes implemented during the suspension, the student may be advised to undertake some type of preparatory work.

- **Expulsion** shall be permanent and a statement of such action shall be part of the student's permanent academic record and shall appear on all subsequent transcripts.
- Such other penalty or order as appropriate in the circumstances.

IV. PRINCIPLES, JURISDICTION AND TIME LIMITS

As provided in the *University of Waterloo Act, 1972*, disciplinary jurisdiction with respect to all students of the University is vested in the Board of Governors and the Senate of the University. With the adoption of this policy, the authority and responsibility to deal with matters of student academic discipline are delegated to Associate Deans, Faculty Committees on Student Appeals (FCSAs) and the University Committee on Student Appeals (UCSA), all of whom shall ensure that students are treated fairly and equitably under the policy.

In serious cases affecting the broader university community, the Vice-President, Academic & Provost (or delegate) is authorized to exercise the responsibility of an Associate Dean. For students in **courses taught at the Federated & Affiliated Colleges or in programs administered by the Colleges**, the responsibilities of the Associate Dean in these procedures are exercised by an individual designated by the College.

With respect to all proceedings under this policy, students shall be presumed innocent until the contrary has been established; decisions are to be based on the balance of probabilities and disciplinary actions imposed are to be consistent with University precedent.

In order to inform the University community, a summary of each academic discipline case, including the charge, the decision, and deviations from normal procedure if any, shall be filed in the University Secretariat, and shall be available, with student names removed, to members of the University community.

Faculty, staff or students who have reason to believe that an academic offence has been committed shall report the matter promptly, preferably in writing, together with any evidence relevant to the alleged offence, to the appropriate Associate Dean, Graduate or Undergraduate, of the Faculty sponsoring the academic activity. If the alleged offender is **registered in another Faculty, the Associate Dean shall inform the Associate Dean of the student's Faculty of the allegations; together they shall decide which Associate Dean is responsible for proceeding and for keeping the other informed. In the absence of factors which would delay proceedings or otherwise limit fairness, proceedings should be conducted in the Faculty in which the student is registered.**

In cases involving disruptive or threatening behaviour on the part of students (including assault, vandalism, theft and similar behaviour), an attempt should be made to resolve the matter by discussion with the students concerned. Should this fail it may become necessary to involve the security forces of the University to establish order. Under no circumstances should faculty, staff or students attempt to resolve such issues by force. In all such cases the matter should be reported to the Associate Dean. In cases where criminal proceedings have been initiated against a student, the authority and responsibility vested in the Associate Dean are delegated to the Vice-President, Academic & Provost (or delegate), including the authority to suspend or expel.

Upon receipt of allegations that an academic offence has been committed, the responsible Associate Dean (or delegate) shall decide promptly whether an attempt should be made to resolve the matter informally. If so, the Associate Dean shall encourage the persons involved to meet to discuss the matter; if not, the Associate Dean shall proceed formally. In either case, those involved are entitled to be accompanied by a colleague for advice and support during any meetings held to discuss the matter.

The time limits and procedures of this policy may be altered as necessary and appropriate to suit the circumstances of individual cases, particularly when correspondence courses or those offered at off-campus locations are involved. In such instances, the Associate Dean shall inform those involved in writing about time limits and procedures to be followed.

· **Informal Resolutions.** If the persons involved agree on the terms of a resolution, they shall so inform the Associate Dean, normally within five working days. The matter shall be considered closed if the Associate Dean judges the terms of the resolution to be fair and equitable; otherwise the matter shall be resolved formally. Informal resolutions shall be in writing, signed by those involved and filed with the Associate Dean. The disciplinary penalty imposed as a result of an informal resolution may not result in the expunging of grades or the revoking of degrees, or in the student being suspended or expelled. The Associate Dean shall ensure that a summary of the informal resolution is filed in the University Secretariat.

· **Formal Resolutions.** When an attempt to produce an informal resolution fails or is deemed inappropriate, the Associate Dean shall inform the student in writing of the charge, possible penalties, pertinent policy statements and case summaries. The student shall have five working days to prepare a response. The Associate Dean shall meet with the student to hear the response, and shall conduct a thorough investigation of the allegations and response, normally to be concluded within a further ten working days. The Associate Dean shall convene a meeting to present her/his findings and decision, which shall be provided to the parties in writing at least 24 hours in advance. The purpose of the meeting is to provide those involved with an opportunity to seek clarification of the Associate Dean's decision. Unreasonable absence of the student shall not prevent a decision from being rendered. A copy of the decision shall be provided on a need-to-know basis to administrative units (e.g., Co-operative Education, Registrar, Police). The Associate Dean shall ensure that a summary of the formal resolution is filed in the University Secretariat.

V. APPEALS

All formal decisions of Associate Deans and of FCSA tribunals may be appealed. Notice of appeal must be made within ten working days of notification of a formal decision, by completing a *Request For a Discipline Hearing form* and submitting it to the UCSA Chair or to the appropriate FCSA Chair, following the *Student Appeal Procedure*. The appellant shall be given reasonable time to gather new evidence if required and, if at any time substantial new evidence arises, shall have the right to request re-consideration.

As necessary, administrative units shall be advised that a Request For a Discipline Hearing form has been filed. Normally, disciplinary penalties shall not be imposed before an appeal is decided; in exceptional circumstances, such as when the continued presence of the accused would unduly affect normal scholarly activities, the UCSA Chair may vary this practice. The UCSA Chair shall decide whether to suspend or terminate proceedings under this policy if legal action is initiated by either party to the dispute. In either case, the UCSA Chair shall consult with FCSA counterparts and others, as appropriate. Decisions of the UCSA Chair are final.

1 Other on-campus resources include: Conflict Management and Human Rights Office (CMAHRO) which provides complainants and respondents ongoing support services as they resolve concerns; Counselling

Services; Health Services, Services for Persons with Disabilities. A comprehensive list of on-campus resources is available from the University Secretariat and is posted on the CMAHRO website.

Student Appeal Procedure

Note: This Procedure pertains to Policies 70 and 71.

1. Students shall use this procedure to appeal the decision of an Associate Dean under the Student Academic Discipline Policy, the outcome of a Formal Review under the Student Grievance Policy or the decision of a Faculty Committee on Student Appeals tribunal.
When academic discipline is involved, a student shall initiate an appeal by completing a **Request For a Discipline Hearing** form. If the disciplinary penalty imposed involves suspension for more than three consecutive terms or expulsion, this request shall be submitted to the Chair of the University Committee on Student Appeals (UCSA) **within ten working days of being notified of the Associate Dean's decision**; otherwise, it shall be submitted to the Chair of the appropriate Faculty Committee on Student Appeals (FCSA).
When academic discipline is not involved, a student shall initiate an appeal by completing a **Request For a Hearing** form. When the appeal results from a Type 1 grievance, this request shall be submitted to the appropriate FCSA Chair **within ten working days of being notified of the outcome of the Formal Review**; otherwise, it shall be submitted to the UCSA Chair. FCSA tribunal decisions may be appealed to UCSA if and only if there is evidence of significant procedural error at the Faculty level or there is substantive new evidence. A student shall initiate such an appeal by completing a **Request For a Hearing** form and submitting it to the UCSA Chair **within ten working days of being notified of the FCSA tribunal decision**.

In all three cases above, the request shall include: the grounds for the appeal; the outcome sought; names of any suggested witnesses; name of any individual who will accompany the student; any relevant documentation not previously submitted.

2. Parties to every student appeal shall include the Appellant (i.e., the student who claims an injustice or error has occurred) and the Respondent (i.e., the instructor, officer or authority whose decision is being appealed). The Appellant shall bear the onus of showing why the decision being appealed was not reasonable, just or fair.
3. **Within five working days** of receipt, the Chair shall provide the Respondent with all documentation submitted by the Appellant. **Within ten working days** of receipt, the Respondent shall submit to the Chair a written reply to the Appellant's request and shall also submit the names of any suggested witnesses, the name of any individual who will accompany the Respondent, and any other documentation relevant to the appeal. **Within five working days** of receipt, the Chair shall provide the Appellant with a copy of the Respondent's reply.
4. The Chair shall make appropriate arrangements for a hearing according to the procedures detailed below. In the case of an appeal of a **Graduate Thesis Examination**, the FCSA tribunal has two choices: the tribunal may order a re_examination of the thesis by a partially or wholly new committee appointed by the Dean of Graduate Studies (in this case the results of the reexamination shall be substituted for the original results), **or** the tribunal may deny the student's appeal (in this case the decision of the original examining committee stands).

5. Appeals shall be heard by a tribunal consisting of three FCSA/UCSA members as appropriate, with no prior involvement in the case, one of whom shall be a student member (e.g., an undergraduate student on an undergraduate student appeal and a graduate student on a graduate student appeal). Although tribunal members must be capable of assessing evidence on the merits of the appeal, including the opinion of expert witnesses, they need not be experts themselves. The Chair shall normally chair the tribunal and shall appoint the other two tribunal members, who will be chosen to avoid bias or the apprehension of bias and with due regard for conflict of interest, previous involvement in the matter at hand and rotation of membership on tribunals. In the event that the Chair is not available to serve or is disqualified from acting because of bias or the apprehension of bias, a faculty member appointed by the Committee from among its members shall chair the tribunal.
6. A hearing shall be convened as soon as possible following the appointment of the tribunal. An attempt shall be made to schedule all meetings of the hearing at a time and place convenient for the tribunal and for the parties. Any party whose reasons for absence are not considered valid by the tribunal's Chair or whose absence may cause unreasonable delay, shall be notified that the tribunal will proceed in that party's absence. Meetings of the tribunal are normally not open to the public unless one of the parties requests otherwise; in such cases, the tribunal shall decide. The Chair shall ensure that an audio record of the hearing is made available to the appellant and respondent if requested within six months of the hearing.
7. The primary objective of each tribunal established under this procedure is to be fair to the parties before it. Fairness requires that all parties be aware of the evidence to be considered and be given an opportunity to be heard during the process; it also requires that individuals whose judgment is being questioned shall not sit in judgment of their own decisions. The initial objectives of the hearing are: to clarify the issues raised in the documents of the Appellant and Respondent; to determine whether any or all of the issues in dispute may be resolved without the need for the tribunal to render a decision; to determine whether other persons, in addition to the Appellant and Respondent, should be named as parties to the appeal; to review the procedures to be followed, if the tribunal decides (in closed session) that the hearing will continue, and to agree upon any departures from the procedures described below. The tribunal may call its own witnesses or require the production of documentary evidence in addition to that provided by the parties to the appeal.

The tribunal has the power to call witnesses, to require the production of written or documentary evidence by the parties or by other sources and the power to rule on the admissibility of evidence. Parties to the appeal shall have access to all written or documentary evidence presented to the tribunal. The parties and the tribunal have the right to question witnesses. At its discretion, the tribunal may limit the testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case. Witnesses generally are present in the hearing room only during the time they are testifying.

Parties are responsible for producing their own witnesses and for paying any costs associated with their appearance before the tribunal. The tribunal Chair has the power to compel a witness to attend, and parties may request the Chair's aid in this regard. If, after the exchange of documents or during the course of the hearing, a party requires witnesses in addition to those named on the Appellant's Request and the Respondent's reply, the party must so inform the tribunal and the other party before the appearance of additional witnesses.
8. Immediately following the closed session of the tribunal referred to in 7. above, the Chair shall inform the parties of the tribunal's decision with respect to continuing the hearing; the tribunal may delay this decision for up to five working days. If the tribunal decides that the hearing will not continue, the Chair shall so inform the parties involved in writing with the reasons. If the

hearing is to continue, it shall normally be reconvened later the same day unless the initial review has indicated that further evidence or witnesses are required. When the hearing resumes, the Chair shall summarize the issues in dispute and describe the procedures to be followed, if different from those set out below.

9. The Appellant is the first party heard and begins with an opening statement that contains a brief description of the appeal, including what he/she believes was unreasonable, unjust or unfair about the action or decision being appealed, and outlines the resolution sought. The Appellant's case provides the factual support to show why her/his grievance should be remedied and may include any or all of the following: Appellant's oral testimony; oral testimony of Appellant's witnesses; documents or other written evidence in support of this testimony.
10. The Respondent then presents her/his case, beginning with an opening statement that contains a brief reply to the Appellant's claims and the main arguments justifying the action or decision being appealed. The Respondent's case provides the factual support to defend the action or decision being appealed and may include any or all of the following: Respondent's oral testimony; oral testimony of Respondent's witnesses; documents or other written evidence in support of this testimony.
11. Questioning of the parties and their witnesses normally occurs at the close of each person's testimony.
12. The tribunal may order recesses. The parties may request a recess to allow consultation.
13. **When this point has been reached, no new arguments or evidence may be introduced.** The parties are entitled to make closing arguments and to summarize briefly the main points of their cases, in the following order: Appellant, Respondent, Appellant. The tribunal may alter the order described above in the interest of fairness to any or all of the parties. If other persons, in addition to the Appellant and the Respondent, have been specified as parties to the proceedings, the procedure described above shall be altered by the tribunal to provide an opportunity for such additional parties to be heard.
14. Following the conclusion of the hearing, the tribunal shall deliberate in closed session and shall reach a decision by majority vote. Oral notice of the decision shall be given to the Appellant as soon as possible. The tribunal shall give written notice of its decision, with reasons, to the Appellant, the Respondent and any other affected parties, normally **within five working days** of the conclusion of the hearing. A copy of the tribunal's decision shall be forwarded to University departments with a legitimate need to know and shall be filed in the University Secretariat.
15. In order to inform the University community, a summary of each appeal made at the University or Faculty level, including the decision and deviations from normal procedure if any, shall be filed in the University Secretariat, and shall be available, with student names removed, to members of the University community. In addition, the UCSA Chair shall report in greater detail on the nature and disposition of cases deemed to be of particular significance to the University community; such reports shall be available for wide publicity on campus.

See Policy #70, Student Grievance.