



# Academic Integrity Policy

*Approved by Faculty Board, September 15, 2017, Amended November 2018,  
Revised March 11, 2022, Revised March 22, 2024*

# Academic Integrity Policy

(Revised March 22, 2024)

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## Academic Integrity Regulations

Academic Integrity Policies and Procedures at Queen's Faculty of Law are consistent with the Queen's University Academic Integrity Policies and Procedures (QUAIP), approved on October 2021, which can be found on the [Queens' Secretariat website](#).

### 1: INTRODUCTION

#### 1.1 Defining Administrative Roles and Responsibilities

- The following are designated in accordance with Senate AI Procedures ([QUAIP section 1.6](#))
  - o **The Instructor** is responsible for initiating the investigation of a possible Departure from Academic Integrity (DFAI) and reporting the Finding to the student. When an instructor is unable to investigate and/or decide the finding, the Academic Integrity Lead may delegate the responsibility to another individual with appropriate subject matter expertise.
  - o **The Academic Integrity Lead (the AI Lead)** in the Faculty of Law is the Associate Dean responsible for the Juris Doctor (JD) and Certificate in Law programs, as applicable, or a delegate. They provide advice, review and investigate AI-related matters as required, undertake investigations that are referred by the instructors, aid in determining sanctions and remedies, and conduct appeals.
  - o **The Academic Integrity Administrator (the AIA)** in the Faculty of Law is the Assistant Dean (JD and Graduate Legal Studies). They are responsible for the maintenance of records of departures of academic integrity (DFAI), and should be contacted for questions about policies, procedures, forms, general advice and assistance to instructors and students regarding academic integrity concerns.
  - o **The Academic Integrity Appeal Panel (the AI Appeal Panel)** in the Faculty of Law is an *ad hoc* panel, normally consisting of three members of the Faculty Standing and Policies Committee, which considers DFAI appeals within the Faculty of Law. The members of the panel are appointed by the Dean. The Dean designates the Chair of the panel.
  - o **Days:** All references to days in this Procedure refer to business days. Reference to a "week" means 7 calendar days.
  - o **Conduct:** Includes any actions or oral or written statements that may give rise to concerns about a possible departure from academic integrity or taking steps in furtherance of a plan to engage in a departure from academic integrity.
  - o **Work:** Includes essays, papers, assignments, journal entries, tests, examinations, laboratory reports or results, or any other product of academic work.

#### 1.2 Defining Academic Integrity and Core Values

- Queen's University Faculty of Law is dedicated to creating a scholarly community free to explore a range of ideas, to build and advance knowledge, and to share the ideas and knowledge that emerge from a range of intellectual pursuits.
- Queen's students, faculty, administrators and staff therefore all have responsibilities for supporting and upholding the fundamental values of academic integrity: honesty, trust, fairness, respect, responsibility and courage. These are found in [The Fundamental Values of Academic Integrity](#), 3<sup>rd</sup> edition, p. 10.
- Each core value of academic integrity gives rise to and supports the next, and are central to the building, nurturing, and sustaining of an academic community in which all members of the community will thrive. Adherence to these values, expressed through academic integrity, forms a foundation for the "freedom of inquiry and exchange of ideas" essential to the intellectual life of the University.

- The six fundamental values of academic integrity are [defined in QUAIP 2.2](#).
  - o **Honesty:** Academic communities of integrity advance the quest for truth and knowledge by requiring intellectual and personal honesty in learning, teaching, research, and service.
  - o **Trust:** Academic communities of integrity both foster and rely upon climates of mutual trust. Climates of trust encourage and support the free exchange of ideas, which in turn allows scholarly enquiry to reach its fullest potential.
  - o **Fairness:** Academic communities of integrity establish clear and transparent expectations, standards, and practices to support fairness in the interactions of students, faculty, and administrators.
  - o **Respect:** Academic communities of integrity recognize the interactive, cooperative, and participatory nature of learning. They honour, value, and consider diverse opinions and ideas.
  - o **Responsibility:** Academic communities of integrity rest upon foundations of personal accountability coupled with the willingness of individuals and groups to lead by example, uphold mutually agreed-upon standards, and take action when they encounter wrongdoing.
  - o **Courage:** To develop and sustain communities of integrity, fundamental values must be stood up for in the face of pressure and adversity – requiring determination, commitment, and courage. Courage is the quality or capacity of character to act in accordance with one’s values despite fear.

## 2: DEPARTURES FROM ACADEMIC INTEGRITY

### 2.1 Departures from the Core Values of Academic Integrity

- Adhering to the six core values of academic integrity in all areas of academic work ensures the value of the degree, the integrity of the institution and the integrity of individual achievement.
- Contravening any of these values compromises the integrity of the student’s educational experience - in completing academic work, working with peers, and interacting with instructors.
- Academic Integrity concerns refer to issues that may involve a departure from those fundamental values. These Departures from Academic Integrity (“DFAI”) encompass a range of conduct and infractions.
- Any acts that deviate from the core values of academic integrity that do not fall under specific categories may be categorized under “Departures from the Core Values of Academic Integrity”.
- Investigations and findings under this broad category will cite one or more of these values and indicate how the activity contravenes these values and compromises the integrity of the educational experience.
  - o **Honesty** appears in researching and presenting one’s own academic work, whether in the context of an examination, written assignment, or seminar presentation. It is also present in acknowledging dependence on the ideas or words of another and in distinguishing one’s own ideas and thoughts from other sources.
  - o **Trust** exists in an environment in which one’s own ideas can be expressed without fear of ridicule or fear that someone else will take credit for them.
  - o **Fairness** appears in the proper and full acknowledgement of the contributions of collaborators in group projects and participation of partners in collaborative projects.
  - o **Respect** recognizes the participatory nature of the learning process and honours and respects a wide range of opinions and ideas.
  - o **Responsibility** is both personal and collective, and engages students, administrators, faculty and staff in creating and maintaining a learning environment supported by and supporting academic integrity.

- **Courage** is displayed by students who make choices and integrous decisions that are followed by action, even in the face of peer pressure to cheat, copy another's material, provide their own work to others to facilitate cheating, or otherwise represent themselves dishonestly. Students also display courage by acknowledging prior wrongdoing and taking proactive measures to rectify any associated negative impact.
- All of these core values are not merely abstract but are expressed in and reinforced by the University's policies and practices.

## **2.2 Specific Types of Departures from Academic Integrity**

- The following categories describe specific actions that deviate from the core values of academic integrity. The list is not exhaustive, as other conduct and actions may also be found to be departures.

### **2.2.1 Plagiarism**

- Plagiarism involves presenting another's ideas, words, or work as one's own, without giving proper attribution or citation to the true author.
- Examples include: copying and pasting from the internet, a printed source, or other resource without proper acknowledgement; copying from another student; using direct quotations or paraphrased material in an assignment without appropriate acknowledgement.
- Self-plagiarism is also a departure from academic integrity and refers to the practice of presenting one's own previously published work as though it were new.
- Examples include: submitting the same work, in whole or in part, for credit in two or more courses, or in the same course more than once, without the written permission of the instructor.

### **2.2.2 Forgery/Use of Forged Materials**

- Submitting counterfeit documents or statements.
- Examples include: creating a transcript or other official document; creating or submitting a medical note; altering any information on documentation provided by a third party (i.e. a date).

### **2.2.3 Unauthorized Content Generation**

- The production of academic work, in whole or in part, for academic credit, progression, or award, using unapproved or undeclared human or technological assistance.
- Examples include: Response generation from artificial intelligence including, but not limited to, text-generating, image-generating, code-generating, or video-generating artificial intelligence tools; submitting assignments to online forums or websites for generating solutions.

### **2.2.4 Contract Cheating**

- A form of plagiarism that involves outsourcing academic work to a third-party including, but not limited to, a commercial provider, current or former student, family member or acquaintance, and submitting the work as one's own.
- Examples include: purchasing a term paper or assignment to be submitted as one's own; submitting essays or assignments that have been obtained from homework sites, essay mills, tutor sites, friends, family members or classmates.

### **2.2.5 Use of Unauthorized Materials**

- Using or possessing unauthorized materials or obtaining unauthorized assistance in any academic examination or test, or in connection with any other form of academic work.

- Examples include: Using or possessing unauthorized written material or an electronic device with memory and/or web access such as a calculator, cell phone or smart watch that is not permitted during a test or examination; copying another student's test or examination answer; receiving answers from an exam or test bank website.

#### **2.2.6 Deception/Falsification**

- Misrepresenting the accuracy of information, the authenticity of a document, one's self, one's work, or one's relation to the University.
- Examples include: creating and/or submitting any falsified official academic document, including a transcript; altering any official academic documents, including transcripts; creating and/or submitting any falsified medical note; altering any information on documentation provided by a third party (such as a date); impersonating someone in a test or examination or allowing someone to impersonate you; fabricating or falsifying data; using another person's credentials or representing yourself as having credentials that are not rightfully yours.

#### **2.2.7 Facilitation**

- Enabling another student's breach of academic integrity.
- Examples include: allowing academic work to be copied by another student for submission as that student's work; selling academic work; making information available to another student about the exam questions or possible answers during an online or take-home exam window.

#### **2.2.8 Unauthorized Use of Intellectual Property**

- Using the intellectual property of another for academic, personal, or professional advantage without the authorization of the owner.
- Examples include: uploading course materials to a note-sharing website without the instructor's permission; providing course materials to a commercial study-prep service not sanctioned by the University; distributing, publicly posting, selling or otherwise disseminating an instructor's course materials or providing an instructor's course materials to anyone else for distribution, posting, sale or other means of dissemination, without the instructor's express consent.

#### **2.2.9 Unauthorized Collaboration**

- Working with others, without the specific permission of the instructor, on academic work that will be submitted for a grade.
- Examples include: working with others on in-class or take-home tests, papers, or homework assignments that are meant to be completed individually; communicating with another person during an exam or about an exam during the exam window.

#### **2.2.9 Failure to Abide by Academic Rules**

- Failing to abide by all Faculty/School and University academic rules and regulations.
- Examples include: failing to follow rules imposed by course instructors, (or teaching assistants, guest or substitute instructors), regarding the preparation, writing, and submission of academic work; failing to follow rules set out by instructors or the Exams Office in the writing of tests and examinations; failing to follow regulations governing ethics reviews; failing to comply with assigned remedies and sanctions resulting from a departure from academic integrity; unauthorized removal of materials from a library.

### 3. INSTRUCTOR PROCESS AND SEQUENCE OF EVENTS

#### 3.1 Instructor Responsibilities

- In most cases, the course instructor investigates a possible departure from academic integrity and decides the finding. However, when an instructor is unable to investigate and/or decide the finding, the Department Head or Dean may delegate the responsibility to another individual with appropriate subject matter expertise. In these Procedures, all references to an “instructor” include such a delegate.
- The course Instructor has the responsibility to initiate the investigation of a potential departure from academic integrity in a course. For courses in which teaching assistants or academic assistants are used, the instructor carries responsibility for managing all aspects of academic integrity.
- When discussing possible departures from academic integrity, the instructor should ensure that the student’s identity remains confidential, pending a finding of a departure from academic integrity.
- The instructor has the responsibility to initiate and follow the investigation to the “Finding” stage.
- In complex cases, instructors are encouraged to seek guidance from the Faculty AIA or the AI Lead.
- The detailed procedures for engaging with the student are found in [QUAIP section 3.2](#).

#### 3.2 Initial Collection of Evidence

- To begin investigating a possible departure from academic integrity, the instructor shall assemble all documents related to the case, for example:
  - o the work submitted by the student for academic credit;
  - o the source(s) from which the work submitted by the student is apparently derived;
  - o instructions describing the nature of the work to be done;
  - o the course syllabus;
  - o any emails between instructor and student relating to the work;
  - o documents alleged to be altered; and
  - o information distributed by the instructor or the Department/Faculty outlining expectations concerning academic integrity and consequences of departures from academic integrity.
- After collecting and reviewing the evidence, if the instructor determines that there is not sufficient evidence to continue a DFAI investigation, the case will be dismissed. All documents related to the case must be destroyed and the student shall not be informed of the investigation ([QUAIP section 3.1.4](#)).
- Should the instructor decide that the evidence merits further investigation, he or she should continue with the processes outlined below.

#### 3.3 Notice of Investigation (“NOI”) to the student, from the instructor

- After collecting and reviewing the evidence, if the instructor determines that there is sufficient evidence to continue a DFAI investigation, they must complete a “**Notice of Investigation (NOI) of a Possible Departure from Academic Integrity**” form.
- The NOI notifies the student of the alleged departure from academic integrity, and must include:
  - o The instructor’s summary of the allegations and the evidence on which the investigation is based, including all documents upon which the instructor will rely;
  - o The possible remedies and sanctions as outlined below;
  - o A statement about the student’s right to respond to the investigation by meeting with the instructor, or by providing a written response;
  - o A statement about the student’s right to have representation in any response to the investigation;



- A statement about the fact that the student cannot drop the course nor withdraw from the program once he/she has received a NOI.
- The Faculty/School resources available for consultation and the information on the website of the Office of the University Ombudsperson about student rights and responsibilities and University policies and procedures;
- A list of possible sanctions if a finding of a departure from academic integrity is made.
- The instructor will email a password-protected copy of the completed NOI form to the student at their Queen's email address, also attaching all evidence relevant to the investigation.
- The student will receive relevant documents in a timely manner but is not entitled to receive any notes or other documents created by the instructor to aid in the investigation except as required to permit the student to understand and respond to the allegations.
- While the case is under investigation, the instructor should address all matters to the student as “possible” or “potential” departures from academic integrity.

### **3.4 Response from the student:**

- Within 10 days of the date that the NOI was emailed to the student, the student must respond.
- In their response, the student may either request a meeting with the instructor or inform the instructor that a written response to the instructor will be forthcoming within a further 5 days.
- If the student does not respond to the invitation to a meeting, and does not make a written submission within the time period, the process will continue without the student's input.

#### **3.4.1 Meeting with the student:**

- If the student elects to meet with the instructor, the instructor shall determine whether the meeting will be in person, by telephone, or by video/audio conference.
- The instructor shall schedule a meeting as soon as possible and shall ask who, if anyone, will be present at the meeting with the student.
- At the meeting, the student may have a support person present, who may be a friend or family member, or an advisor or other professional, to provide emotional support and assistance. The support person may not be directly involved in the case, for example as a witness, and may not advocate on behalf of the student. Legal counsel is not normally permitted to attend the meeting.
- At the meeting, the instructor and student will discuss the allegation(s), the basis for the allegation(s), and the instructor's supporting evidence.
- The student has the right to know what material will be considered and will have the opportunity to respond to the evidence related to the alleged departure. The student is required to bring to the meeting copies of all documents on which they intend to rely in responding to the alleged departure.
- During the meeting the instructor will review with the student the possible sanctions if a finding of departure from academic integrity is made.
- The instructor should ask a faculty colleague or assistant to attend to take notes of the meeting.

#### **3.4.2 Written Response from the student:**

- If a student elects not to meet with the instructor and to instead provide a written response within 5 days, it must include a detailed explanation of the student's case and all relevant documents in the student's possession on which they intend to rely, such as earlier drafts of the work in question.

- If the student does not respond to the invitation to a meeting, and does not make a written submission within the 10-business day period, the process will continue without the student's input and the instructor shall make a decision based on the available evidence

#### **3.4.3 Implications of an Academic Integrity Investigation for the student**

- The student may not drop the course nor withdraw from the program once a NOI has been delivered, regardless of the drop deadline.
- If an instructor becomes aware that a student under investigation has dropped the course or withdrawn from the program, the instructor should alert the Assistant Dean (JD and Graduate Legal Studies). They will ensure the registration of the student in the course and program pending the outcome of the case. If a finding is made, then the registration status will be reinstated at that time, as necessary.
- If an investigation is initiated near the end of the course or otherwise cannot be resolved prior to the grade submission deadline, the instructor should assign an GD (grade deferred) notation to hold the final grade in abeyance until the investigative process has been concluded.
- GD is a continual reminder that there is a reason for holding back a grade. Once the investigation is concluded, the instructor must submit a change of grade.
- While an academic integrity investigation is ongoing, the student involved cannot graduate, even if academic credit for the course(s) under investigation is not required to complete a degree. In cases where an investigation is initiated during the student's final year of study or involves a course required to graduate, the Faculty of Law will make reasonable attempts to expedite the investigation process before the expected convocation date.
- No student who has been required to withdraw due to a departure from academic integrity may apply to graduate nor be approved to graduate during the period of the sanction.

#### **3.5 Final Investigative Steps**

- If the instructor discovers additional information:
  - o If the instructor receives new information about the alleged departure before issuing a finding, the instructor must disclose that information to the student and give them the option to respond to it, by way of a written submission.
  - o This written submission must be submitted to the instructor no later than 5 business days after the student was informed of the new information.
- If the student provides additional information:
  - o If the student provides new information that could, if validated, clear the student of wrongdoing, the instructor must follow-up on that information **before** making a decision.

#### **3.6 Deciding the Finding or Dismissal**

- After a careful review of all evidence, the instructor determines whether or not there is sufficient evidence to conclude that a DFAI has occurred.
- The instructor shall decide whether to make a finding of a departure from academic integrity or to dismiss the case based on:
  - o the applicable rules, regulations, policies and procedures, related to academic integrity;
  - o the evidence that was considered;
  - o the arguments made by the student; and
  - o their own assessment of the relative credibility and strength of the evidence
- At this point in the investigation, the instructor is not entitled to know about any previous departure(s) from academic integrity by the student, and any previous departure is not relevant to the finding.

- If the instructor's decides there is **no DFAI**, then the instructor sends a **Dismissal Form** to inform the student that the investigation has been dismissed.
  - o An instructor must subsequently forward it to the Faculty AIA, for reporting purposes.
  - o No student-identifying information should be contained on the Dismissal Form sent to the Faculty AIA, and all other documents related to the case will be destroyed.
- If the instructor's decides there **is a DFAI**, then the instructor must complete a **Finding Form** for a "Finding of a Departure from Academic Integrity".

### 3.7 Finding of a Departure from Academic Integrity

- If there is a Finding of a Departure from Academic Integrity, before determining the appropriate sanction, the instructor must contact the Faculty AIA to determine if the student has committed a previous DFAI.
- After hearing back from the Faculty AIA, the instructor will categorize the DFAI into Level I or II
- This will assist in deciding the appropriate remedy or sanction for the offence.
- o **Level I - no previous DFAI case exists and the DFAI is considered "minor"**.
  - The instructor will choose from the range of remedy/sanctions listed on the NOI form.
  - This remedy/sanction will be included on the Finding form.
- o **Level II - a record of a previous DFAI exists OR the DFAI is considered "major"**.
  - In the case of a first time DFAI that is considered "major" the instructor will impose a sanction listed on the NOI form unless they feel that the severity of the departure warrants a sanction that only the Faculty AI Lead may assign.
  - In the case of a Level II DFAI because of a prior DFAI, the case is referred to the Faculty AI Lead for an appropriate remedy/sanction (the instructor's decision on the finding is NOT reviewed by the AI Lead; ONLY the remedy/sanction is considered).

#### 3.7.1 Considerations for Appropriate Remedies and Sanctions

- [QUAIP section 3.4.1](#) outlines the factors instructors should consider in deciding the appropriate remedies and sanctions. Careful consideration of these factors will help to ensure that the remedy or sanction is fair, reasonable, and proportionate to the gravity of the departure found:
  - o the extent and seriousness of the departure;
  - o any educational measures that may be undertaken to ensure that the student understands the departure and what should have been the appropriate conduct in such circumstances;
  - o the value of the academic work in relation to the overall grade for the course;
  - o the experience of the student (for example, a first-year or an upper-year student; a student experienced in the discipline or a student in an elective course);
  - o any mitigating and/or aggravating circumstances; and
  - o possible direct injury to another student or the institution.
- [QUAIP section 3.4.1.1](#) details mitigating circumstances, which should be taken into account to ensure that the remedy or sanction is reasonable and appropriate and aggravating circumstances.
- [QUAIP section 3.4.1.2](#) details aggravating circumstances, which may also have an impact on the appropriate and reasonable remedy or sanction.

#### 3.7.2 Range of Remedies and Sanctions that may be Imposed by the Instructor

- The remedy or sanction chosen by the instructor should reflect the extent and gravity of the departure from academic integrity and should be consistent with the remedies or sanctions imposed in similar previous cases in the Department/Faculty/School.

- The instructor may impose one or more of a range of remedies or sanctions including:
  - o an oral or written warning that such infractions constitute unacceptable behaviour;
  - o a learning experience involving rewriting or revising the original work within a stipulated period of time;
  - o the submission of new or other work within a stipulated period of time;
  - o the deduction of partial or total loss of marks for the work or exam;
  - o a deduction of a percentage of the final grade in the course; or
  - o a failing grade (down to a grade of zero) in the course.
- If the remedy or sanction affects the student's grade in the course, the student may NOT drop the course regardless of the drop deadlines, and the student may be reinstated in the course if the course was dropped prior to the finding being decided.

### 3.7.3 Referral of the case to the Faculty AI Lead

- The instructor must refer the case to the AI Lead to decide the remedy or sanction, if:
  - o There is a record of a previous finding of a departure from academic integrity on file in the Faculty/School Office; or
  - o After the instructor considers all the factors above in assessing the gravity of the departure, they believe that a more serious sanction than those that may be imposed by an instructor is warranted; or
  - o The student's home faculty is different from the faculty in which the course is offered.
- When a case is referred by the instructor for a sanction/remedy decision, the role of the AI Lead is to review and consider the factors of the case only as they relate to the decision of an appropriate remedy or sanction. The Faculty/School AI Lead must not re-consider the instructor's decision on the finding of the departure.
- When referring a case, the instructor shall indicate on the Finding form that the case is being referred to the Faculty/School for the assignment of an appropriate remedy or sanction and email a password-protected copy of the "Finding" form to the student at their Queen's email address.
- An instructor can also refer the case to the AI Lead when they are unable to investigate and/or decide the finding, and in complex cases. In such cases the AI Lead will conduct the investigation, in accordance with the procedures outlined above.
- Cases involving Cross-Faculty Jurisdictions are often complex and will require a referral to the AI Lead. This is outlined in further detail in Section 5 of this document.
- In referred cases, the AI lead may impose a range of remedies and sanctions, including a requirement to withdraw, or rescinding of a degree, as described in [QUAIP sections 3.4.4.1 and 2](#).

### 3.8 Informing the Student

- If the instructor decides that the finding warrants a remedy or sanction within the scope of those available to the instructor, and the case is not being referred to the Faculty/School, the instructor must inform the student of the outcome of the investigation.
- The instructor must fill out the [Finding form](#) and email it to the student's Queen's email account as a password protected attachment, or provide it in hardcopy to the student.
- If the finding is being referred to the AI Lead for sanctioning, on the Finding form the instructor will indicate (only when required per the Level II criteria), that the case is being referred to the AI Lead for the assignment of an appropriate remedy/sanction.
- The AI Lead shall decide on the remedy/sanction for such cases and will inform the student and instructor of this in writing.

### 3.9 Records of Departures from Academic Integrity

- After sending the Finding Form to the student, all documentation related to the case (i.e. NOI, "Finding" form and all appendices or attachments) will be forwarded to the AIA and dealt with in accordance with [QUAIP section 3.7](#).
- The Faculty of Law maintains official records for all cases in which a DFAI is found involving a student registered in the Juris Doctor or a combined Juris Doctor degree program.
- Where these records are kept, and for how long, depends on whether the DFAI was found to be a Level I or a Level II, as follows.
  - o **Level I:** The documentation related to a Level I investigation is NOT added to the Faculty Official file for the student. However, this documentation is included in a separate file in the Faculty office, which is maintained solely for the purpose of Academic Integrity record keeping. These records are destroyed upon the student's graduation.
  - o **Level II:** The relevant documents are added to the Faculty Official File for the student. These records are destroyed 10 years after the student's graduation.
- Records of Academic Integrity investigations are not kept by the instructor, by the department, or in any files maintained by the Faculty except as noted above. No documentation may be retained by the instructor or placed in a departmental student file.
- These Records will be stored in a secure electronic format. Access to the electronic academic integrity records will be allocated on the basis of role-based duties and responsibilities.
- Those with access include the Dean of Law, the Assistant to the Dean, the Associate Dean(s) responsible for the JD and Certificate in Law programs, the Assistant Dean (JD and Graduate Legal Studies), and the Chair of the Academic Standing and Policies Committee in the Faculty of Law.

## 4: APPEALS OF DFAI FINDINGS, REMEDIES/SANCTIONS

- A student may appeal a finding of a departure from academic integrity, or the imposition of a remedy or sanction, or both. The DFAI appeal process is summarized below. ([QUAIP section 4.0](#))

### 4.1 Grounds for Appeal

- Grounds for an appeal are limited to the following:
  - o The decision-maker failed to act in accordance with the rules of procedural fairness.
    - A breach of procedural fairness includes failing to:
      - permit a student to be heard by an unbiased decision-maker;
      - follow applicable rules, regulations, or University policy, in a way that adversely affected a student's right to a fair process; and
      - make a reasonable decision. A "reasonable" decision is one that is rational in that its findings are based on evidence, thought out and supported by facts and logical inferences from findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions. A decision should not be overturned if it falls within a range of possible, acceptable outcomes. If the decision is "reasonable", the decision-maker deciding the appeal is not permitted to substitute their opinion for that of the decision-maker whose decision is under appeal.
  - o The decision-maker acted without, or exceeded their, jurisdiction.

## 4.2 Levels of Appeal

- **First Level of Appeal:**
  - o The decision of the instructor can be appealed to the AI Lead.
  - o If the instructor referred the DFAI case to the AI Lead to decide the sanction remedy (3.7.2), the decision of the AI Lead can be appealed to the AI Appeal Panel.
- **Second Level of Appeal:**
  - o The first appeal decision of the AI Lead can be appealed to the AI Appeal Panel.
  - o If the decision-maker to whom the appeal would normally be made was involved in making the previous decision, the student may appeal the decision to the University Student Appeal Board ("USAB"). The AI Appeal Panel is the final appeal decision maker within the Faculty of Law.
- **Third Level of Appeal:**
  - o A student may appeal the decision of the AI Appeal Panel only to the USAB.

## 4.3 Appeals to the AI Lead

- An appeal from an instructor's decision will be heard by an Associate Dean in the Faculty of Law who was not involved with the investigation or the decision. This will normally be the AI Lead unless the appeal is delegated to another Associate Dean to make the decision on departure or sanction.

### 4.3.1 Submitting an Appeal

- Students wishing to submit an appeal must do so within 10 business days of receiving the "Finding" form from the instructor. The student's appeal submission must clearly state whether the student is appealing the finding, the remedy or sanction, or both.
- The student must explain the reason(s) for their appeal, based on the Grounds for Appeal (4.1)
- The submission must include the Finding form, the remedy or sanction decision (if separate from the Finding form) and any other documents necessary to establish the grounds for the appeal.
- If the student does not wish to meet with the appeal decision-maker and the instructor, the student must indicate this in their appeal submission, and the appeal shall proceed based on the written submissions.
- In cases where the decision for remedy or sanction was referred to the AI Lead (3.7.2) the student cannot submit an appeal until after the sanction decision has been issued. In such cases, the appeal must be submitted within 10 business days of the date that the remedy or sanction imposed was emailed to the student by the AI Lead.

### 4.3.2 Initial Review by the Appeal Decision-Maker

- o The appeal decision-maker shall review the student's appeal submission and determine if it contains new evidence that, through no fault or omission of the student, was not known by or available to the student when the prior decision was made. No other evidence shall be permitted.

#### 4.3.2.1 If the appeal contains new, permitted evidence:

- o If a student's appeal contains new evidence that is permitted, the appeal decision-maker shall have no jurisdiction over the appeal and shall send the matter back to the previous decision-maker for reconsideration, unless:
  - the delay of sending the matter to the prior decision-maker would be unduly prejudicial to the student, or the student's new evidence clearly demonstrates bias in the prior decision-making process that otherwise cannot be remedied.

- If the matter is sent back to the previous decision-maker for reconsideration, the previous decision-maker re-evaluates the case, taking the new evidence into account. If they decide to change their finding, they will issue a new Findings form.
- Otherwise, the previous decision-maker will advise the student and the appeal decision-maker that the new evidence does not change their decision and the student's appeal can proceed.

#### **4.3.2.2 If the appeal does not contain new, permitted evidence:**

- If the student's appeal contains no new or permitted evidence, the appeal decision-maker shall provide the instructor with a copy of the student's appeal submission and the instructor shall have an opportunity to provide a written response to the appeal within 10 business days.
- The student must be provided with any response material from the instructor and shall have at least 5 business days to review this material before a meeting is held.
  
- If the student indicated that they do not want to meet, they shall have 5 business days after receiving the instructor's response material to make additional written submissions to the appeal decision-maker.

#### **4.3.3 Meeting with the Student**

- In most cases the appeal decision-maker will convene a meeting with the student, the instructor, and any witnesses, to conduct a thorough review of the evidence. If a meeting will be held, the AIA shall schedule it as soon as reasonably possible.
- The student and the instructor may have a support person or an advisor present at the meeting. The AIA shall ask who, if anyone, will be present with the student, and advise the student whether anyone will be present with the instructor.
- The AIA shall also advise the student what material will be considered at the meeting.
- The student and instructor shall have the opportunity to respond to evidence orally at the meeting.

#### **4.3.4 Deciding the Appeal**

- If the Finding of a DFAI is being appealed, the appeal decision-maker may maintain or overturn the instructor's finding.
- If the remedy or sanction is being appealed, the appeal decision-maker maintain or modify the remedy or sanction.
- In making decisions, the appeal decision-maker should recognize that the primary responsibility for making decisions about individual students rests with those who are closest to them, who can fairly compare students to other students in similar positions, and who have knowledge of the context in which the decision is made.
- As such, if a finding of a departure from academic integrity is upheld on appeal, the judgment of the academic unit regarding the appropriate remedy or sanction should be respected by the appeal decision-maker unless the remedy or sanction is unreasonable in the circumstances.

#### **4.3.5 Informing the Student and the Instructor**

- Within 20 business days of the date upon which the appeal is complete, the appeal decision-maker must provide the student with a written decision, summarizing all relevant evidence and explaining the reason(s) for the decision, as per [QUAIP section 4.3.5](#).
- This decision must also include information explaining the next level of appeal available, and resources available to the student.

- The decision should be emailed as a password-protected file to the student at their Queen's email address, with a copy to the AIA. The appeal decision-maker shall also inform the instructor of the outcome of the appeal and provide them with a copy of the decision.
- When the appeal decision-maker determines that a modification to a requirement to withdraw from the University or the rescinding of a degree is appropriate, the appeal decision-maker shall provide the Chair of the Academic Integrity Subcommittee with a copy of the decision.
- All relevant documents related to the appeal, including the submitted work, correspondence, the NOI and Finding forms, and the decision, must be forwarded to the AIA to be placed in the appropriate Faculty/School Office file.
- This file will be maintained and released in accordance with these Procedures and the University's authorized Records Retention Schedules (see [QUAIP section 1.7](#)).

#### 4.4 Appeals to the AI Appeal Panel

- Appeals from the decision of the AI Lead will be heard by the AI Appeal Panel.
- In cases where the instructor referred the DFAI case to the AI Lead to decide the sanction/remedy (3.7.2) the first level of appeal will be to the AI Appeal Panel. This will follow the process in 4.3.1-4.3.5.
- In cases where this is the second level of appeal, a student must submit this second level appeal to the AIA within 10 days of receiving the first level Appeal Decision. In a second level appeal the student may appeal the Finding that a DFAI occurred, or the remedy/sanction imposed, or both. This will also follow the process in 4.3.1-4.3.5.

#### 4.5 Appeals to the University Student Appeal Board

- Any subsequent appeal from the Faculty's AI Appeal Panel will be to the University Student Appeal Board ("USAB").
- Appeals to [USAB](#) must be submitted within two weeks after the Faculty AI Appeal Panel decision was emailed to the student. This will take the form of a review of the prior decision of the faculty level appeal (it will not be a hearing de novo).
- The student may appeal a decision related to a finding of a departure from academic integrity, a remedy or sanction, or both.

##### 4.5.1 Submission of the Appeal

- Appeals must be submitted to the USAB within two weeks after the date that the last decision of the Faculty/School was emailed to the student. During exam or holiday periods the Chair of the USAB will normally grant an extension of time for filing an appeal but only if the student submitted a written extension request to the Chair of the USAB within the original time limit for filing an appeal.
- The student may appeal to the USAB based on one or more of the Grounds for Appeal to USAB stipulated in the Senate [Student Academic Appeals Policy](#). The student must follow the Starting an Appeal procedure set out in the [Rules of Procedure for the University Student Appeal Board](#).
- The Office of the University Ombudsperson can provide guidance to the student with respect to the appeal process for the USAB. The instructor or appeal decision-maker may consult with the University's Legal Counsel about responding to an appeal to the USAB.

## 5: JURISDICTION

### 5.1 Faculty of Law



- The Faculty of Law Academic Integrity Policy applies to academic integrity concerns arising in a JD course, or a course offered in the undergraduate Certificate in Law offered by the Faculty of Law. Visiting students studying on exchange or letter of permission registered in JD courses or Certificate in Law courses are also subject to this policy.

## 5.2 School of Graduate Studies and Postdoctoral Affairs

- Graduate students and students registered in the Graduate Diploma in Citizenship and Immigration Law are subject to the Academic Integrity Policy and Procedures of the School of Graduate Studies and Postdoctoral Affairs (SGSPA)
- If the case pertaining to a graduate law student has been referred to the SGSPA, then an Associate Dean in the SGSPA will take on responsibility for investigating the matter. If a finding is made, they will consult the Assistant Dean (JD and Graduate Legal Studies) in the Faculty of Law before a sanction is imposed and will notify the student, instructor and the Faculty of Law of the finding and the sanction.

## 5.3 Cross-Faculty Jurisdiction:

- A “cross-faculty jurisdiction” occurs if a student is enrolled in a course that is offered by a Queen’s Faculty/School (the “course Faculty”) that is not the same as the Queen’s Faculty/school in which the student is registered (the “home Faculty”)
- This may be in a combined Juris Doctor degree program (JD/MA/Econ, JD/MIR, JD/MPA, JD/MBA, BCom-JD, GDB-JD, Civil Law-Common Law combined programs), or in the case of a JD student enrolled in courses in other Faculties.

### 5.3.1 Investigation and Deciding the Finding

- Departures from academic integrity that do not have to do with a course-related issue (e.g. falsifying a transcript), are dealt with by the home Faculty in which the student is registered.
- Departures from academic integrity that are course-related issue shall be conducted by the instructor of the course and follow the academic integrity regulations of the **course Faculty**.
- The course instructor conducts an initial investigation of a departure from academic integrity, and if the instructor determines that there is sufficient and persuasive evidence to make a finding, the instructor must complete a Finding form, categorize the departure as Level I or Level II, and contact the **course Faculty AI Lead** to determine an appropriate remedy or sanction.
- All original documents related to the case, including submitted work and any relevant correspondence, as well as the NOI and the Finding Forms, are dealt with by the **course Faculty AIA**. No documentation may be retained by the instructor or placed in a departmental student file.

### 5.3.2 Deciding the Remedy or Sanction

- The course Faculty AI Lead shall contact the student’s **home Faculty AI Lead** to disclose the finding and consult on an appropriate sanction.
- As part of this consultation, the **course Faculty AI Lead** shall consider whether a record of a previous finding of a departure from academic integrity by the student exists in either the course or home Faculty records, and whether there are any mitigating or aggravating circumstances.
- After consultation with the student’s home Faculty AI Lead, the course Faculty AI Lead shall decide the remedy or sanction and advise the instructor of the decision.

### 5.3.3 Informing the Student

- The instructor must complete the Finding form and email it to the student's Queen's email account to inform the student of the outcome of the investigation and the referral to the course Faculty for the assignment of an appropriate remedy or sanction.
- The course Faculty AI Lead must then inform the student, the instructor and the home Faculty of the remedy or sanction imposed, including all required information.
- When the course Faculty AI Lead determines that a requirement to withdraw from the University or the rescinding of a degree is the appropriate sanction, the course Faculty AI Lead shall consult with the Chair of the Academic Integrity Subcommittee to ensure that such sanctions are imposed consistently across the University.

#### 5.3.4 Appeals

- A DFAI finding and/or a remedy or sanction related to a course that is offered by a Faculty/School that is not the student's home Faculty may be appealed to the student's **home Faculty**.
- A designate from the course Faculty may provide information related to the case to the home Faculty appeal decision-maker and may attend meetings as required.
- The home Faculty appeal decision-maker must notify the student and the course Faculty AI Lead of all decisions. The course Faculty AI Lead shall communicate these decisions to the instructor.

#### 5.4 Queen's students attending other post-secondary institutions.

- This refers to JD students who are studying on an official exchange program or at another post-secondary institution on a Letter of Permission, or who are registered in a collaborative degree program offered jointly with a partner institution.
- The procedures to be followed for these students are outlined in [QUAIP section 3.6.3](#).

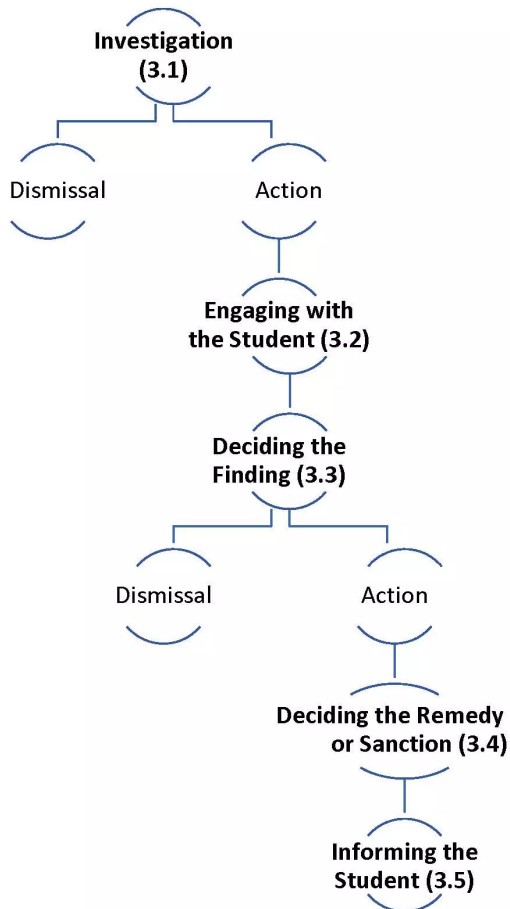
#### 5.3 Procedures with Respect to Exchange, Letter of Permission and Collaborative Students

- This refers to students attending Queen's on exchange, visiting students taking Queen's courses under a Letter of Permission, and students registered in collaborative degree programs offered jointly by Queen's and another post-secondary institution.
- The procedures to be followed for these students are outlined in [QUAIP section 3.6.1 and 2](#).

## 6: FORMS AND APPENDICES

- The following links provide access to relevant forms and appendices.
  - o [DFAI – Notice of Investigation Form](#)
  - o [DFAI – Finding of a DFAI Form](#)
  - o [DFAI – Student Appeal Form](#)
  - o [DFAI - Dismissal of DFAI Form](#)
  - o [DFAI - Referral for Sanctioning Form](#)
- For detailed instructions on how to complete the DFAI related forms please visit the [Queen's University Academic Integrity site](#).

**Instructor Process Flowchart:**



**Appeal Process Flowchart:**

