



# Academic Integrity Policy

*Approved by Faculty Board, September 15, 2017, Amended November 2018,  
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## Academic Integrity Regulations

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.

The policy and regulations pertaining to academic integrity are derived from and subject to the [Senate Policy on Academic Integrity](#) and [the Senate Policy on Academic Integrity Procedures-Requirements of Faculties and Schools](#).

### 1. Definition of Academic Integrity

- 1.1 Queen's University 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.
- 1.2 Academic integrity is constituted by the *six core fundamental values* of **honesty, trust, fairness, respect, responsibility** and **courage**. These values and qualities are central to the building, nurturing and sustaining of an academic community in which all members of the community will thrive. Adherence to the 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.
- 1.3 The following statements from "[The Fundamental Values of Academic Integrity](#)" (2<sup>nd</sup> edition), developed by the International Center for Academic Integrity (ICAI), contextualize these values and qualities:
  - 1.3.1 **Honesty:** Academic communities of integrity advance the quest for truth and knowledge by requiring intellectual and personal honesty in learning, teaching, research, and service.
  - 1.3.2 **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.
  - 1.3.3 **Fairness:** Academic communities of integrity establish clear and transparent expectations, standards, and practices to support fairness in the interactions of students, faculty, and administrators.
  - 1.3.4 **Respect:** Academic communities of integrity recognizes the interactive, cooperative, and participatory nature of learning. They honour, value, and consider diverse opinions and ideas.

- 1.3.5 **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.
- 1.3.6 **Courage:** To develop and sustain communities of integrity, it takes more than simply believing in the fundamental values. Translating these values from talking points into action – standing up for them in the face of pressure and adversity – requires determination, commitment and courage.

1.4 Students are responsible for familiarizing themselves with and adhering to the regulations concerning academic integrity. General information on academic integrity is available at the [Academic Integrity @ Queens website](#).

## 2. Types of Departures from Academic Integrity

### 2.1 Integrity in Action: The Core Values

Queen's University 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. Each core value of academic integrity, as defined in the Senate *Academic Integrity Policy*, gives rise to and supports the next.

**Honesty** appears in presenting one's own academic work, whether in the context of an examination, written assignment, laboratory or seminar presentation. It is in researching one's own work for course assignments. It is also present in faithfully reporting laboratory results even when they do not conform to an original hypothesis. Further, honesty is present in acknowledging dependence on the ideas or words of another and in distinguishing one's own ideas and thoughts from other sources.

**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.

**Fairness** appears in the proper and full acknowledgement of the contributions of collaborators in group projects and in the full participation of partners in collaborative projects.

**Respect**, in a general sense, is part of an intellectual community that recognizes the participatory nature of the learning process and honours and respects a wide range of opinions and ideas. However, "respect" appears in a very particular sense when students attend class, pay attention, contribute to discussion and submit papers on time; instructors "show respect by taking students' ideas seriously, by recognizing them as individuals, helping them develop their ideas, providing full and honest feedback on their work, and valuing their perspectives and their goals" ("[The Fundamental Values of Academic Integrity](#)", 3<sup>rd</sup> Edition, p. 8).

Ultimately, *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** differs from the preceding values by being more a quality or capacity of character – the capacity to act in accordance with one’s values despite fear” (“[The Fundamental Values of Academic Integrity](#)”, 3<sup>rd</sup> edition, p. 10). 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 values are not merely abstract but are expressed in and reinforced by the University’s policies and practices.

## 2.2 Departures from Academic Integrity

As outlined in “Integrity in Action: The Core Values” (section 2.1), the six fundamental values of honesty, trust, fairness, respect, responsibility, and courage support the entire educational experience of the University. Adhering to these values in all 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 experience in completing academic work, working with peers, and interacting with instructors.

Some examples of specific conduct and actions that may constitute departures from academic integrity are listed below. The list is not exhaustive, as other conduct and actions may also be found to be departures.

“Conduct” may include 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.

“Work” may include essays, papers, assignments, journal entries, tests, examinations, laboratory reports or results, or any other product of academic work.

In addition to the specific types of departures from academic integrity listed below, “**Departure from the Core Values of Academic Integrity**” encompasses a range of conduct and infractions. Any acts that deviate from the core values of academic integrity (section 2.1) that do not fall under the specific categories listed below may be categorized under this broader heading.

In the educational context, there is, for instance, trust that students will abide by the core values of academic integrity and not violate these values or attempt to violate this trust. Therefore, attempts at plagiarism, facilitation, and other departures are as much a threat to academic integrity as submitting a plagiarized paper or working with a peer to undermine integrity. Honesty plays a role in exchanges with instructors and peers, especially in a professionalized setting, where authentic self-representation and truthfulness are essential.

Investigations and findings under this broad category will cite one or more of these six values and indicate how the activity contravenes these values and compromises the integrity of the educational

experience. "The Fundamental Values of Academic Integrity" (3rd edition) developed by the International Centre for Academic Integrity provides guidance on the meaning of these six values in relation to the educational experience. Academic Integrity concerns refer to issues that may involve a departure from those fundamental values. These are termed "Departures from Academic Integrity (DFAI)". The following list is *not intended to be exhaustive*. Departures from Academic Integrity Include, but are not limited to, the following:

## 2.2.1 **Plagiarism**

Plagiarism involves presenting another's ideas, words, or work as one's own. Examples: 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; submitting the same piece of work in more than one course without the permission of the instructor(s).

## 2.2.2 **Use of unauthorized materials**

Examples: possessing or using unauthorized study materials, technology or aids during a test; copying from another's test paper; using an unauthorized calculator or other aids during a test; unauthorized removal of materials from the library, or deliberate concealment of library materials.

## 2.2.3 **Unauthorized Use of Intellectual Property**

Using the intellectual property of another for academic, personal, or professional advantage without the authorization of the owner.

Examples: 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

## 2.2.4 **Facilitation**

Facilitation involves enabling another's breach of academic integrity. Examples: 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.

## 2.2.5 **Unauthorized collaboration** – involves working with others, without the specific permission of the instructor, on assignments that will be submitted for a grade. This applies to in-class or take-home tests, papers, or homework assignments. Examples: 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

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

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

## 2.2.7 **Falsification**

Misrepresentation of one's self, one's work or one's relation to the University. Examples: altering transcripts or other official documents relating to student records; making false statements in applications, impersonating someone in an examination or test; submitting a take-home examination written, in whole or in part, by someone else; fabricating or falsifying laboratory or research data.

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

Failing to abide by Faculty/School or University academic rules and regulations. Examples: failing to follow rules imposed by course instructors, or others (for example, 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.

## 3. Jurisdiction

- 3.1 This policy applies to academic integrity concerns arising in a Juris Doctor (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 who are registered in JD courses or Certificate in Law courses are also subject to this policy.
  - 3.1.1 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.
- 3.2 Departures from academic integrity, other than a course-related issue (e.g. falsifying a transcript), are dealt with by the home Faculty in which the student is registered.
- 3.3 If academic integrity concerns arise in an undergraduate course in which a JD student is enrolled offered by a Faculty or School outside the Faculty of Law at Queen's, the Faculty of Law will be kept informed of the proceedings and outcome of the case. The procedures pertaining to Cross-Faculty Jurisdiction stated in Appendix B of the [Senate Policy on Academic Procedures-Requirements of Faculties & Schools](#) apply to JD students registered in undergraduate courses offered outside the Faculty of Law at Queen's University. The designate for consultation with the Faculty of Law is the Assistant Dean JD and Graduate Studies for students registered in JD and combined JD programs, the Certificate in Law, and the GDipICL.
- 3.4 Academic integrity concerns arising in respect to a JD student registered in a graduate course offered by another Faculty or School at Queen's are subject to the provisions of Part 11 of Appendix B to the [Senate Policy on Academic Procedures-Requirements of Faculties & Schools](#). The designate for consultation with the Faculty of Law is the Assistant Dean JD and Graduate Studies for students registered in JD or combined JD programs.
- 3.5 Academic integrity concerns arising in respect to graduate law students are governed by the academic integrity policy set forth in the [academic calendar of the School of Graduate Studies](#) and part 11 of Appendix B to the [Senate Policy on Academic Procedures-Requirements of Faculties & Schools](#).
- 3.6 If the case pertaining to a graduate law student has been referred to the School of Graduate Studies, then an Associate Dean, School of Graduate Studies (SGS) will take on responsibility for investigating the matter. If a finding is made by an Associate Dean in the School of Graduate Studies, the Associate Dean (SGS) will consult the Associate Dean Graduate Studies & Research 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.



## 4. Records of Departure from Academic Integrity

- 4.1 The Faculty of Law's Coordinator for Academic Integrity is the Assistant Dean JD and Graduate Studies. The Coordinator is responsible for the maintenance of records of DAI, and is the person who should be contacted for questions about policies, procedures, forms, general advice and assistance to instructors and students regarding academic integrity concerns.
- 4.2 The Faculty of Law maintains a record of all cases in which a departure from academic integrity is found that involves a student or students registered in the Juris Doctor or a combined Juris Doctor degree program (e.g. MA(Econ)-JD, MIR-JD, MPA-JD, JD- MBA, BCom-JD, GDB-JD, Civil Law-Common Law combined programs). These Records will be stored in a secure electronic format.
- 4.3 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 (Academic Policy), the Associate Dean (Graduate Studies & Research), the Assistant Dean JD and Graduate Studies, and the Chair of the Academic Standing and Policies Committee in the Faculty of Law. Access will be granted on an "as required" basis.
- 4.4 Instructors seeking confirmation of whether a law student has a previous finding of DAI may be obtained from the Assistant Dean JD and Graduate Studies
- 4.5 Questions regarding policies, procedures, forms and general advice pertaining to academic integrity issues arising from courses offered in the undergraduate Certificate in Law (CiL), the Graduate Diploma in Immigration and Citizenship Law (GDipICL) and joint programs should be addressed to the Assistant Dean JD and Graduate Studies, who will in turn coordinate with the applicable Academic Integrity Coordinator(s) from involved faculties/schools.

## 5. Guidelines for investigation, decision making, referral and notification

5.1 Instructor Procedures: 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 are used, the instructor carries responsibility for managing all aspects of academic integrity.

5.1.1 Before commencing an Academic Integrity investigation the instructor should contact the Assistant Dean JD and Graduate Studies for consultation. At that point the Assistant Dean will place a note on the student's record stating that the student cannot drop the course until such time as the academic integrity process is completed.

5.1.2 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.

### 5.2 Preliminary Investigation: Collection of Initial Information

5.2.1 To begin investigating a possible departure from academic integrity, the instructor should assemble all evidence related to the case. Illustrative examples of relevant evidence include:

- (i) The work submitted by the student for academic credit which is relevant to the alleged departure;
- (ii) The unacknowledged or poorly attributed sources from which the work submitted by the student is apparently derived;
- (iii) The instructions describing the nature of the work to be done and any restrictions relevant to the alleged departure;
- (iv) Any communications between the instructor and the student relating to the work which are relevant to the alleged departure;
- (v) Any other evidence that is relevant to the alleged departure;
- (vi) Any documents or materials used by the instructor or his/her Program or the Faculty of Law communicating policies on departures from academic integrity;

- (vii) Written statements from witnesses and any other materials related to the alleged departure.
- (viii) 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.
- (ix) While the case is under investigation, the instructor should address all matters to the student as "possible" or "potential" departures from academic integrity.
- (x) Should the instructor decide that the evidence is insufficient to proceed with further investigation, all documents related to the allegation should be destroyed.
- (xi) Should the instructor decide that the evidence merits further investigation, he or she should continue with the processes outlined below.

## 5.2 Notice of Investigation, Investigation and Meeting

**5.2.1** If, after their initial collection of evidence, the instructor determines that there is sufficient evidence to continue with the investigation of a possible departure from academic integrity, the instructor must notify the student of the alleged departure from academic integrity using the ["Notice of Investigation of a Possible Departure from Academic Integrity"](#) form ("the NOI") and ensure that the student receives all documents relevant to the investigation (i.e. those gathered in 5.2.1 above).

**5.2.2** **Instructors must complete the Notice and email it to the student as a password protected attachment or provide a hardcopy to the student.** The Notice provides the student with all of the information required by the Senate's Academic Integrity Policy. Timelines indicated below are meant to ensure that the notification is made expeditiously and that there is reasonable time granted to respond. The instructor and student can agree mutually to reasonable time extensions as circumstances or the timing within the academic year require.

*The Notice of Investigation must include the following information:*

- (i) a space where the instructor must insert a summary of the allegations and the instructor's basis for them.
- (ii) the evidence upon which the alleged departure is based, including, if relevant, a copy of the student's work in question.
- (iii) to ensure that the student receives the Notice and additional relevant materials in a timely manner, the instructor should email the student,

using the student's @queensu email address with all the materials attached as password protected documents or provide a direction to pick up the materials in person.

- (iv) a statement about the student's right to respond to the allegation in writing or in person. The notice will invite the student to attend an investigative meeting with the instructor, which will be scheduled **within 10 working days** of the date on which the Notice is emailed to the student. If possible, the Notice should state the date and time of the meeting.
- (v) a statement that if the student does not wish to respond to the Notice by attending the investigative meeting, he/she may provide a written response to the instructor and that the written response must be received by the instructor within **10 working days** of the date on which the Notice was emailed to the student.
- (vi) a statement about the student's right to be accompanied by one person for support and/or advice if he/she chooses to attend the investigative meeting and information about the availability of advice and support from the Office of the University Ombudsman. a note that the student must inform the instructor not less than 2 working days before the meeting if he/she intends to bring an advisor to the meeting, who the advisor will be, and the advisor's relationship to the student (e.g. friend, parent, dispute resolution advisor from the Ombudsman's Office, etc.)
- (vii) 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.
- (viii) a statement about the fact that the student cannot drop the course nor withdraw from the program once he/she has received a Notice of Investigation.
- (ix) a list of possible sanctions if a finding of a departure from academic integrity is made.

### 5.3 Initial meeting between instructor and student:

**5.3.1** The initial meeting, while investigatory, is not intended to be a legal proceeding. The meeting may be convened by telephone, or by tele- or video conference, if necessary. The instructor should ask a faculty colleague or assistant to attend to take notes of the meeting.

**5.3.2** At the meeting, the instructor and student will discuss the allegation(s), the basis for the allegation(s), and the instructor's supporting evidence. This meeting is the

student's opportunity to respond and state his/her position with respect to the allegation(s) and the supporting evidence. For students who are not resident locally, the meeting may take the form of a tele-or video conference.

- 5.3.3 Although a student is permitted to bring one advisor or support person to the meeting, the student is expected to respond directly to the instructor concerning the allegation(s) of a departure from academic integrity. *An advisor/support person is not permitted to respond on the student's behalf at the meeting.* Legal counsel is not normally permitted to attend the meeting.
- 5.3.4 The student may provide additional information/documents to the instructor in advance of the meeting or may present such information at the meeting. If the student's response (written or oral) includes new information that could, if validated, clear the student of wrongdoing, the instructor must follow-up on that information **before** making a decision.
- 5.3.5 During the meeting the instructor will review with the student the possible sanctions if a finding of departure from academic integrity is made.

#### 5.4 Implications of an Academic Integrity Investigation for the student

- 5.4.1 The student may not drop the course nor withdraw from the program once a Notice of Investigation 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 of Students who will ensure the registration of the student in the course and program pending the outcome of the case. Otherwise, if a finding is made, then the registration status will be reinstated at that time, as necessary.
- 5.4.2 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 IN (incomplete) grade notation to hold the final grade in abeyance until the investigative process has been concluded. Once the investigation is concluded, the instructor must submit a change of grade.
- 5.4.3 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.
- 5.4.4 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.

## 5.5 Instructor decision possibilities:

5.5.1 Following the conclusion of the investigation, the instructor can make one of the following decisions:

- (i) a decision that there has been **no departure from academic integrity**. If this is the case, all documents related to the investigation, including the Notice of Investigation and all email correspondence between the student and instructor related to the investigation, will be destroyed. The student will be informed of the decision in writing (See *Section 5.10* below). A notice of file closure will be made to the Associate Dean Academic or delegate to facilitate the annual tracking of incidents and investigations.
- (ii) a decision that there has been a **departure from academic integrity**. If after the investigation of the evidence and consideration of the response by the student, the instructor determines that there is sufficient and persuasive evidence on which to make a finding of a departure from academic integrity, the instructor must then proceed to establish the appropriate sanction. The student should receive the instructor's written decision on the finding as per section 5.10 below, subject to any referral as to sanction.

## 5.6 Notification of Faculty of Law's Coordinator for Academic Integrity ; Check of Departures Record

5.6.1 If the instructor makes a finding that a departure from academic integrity has occurred, *prior to making a decision about the appropriate sanction*, the instructor must contact the Faculty of Law's Coordinator for Academic Integrity or delegate to determine if there have been any previous finding (s) of departure from academic integrity in respect to the student.

5.6.2 If no such previous departure finding(s) has been made against the student, the instructor has the authority to determine the sanction. The student and Faculty of Law's Coordinator for Academic Integrity are to be notified of the instructor's decision through the reporting mechanism outlined in *Section 5.10 below*.

5.6.3 If a previous departure finding has been made against the student, the sanctioning process *must be referred* by the instructor to the Associate Dean (Academic Policy) in the Faculty of Law. (see *Section 6 below*).

5.6.4 Similarly, if 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 (see section 5.8.3) is warranted, the sanctioning process must be referred to the Associate Dean (Academic Policy).

## 5.7 Sanctions an Instructor may assign:

- 5.7.1 The instructor should consult **Section 5.9 below which outlines the *Factors to Consider When Assigning a Sanction*** before making a decision about the appropriate sanction.
- 5.7.2 If the case arose in a course, offered by the Faculty of Law, but this is not the student's home Faculty, the instructor must consult with the student's home Faculty Office about the appropriate sanction before deciding on a sanction (See [Senate Policy, Appendix B](#)).
- 5.7.3 The instructor has the authority to impose the following sanctions:
- (i) an oral or written warning; and/or,
  - (ii) a requirement that the student attend and complete an educational program/workshop; and/or,
  - (iii) a requirement that the student submit a revised or new piece of work; and/or,
  - (iv) a partial or total loss of marks for the originally submitted piece of work; and/or,
  - (v) a reduction of the final grade in the course, which may include failure of the course. If the penalty amounts to a failure in the course, the student may not drop the course, regardless of the deadlines to drop a course.

## 5.8 Factors to Consider When Assigning a Sanction

- 5.8.1 Any sanction should reflect the extent and severity of the departure from academic integrity, and precedents for dealing with such issues in the Faculty of Law, taking into account mitigating circumstances (see 5.9.3 below).
- 5.8.2 Factors that should be considered in assigning a remedy or sanction include:
- (i) Evidence of a deliberate attempt to gain advantage;
  - (ii) The seriousness of the departure having regard to its actual or potential consequences;
  - (iii) The extent to which the work or conduct in question forms a significant portion of the final grade and whether the extent of the departure is substantial as demonstrated by the work or conduct in question;
  - (iv) Injury to another student or to the institution;
  - (v) Multiple departures within a single incident or multiple departures discovered at one time, rather than an isolated aberration;

(vi) Whether the departure has been committed by a student who ought to be familiar with the expectations for academic integrity in the study of law or as adopted by the Faculty of Law for application to undergraduate courses in law;

(vii) Conduct that intimidates others or provokes misconduct by others.

### 5.8.3 Mitigating Circumstances:

Mitigating circumstances do not exonerate or excuse the finding of a departure from academic integrity, but these factors may be taken into account to ensure that the imposed sanction is fair, reasonable and proportionate to the gravity of the departure found. The decision must outline the evidence supporting reliance on the mitigating circumstances. The onus is on the student to adduce evidence of mitigating circumstances, which may include the following:

- (i) Documented evidence from an appropriate health professional of factors directly compromising the student's capacity to adhere to the standards of academic integrity at the relevant time;
- (ii) Prompt admission by the student to the departure from academic integrity, and the expression of contrition and willingness to undertake educative programs and/or complete remedial work;
- (iii) Evidence that reasonable steps were not taken in the circumstances to bring the standards and expectations regarding academic integrity to the attention of the student at the relevant time.

### 5.9 Completing the Decision and Reporting Form which notifies the student of the decision:

The instructor must report the result of the investigation, and the sanction(s) (if any) on the Finding of a Departure from Academic Integrity ("Reporting Form"). The completed form supplies the student with the following information:

- the details of the finding of a departure from academic integrity;
- the reasons for the finding and the evidence upon which the finding is based;
- whether the departure is categorized as Level I or Level II and the applicable provisions in with respect to the retention and release of records;
- the remedy(ies) or sanction(s);
- the reasons for the remedy(ies) or sanction(s), including any mitigating or aggravating circumstances;
- the student's right to appeal the finding and/or the remedy or sanction to the Faculty/School;
- the deadline for appealing to the Faculty/School;
- 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; and



- if the student is studying at Queen's on an exchange program or on a Letter of Permission and the departure is categorized as Level II, or if the student is in a collaborative degree program offered jointly with another post-secondary institution (the "partner institution"), that the student's home university or the partner institution, as applicable, will be notified of the finding and remedy or sanction if the finding is confirmed after all avenues of appeal have expired or been exhausted.
- 5.9.1 This form is to be completed within 14 days, or as soon as reasonably possible given the complexity of the case, following the conclusion of the instructor's investigation and decision on the sanction, if the decision on sanction has not been referred. **The Reporting Form must be emailed to the student's @queensu.ca email address, as a password protected attachment, or must be provided in hardcopy to the student.**
- 5.9.2 The Reporting Form will be placed in the student's Faculty file.
- 5.9.3 If the instructor made a finding of a departure from academic integrity then a copy of the Reporting Form, as well as the original Notice, must also be provided to the Coordinator of Academic Integrity.

## 6 Faculty of Law Guidelines for Cases Referred to the Associate Dean Academic

### 6.2 Reasons for referring a case to the Associate Dean (Academic Policy):

6.2.1 Cases of departure are to be referred to the Associate Dean (Academic Policy) as follows:

- (i) A previous finding of departure from academic integrity has been made in respect to the student; or
- (ii) The appropriate sanction would be more severe than the sanctions that can be imposed by the instructor.

6.2.2 If the Associate Dean Academic is the instructor in the course in which the case arose and there is a previous finding of departure from academic integrity in respect to the student, then the Dean may appoint the Associate Dean (Graduate Studies & Research) or another former Associate Dean (Academic Policy) to complete the process of sanctioning.

### 6.3 Informing the student:

The student must be notified in writing (“**Referral Notice**”) that the case has been referred to the Associate Dean (Academic Policy). This should normally be done **within 10 working days** of the date on which the instructor decided to make the referral and must include the reason for making the referral (See *Section 5.10* above).

### 6.4 Referral because of previous finding of Departure from Academic Integrity

6.4.1 When a case has been referred to the Associate Dean (Academic Policy)<sup>1</sup> because the instructor made a finding of departure and the student’s record contains a previous finding of departure, the Associate Dean’s role is limited to determining the appropriate sanction in the matter. This will require the Associate Dean (Academic Policy) to familiarize him/herself with the instructor’s findings and reasons, but does not include investigation by the Associate Dean (Academic Policy).

6.4.2 If the case arose in a Faculty of Law course, but this is not the Student’s home Faculty, the Associate Dean must consult with the student’s home Faculty Office about the appropriate sanction before making any decision with respect to sanction (See [Senate Policy](#), **Appendix B**).

6.4.3 The Associate Dean (Academic Policy) has the authority to issue a decision regarding sanction in accordance with the range of sanctions outlined in **Section 6.7** below. The Associate Dean (Academic Policy) will issue a decision regarding

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<sup>1</sup> All references to the Associate Dean (Academic Policy) include a reference to the Dean or an alternate Associate Dean as appointed by the Dean, as applicable.

sanction in accordance with **Section 5.10** above.

**6.5 Investigation meeting with the student:**

Normally within 10 working days after concluding the meeting(s) with the instructor and any witnesses, the Associate Dean (Academic Policy) will provide the student with written notice of the investigation, which shall contain all information required in **Section 5.10** above.

**6.6 Decision of Associate Dean (Academic Policy):**

Following the conclusion of the investigation the Associate Dean (Academic Policy) can make one of the decisions described in **Section 6.7 below**.

**6.7 Possible sanctions imposed by Associate Dean (Academic Policy):**

**6.7.1** The Associate Dean may impose any of the remedies or sanctions available to the instructor (see section 5.8.3) as well as the following sanctions:

- (i) an official written warning that the penalty for a subsequent offence could be a requirement to withdraw from the University for a specified minimum period of time;
- (ii) the rescinding of University- or Faculty-awarded scholarships, prizes and/or bursaries;
- (iii) a requirement to withdraw from the University for a specified minimum period of time; or
- (iv) the revocation or rescinding of a degree.

**6.7.2** If the case arose in a Faculty of Law course, but this is not the student's home Faculty, the Associate Dean must consult with the student's home Faculty Office about the appropriate sanction before making any decision with respect to sanction (See [Senate Policy, Appendix B](#)).

**6.7.3** The Associate Dean should take into account the relevant factors and evidence of mitigating circumstances as per Section 5.9 above before making a decision about the appropriate sanction.

**6.7.4 Finding of Departure from Academic Integrity - Serious penalty warranted:**

In severe or egregious cases, the Associate Dean may make one of the following recommendations to the Senate Committee of Academic Procedures ("SCAP").

**6.7.5** If the Associate Dean determines that a requirement to withdraw from the University or the rescinding of a degree is the appropriate sanction, the Associate Dean must consult with the Chair of the Academic Integrity Subcommittee to ensure that such sanctions are imposed consistently across the University.

**6.7.6** If the Chair of the Academic Integrity Subcommittee is satisfied that the proposed sanction is in accordance with University standards, the AI Lead shall notify the

student in writing of the sanction and include the reasons for the decision (see section 5.10).

- 6.7.7** If the Chair of the Academic Integrity Subcommittee is not satisfied that the proposed sanction is in accordance with University standards, the AI Lead shall reconsider and adjust the proposed sanction.
- 6.7.8** Following the deadline to appeal the sanction, or after all avenues of appeal have been exhausted and the requirement to withdraw or rescinding of a degree is confirmed, the Faculty/School AI Lead shall forward the requirement to withdraw from the University, or the rescinding of the degree, to:

  - a. the Office of the University Registrar for the notation to be added to the student's transcript; and
  - b. the University Secretariat, who will notify the student of the final decision.

## 7. Appeals:

7.1 The student has the right to appeal a finding that he/she engaged in a departure from academic integrity and the sanction imposed. The appeals process is governed by Section 4.4 of the [Senate Policy on Academic Integrity Procedures – Requirements of Faculties & Schools](#).

For law students registered in the Faculty of Law:

- (i) an appeal from an instructor's decision will be heard by an Associate Dean in the Faculty who has not been involved with the investigation or the decision; this will normally be the Associate Dean (Academic Policy), except in circumstances described in **Section 6** above.
- (ii) An appeal from the decision of an Associate Dean (Academic Policy) or other Associate Dean delegated by the Dean to make the decision on departure or sanction will be heard by the non-student members of the Academic Standing and Policies Committee in the Faculty of Law who had no prior involvement with the case.

7.1.1 Any subsequent appeal will be to the University Student Appeal Board and will take the form of a review of the prior decision of the faculty level appeal. (it will not be a hearing de novo).

7.2 **Grounds for Appeal:** The grounds for appeal of a decision are limited to cases in which:

1. The decision-maker whose decision is being appealed failed to act in accordance with the rules of procedural fairness. A breach of procedural fairness includes failing to:
  - (i) permit a student to be heard by an unbiased decision-maker;
  - (ii) follow applicable rules, regulations, or University policy, in a way that adversely affected a student's right to a fair process;
  - (iii) 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.
2. The decision-maker whose decision is being appealed acted without, or exceeded their, jurisdiction.

## 7.3 Levels of Appeal

**7.3.1 First Level of Appeal:** A student may appeal an instructor's finding of a departure from academic integrity, the remedy or sanction, or both, to the Associate Dean (Academic Policy)

- 7.3.1.1 Appeals must be submitted to the Associate Dean (Academic Policy) within 10 business days of the date that the Finding form was emailed to the student by the instructor.
- 7.3.1.2 The student's appeal submission must clearly state whether the student is appealing the finding, the remedy or sanction, or both.
- 7.3.1.3 The student must explain the reason(s) for their appeal, based on one or more of the Grounds for Appeal set out in section 7.2. 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 so indicate in their appeal submission, and the appeal shall then proceed based on the written submissions.
- 7.3.1.4 The Associate Dean 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 new evidence shall be permitted.
- 7.3.1.4.1 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:
- (i) the delay of sending the matter to the prior decision-maker would be unduly prejudicial to the student; or
  - (ii) the student's new evidence clearly demonstrates bias in the prior proceeding that otherwise cannot be remedied.
- 7.3.1.5 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 student's 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, or, 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.
- 7.3.1.6 **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 AI Administrator shall schedule it as soon as reasonably possible. The student and the instructor may have a support person (see section 3.2.3) or an advisor present at the meeting. The AI Administrator shall ask who, if anyone, will be present with the student, and advise the student whether anyone will be present with the instructor. The AI Administrator shall also advise the student what material will be considered at the meeting. The student and instructor shall have the opportunity to respond to the evidence orally at the meeting.

7.3.1.7 **Deciding the Appeal:** After a careful review of the evidence, the appeal decision-maker, can:

- (i) maintain or overturn the instructor's finding, if the student appealed the finding; and/or
- (ii) maintain or modify the remedy or sanction, if the student appealed the remedy or sanction.

7.3.1.8 In making decisions, the appeal decision-maker should recognize that 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.

7.3.1.9 **Informing the Student and Instructor:** Within 20 business days of the date upon which the appeal is considered complete, the appeal decision-maker must provide the student with a written decision, which shall include:

- (i) a statement of the issues under review;
- (ii) a summary of the arguments and evidence presented;
- (iii) whether the finding will be maintained or overturned and/or whether the remedy or sanction will be maintained or modified;
- (iv) the reasons for the decision;
- (v) if necessary, a statement of how the decision will be implemented;
- (vi) the student's right to appeal the decision, with an explanation of the next level of appeal and information or resources to consult about the process for filing an appeal; and
- (vii) the information on the website of the Office of the University Ombudsperson about student rights and responsibilities and University policies and procedures.

7.3.1.10 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, and inform the instructor of the outcome of the appeal and provide the instructor with a copy of the decision.

7.3.1.11 All relevant documents related to the appeal including the submitted work, correspondence, the Notice of Investigation and Finding forms, and the decision, must be forwarded to the AI Administrator to be placed in the appropriate Faculty/School Office file, and maintained and released in accordance with these Procedures and the University's authorized Records Retention Schedules (see section 4.2).

**7.3.2 Second Level of Appeal – Academic Standing and Policies Committee:** a student may appeal the decision of the first-level appeal decision-maker to the Academic Standing and Policies Committee within 10 business days of the date that the first appeal decision was emailed to the student, using the process set out in section 7.3.1.

- 7.3.2.1 The Chair of the Academic Standing and Policies Committee will review the written appeal and then convene a meeting with the student (and his or her representative), the Associate Dean (and his or her representative) and other parties as required to consider the merits of the appeal. For students who are not resident locally, the meeting may take the form of a video conference. The investigation may involve written submissions and/or oral evidence presented by witnesses to the alleged departure from academic integrity.
- 7.3.2.2 The Notice of Appeal will require the student to outline the grounds of the appeal, the evidence relied upon in support of the grounds and the reasons for challenging the Associate Dean's decision.
- 7.3.2.3 Such an appeal will be heard by the non-student members of the Academic Standing and Policies Committee, with no prior involvement.
- 7.3.2.4 The student and the instructor must be notified in writing, of any meeting to be convened on the case, invited to appear at the meeting, and be advised of the right to have representation at the meeting.
- 7.3.2.5 If any new or other material additional to the evidence that was considered by the Associate Dean is to be considered on appeal, then the student and the Associate Dean have the right to see this material at least 10 working days prior to the meeting.
- 7.3.2.6 After the meeting and deliberation upon the merits of the appeal, the Chair of the Academic Standing and Policies Committee will inform the student and the Associate Dean (Academic Policy) in writing of the decision to uphold or deny the Appeal, including the reasons for this decision. Normally the decision on the appeal should be rendered within 10 working days of the meeting, or within a reasonable period of time, as demanded by the complexity of the case.
- 7.3.2.7 If the decision on appeal is to deny the appeal, the student must be informed of the opportunity to appeal to the *University Student Appeals Board (USAB)* according to the grounds for appeal set out in the [Senate's Policy on Student Appeals, Rights and Discipline](#). The student must also be informed of the date by which a notice of appeal must be filed and the student's right to utilize the services provided by the [University Ombudsman](#).
- 7.3.2.8 The student and the instructor must be notified in writing, of any meeting to be convened on the case, invited to appear at the meeting, and be advised of the right to have representation at the meeting.
- 7.3.2.9 If any new or other material additional to the evidence that was considered by the Instructor is to be considered on appeal, then the student has the right to see this material at least 10



working days prior to the meeting.

7.3.2.10 After the meeting and review of the evidence, the Associate Dean (Academic Policy) must inform the student and the instructor in writing of the decision to uphold or deny the Appeal, including the reasons for this decision. Normally the decision on the appeal should be rendered within 10 working days of the meeting, or within a reasonable period of time as demanded by the complexity of the case.

7.3.2.11 If the decision on appeal is to deny the appeal, the student must be informed of the opportunity to appeal to the **University Student Appeals Board (USAB)** according to the grounds for appeal set out in the [Senate's Policy on Student Appeals, Rights and Discipline](#). The student must also be informed of the date by which a notice of appeal must be filed and the student's right to utilize the services provided by the [University Ombudsperson](#).

**7.3.3 Third Level of Appeal - Appeal of Faculty Decision to the University Student Appeals Board (USAB):** A student may appeal the final appeal decision from the Faculty to the USAB. The student can appeal a finding of a departure from academic integrity, a sanction, or both.

7.3.3.1 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.

7.3.3.2 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](#).

7.3.3.3 The Office of the University Ombudsperson can provide guidance to the student with respect to the appeal process for the USAB.

7.3.3.4 The instructor or appeal decision-maker may consult with the University's Legal Counsel about responding to an appeal to the USAB.