



The following Motion and Document was considered by the GFC Campus Law Review Committee on October 27, 2014, *via* e-mail vote:

Agenda Title: **Clarifying the Procedure for Handling Complaints of Research and Scholarship Misconduct Lodged Against Students – Proposed Changes to Sections 30.3.2(4) and 30.6.2(4) of the Code of Student Behaviour**

CARRIED MOTION: THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee the proposed changes to the Code of Student Behaviour (Sections 30.3.2(4) (Offences Under the Code/Research and Scholarship Misconduct) and 30.6.2(4) (Procedures for Appeal of Decisions to the University Appeal Board (UAB)/Terms of Reference and Powers), as submitted by the Faculty of Graduate Studies and Research and as set forth in Attachment 1, to take effect upon final approval.

Final Recommended Item: 1

OUTLINE OF ISSUE

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Motion: THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee the proposed changes to the Code of Student Behaviour (Sections 30.3.2(4) (Offences Under the Code/Research and Scholarship Misconduct) and 30.6.2(4) (Procedures for Appeal of Decisions to the University Appeal Board (UAB)/Terms of Reference and Powers), as submitted by the Faculty of Graduate Studies and Research and as set forth in Attachment 1, to take effect upon final approval.

Note: The proposers have indicated in the attached materials that, if the proposed revisions to the Code of Student Behaviour set out therein are finally approved by the GFC Executive Committee, there will be a need to put forward consequential amendments to the University’s Research and Scholarship Integrity Policy and associated procedures.

Item

Action Requested	Approval <input checked="" type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input type="checkbox"/> Information
Proposed by	Joanna Harrington, Associate Dean, Faculty of Graduate Studies and Research (FGSR)
Presenter	Joanna Harrington, Associate Dean, FGSR
Subject	<p>This proposal concerns a proposed change to the Code of Student Behaviour, with (future proposed) consequential changes to the UAPPOL Research and Scholarship Integrity Policy and its associated procedures, to remove confusion and clarify the procedure to be followed when investigating and adjudicating a complaint of research and scholarship misconduct that has been lodged against a student. This proposal is brought forward in the interests of helping students and those who advise students.</p> <p>No changes are proposed to the Research and Scholarship Integrity Policy that would apply to other researchers on campus nor to the substance of the policy. This proposal, developed by FGSR in collaboration with the Office of Student Judicial Affairs (OSJA), solely deals with the procedure for handling allegations against students.</p> <p>The proposed change to the Code of Student Behaviour was presented to the GFC Campus Law Review Committee (CLRC) in Fall, 2013, with a positive response; however, as this change involves the University’s Research and Scholarship Integrity Policy, further consultations were undertaken before bringing this matter back to GFC CLRC.</p> <p>The proposal is presented to GFC CLRC for recommendation to the GFC Executive Committee for final approval.</p>

Details

Responsibility	Provost and Vice-President (Academic) and Vice-President (Research)
The Purpose of the Proposal is (please be specific)	To remove confusion that currently exists as to the procedure to be followed when investigating and adjudicating a complaint of research and scholarship misconduct that has been lodged against a student (usually a graduate student) and to ensure that the same procedure is followed for dealing with the academic offence of research and

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	scholarship misconduct vis-à-vis a student as with other kinds of academic offences (such as plagiarism and cheating).
The Impact of the Proposal is	To reduce confusion for students, professors, Associate Chairs (Graduate Studies), the Ombudservice, Associate Deans, and the Discipline Officers.
Replaces/Revises (eg, policies, resolutions)	The proposal revises Sections 30.3.2(4) and 30.6.2(4) of the Code of Student Behaviour, with (future proposed) consequential amendments to the University's Research and Scholarship Integrity Policy and its associated procedures.
Timeline/Implementation Date	Upon final approval.
Estimated Cost	N/A
Sources of Funding	N/A
Notes	N/A

Alignment/Compliance

Alignment with Guiding Documents	<i>Dare to Discover</i> Values: To provide an intellectually superior educational environment; integrity, fairness, and principles of ethical conduct built on the foundation of academic freedom, open inquiry, and the pursuit of truth.
Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)	<p>1. Post-Secondary Learning Act (PSLA): The <i>Post-Secondary Learning Act</i> (PSLA) gives GFC responsibility, subject to the authority of the Board of Governors, over academic affairs (Section 26(1)) and over academic affairs (Section 31), including authority concerning student discipline.</p> <p>2. GFC Campus Law Review Committee (CLRC) Terms of Reference - Section 1 (Authority): "GFC has thus established a Campus Law Review Committee (GFC CLRC)"</p> <p>3. GFC Campus Law Review Committee (CLRC) Terms of Reference –Section 3(a) (Mandate of the Committee–Code of Student Behavior): "1. To review, from time to time, the Code of Student Behavior and student discipline procedures. 2. On delegated authority from GFC, to approve all editorial amendments to the Code of Student Behaviour except editorial amendments to Section 30.6. 3. Amendments to the Code of Student Behaviour deemed substantive by CLRC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (See <i>Amendment of the Code</i>, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour.))"</p> <p>4. Code of Student Behaviour, Amendment of the Code–Section 30.7: [" Code of Student Behaviour, Amendment of the Code–Section 30.7: [" 30.7.1 Legislative Authority General Faculties Council (GFC) and the Board of Governors may amend the Code in exercise of the authority vested in them by Section 31 of the <i>Post-Secondary Learning Act</i>. (CLRC 25 SEP</p>

2003) (CLRC 29 OCT 2004 e-mail vote)

30.7.2 Editorial Amendments

30.7.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote)

30.7.2(2) On delegated authority from GFC, all editorial amendments will be approved by the Campus Law Review Committee (CLRC) except editorial amendments to Section 30.6. (CLRC 29 OCT 2004 e-mail vote)

30.7.2(3) All amendments to Section 30.6 will be forwarded to the GFC Executive Committee for approval. (CLRC 29 OCT 2004 e-mail vote)

30.7.3 Substantive Amendments

30.7.3(1) Amendments to the Code deemed substantive by CLRC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (CLRC 29 OCT 2004 e-mail vote)

30.7.3(2) Only substantive changes to Section 30.6 proceed to the [Board Learning and Discovery Committee], which will decide whether or not it can act on behalf of the Board of Governors. (BEAC 11 JUNE 2004)

30.7.3(3) The Secretary to GFC must notify Students' Union and the Graduate Students' Association of all substantive changes to the Code (including Section 30.6) 15 Working Days before those changes are considered by GFC. The Students' Union and the Graduate Students' Association will be invited to contact their members so that the Students can access the changes on the World Wide Web via University Governance's home page."

5. **GFC Executive Committee Terms of Reference (3. Mandate of the Committee)** states: "To act as the executive body of General Faculties Council and, in general, carry out the functions delegated to it by General Faculties Council."

6. **GFC Executive Committee Terms of Reference, Section 3.5**, states:

"Agendas of General Faculties Council

GFC has delegated to the Executive Committee the authority to decide which items are placed on a GFC Agenda, and the order in which those agenda items appear on each GFC agenda.

When ordering items, the GFC Executive Committee will be mindful of any matters that are of particular concern to students during March and April so that the student leaders who bring those items forward are able to address these items at GFC before their terms end. (EXEC 06 NOV 2006)

[...]

With respect to recommendations from other bodies and other GFC

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	<p>committees, however, the role of the Executive Committee shall be to examine and debate the substance of reports or recommendations and to decide if an item is ready to be forwarded to the full governing body. The Executive Committee may decide to refer a proposal back to the originating body, to refer the proposal to another body or individual for study or review, or to take other action in order to ready a proposal for consideration by General Faculties Council. When the GFC Executive Committee forwards a proposal to GFC, it shall make a recommendation that GFC endorse; endorse with suggested amendments; not endorse; or forward the proposal with no comment. (GFC 30 JUN 1992)”</p>
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Routing (Include meeting dates)

<p>Consultative Route (parties who have seen the proposal and in what capacity)</p>	<p>Office of Student Judicial Affairs, August, 2013; President, Graduate Students’ Association, August, 2013; Associate Chairs (Graduate Studies) and Associate Deans (Graduate Studies), August, 2013; GFC Campus Law Review Committee, September 26, 2013; Students’ Union Representatives on the GFC Campus Law Review Committee (by e-mail), October, 2013; Office of the Vice President (Research) (Katharine Moore and Lynn Penrod), December, 2013 – January, 2014; Office of General Counsel, September, 2014</p>
<p>Approval Route (Governance) (including meeting dates)</p>	<p>GFC Campus Law Review Committee: E-Mail Vote (October 27, 2014) – for recommendation; GFC Executive Committee (November 12, 2014) – for final approval</p>
<p>Final Approver</p>	<p>GFC Executive Committee</p>

Attachments:

1. Attachment 1 (pages 1 – 6): Proposal to Amend Section 30.3.2(4) and Section 30.6.2(4) of the Code of Student Behaviour Concerning the Offence of Research and Scholarship Misconduct
2. Attachment 2 (page 1): Letter of Support from Dr Lynn Penrod, Executive Director, Research Ethics Office, University of Alberta

Prepared by: Joanna Harrington, Associate Dean, Faculty of Graduate Studies and Research (FGSR), jharrington.fgsr@ualberta.ca

Proposal to amend Section 30.3.2(4) and Section 30.6.2(4) of the *Code of Student Behaviour* concerning the Academic Offence of Research and Scholarship Misconduct

October 2014

This is a proposal to amend section 30.3.2(4) of the University of Alberta’s *Code of Student Behaviour* concerning the academic offence known as “research and scholarship misconduct”. We do not receive many complaints of research and scholarship misconduct involving students, but when we do receive such complaints, it has been our experience that the present wording of section 30.3.2(4) is very confusing for all involved – students, professors, Associate Chairs (Graduate), and Associate Deans – with respect to the correct procedure to follow. The purpose of this proposal is to remove the confusion and simplify the wording of section 30.3.2(4) so as to ensure fairness through clarity about procedures and process. Consequential amendments are also proposed to the *Research and Scholarship Integrity Policy* (RSIP) and its associated procedures to achieve the goal of clarity.

Current Wording of Section 30.3.2(4)

Section 30.3.2(4) of the Code of Student Behaviour reads as follows:

- 30.3.2(4) **Research and Scholarship Misconduct**
- 30.3.2(4) a No Student shall violate the University of Alberta Research and Scholarship Integrity Policy, as set out in the Research and Scholarship Integrity Policy in UAPPOL or any other University regulation concerning academic matters. (CLRC 24 MAY 2012)
- 30.3.2(4) b Where a Student is charged with the academic offence of research and scholarship misconduct, the special requirements for communication and documentation imposed by Research and Scholarship Integrity Policy in UAPPOL shall constitute part of the procedure outlined below. (CLRC 24 MAY 2012)

Confusion Caused

The confusions arise with respect to the second paragraph of section 30.3.2(4) of the Code. On its face, section 30.3.2(4) b indicates that some (but not all) aspects of the RSIP in UAPPOL constitute “part” of the procedure when handling a complaint under the *Code of Student Behaviour*. It is not, however, clear as to which part of the RSIP forms part of the Code, with the sub-provision suggesting that one must focus on the “special requirements for communication and documentation.” This wording leads to confusion and debates as to which parts of the RSIP are the “special” requirements that deal with “communication and documentation.” It is also not clear as to how these “special requirements” fit into the *Code of Student Behaviour*

procedure and when they should fit into the procedure. It is also not clear what one should do in terms of procedure when a complaint against a student concerns more than one allegation under the *Code of Student Behaviour*, such as an allegation of plagiarism with an allegation of research and scholarship misconduct. Do the “special requirements for communication and documentation” in the RSIP and its associated procedures run concurrently or consecutively with the *Code of Student Behaviour* procedure?

How to Fix This - The Proposal

In this proposal, we suggest an amendment to the *Code of Student Behaviour* (with small, tailored, consequential amendments to the *Research and Scholarship Integrity Policy* and its associated procedures), to clarify the current situation and make clear that for all students charged with any kind of inappropriate academic behaviour, including the academic offence of research and scholarship misconduct, there should be one procedure to follow, namely the procedure found in the *Code of Student Behaviour*.

Rationales

It has been our experience that students, and those who advise students, are more familiar with the Code than the RSIP, and the unified format of the Code, as compared to the RSIP parent policy with its three accompanying procedures, is more accessible and easier to understand. The *Code of Student Behaviour* also ensures a faster, simpler form of complaint resolution process, with which the advisers to students are already familiar with, and we believe that the clarity found within the Code’s procedures helps ensure fairness to students – many of whom may never have been involved before in such a formal university process.

We further note that other recently revised university policies, such as the *Discrimination, Harassment and Duty to Accommodate Policy*, the *Off-Campus Activity and Travel Policy*, and the *Alcohol Policy*, all indicate that the procedures outlined in the *Code of Student Behaviour* apply when a student is in violation of these policies. Having different procedures apply to different alleged offences with respect to students causes confusion, and disadvantages students and their advisors. The *Code of Student Behaviour* procedure is well-established, clear and well-known among those who assist and advise students facing allegations of misconduct.

There is, under the present scheme, a six-month time limit for lodging complaints of research and scholarship misconduct as a result of language to this effect in the RSIP. There is, however, a one-year time limit in the *Code of Student Behaviour*, specifically section 30.5.2(6). As the goal of this proposal is to assist students by having one process apply to all academic offences, this change would mean that a one-year time limit applies.

Proposed Wording of the Amendment (for formal action by GFC CLRC)

We therefore propose the following amendment to section 30.3.2(4) b of the *Code of Student Behaviour*, with the consequential deletion of section 30.6.2(4):

Current Wording	Proposed Wording
<p>30.3 Offences Under the Code</p> <p>[...]</p> <p>30.3.2(4) Research and Scholarship Misconduct</p> <p>30.3.2(4) a No Student shall violate the University of Alberta Research and Scholarship Integrity Policy, as set out in the Research and Scholarship Integrity Policy in UAPPOL or any other University regulation concerning academic matters. (CLRC 24 MAY 2012)</p> <p>30.3.2(4) b Where a Student is charged with the academic offence of research and scholarship misconduct, [the special requirements for communication and documentation imposed by Research and Scholarship Integrity Policy in UAPPOL shall constitute part of] the procedure[s] outlined below. (CLRC 24 MAY 2012)</p> <p>[...]</p>	<p>30.3 Offences Under the Code</p> <p>[...]</p> <p>30.3.2(4) Research and Scholarship Misconduct</p> <p>30.3.2(4) a No Student shall violate the University of Alberta Research and Scholarship Integrity Policy, as set out in the Research and Scholarship Integrity Policy in UAPPOL or any other University regulation concerning academic matters. (CLRC 24 MAY 2012)</p> <p>30.3.2(4) b Where a Student is charged with the academic offence of research and scholarship misconduct, the procedure to follow is that outlined below. (CLRC 24 MAY 2012, DATE)</p> <p>[...]</p>
<p>30.6 Procedures for Appeal of Decisions to the University Appeal Board (UAB)</p> <p>[...]</p>	<p>30.6 Procedures for Appeal of Decisions to the University Appeal Board (UAB)</p> <p>[...]</p>
<p>30.6.2 Terms of Reference and Powers</p> <p>[...]</p>	<p>30.6.2 Terms of Reference and Powers</p> <p>[...]</p>
<p>30.6.2(4) When an appeal involves a charge of research and scholarship misconduct, the special requirements for communication and documentation imposed by the University of Alberta Research and Scholarship Integrity Policy in UAPPOL constitute part of the procedures outlined below.</p>	<p>[...]</p>
<p>30.6.2(5) ...</p>	<p>30.6.2(4) ...</p>

Consequential Amendments to the RSIP and its associated procedures for discussion purposes only for GFC CLRC

A. *Research and Scholarship Integrity Policy – Main Policy Document*

To ensure clarity, consequential amendments must also be made to the *Research and Scholarship Integrity Policy* in UAPPOL, with the goal being to make clear that the procedure to use for complaints against students is that spelled out in the *Code of Student Behaviour*. We recommend adding to the *Research and Scholarship Integrity Policy* a similar line to that found in the *Off-Campus Activity and Travel Policy*, to read: “Instances where students do not follow the requirements set out in this policy and its related procedure and appendices shall be addressed through the Code of Student Behaviour.” Legal counsel has advised to place this line as section 2(b) of the *Research and Scholarship Integrity Policy*.

Current Wording	Proposed Wording
<p>2. RESPONSIBILITIES OF RESEARCHERS AND SCHOLARS</p> <p>a. University of Alberta researchers and scholars are responsible for the integrity of their work and for upholding the principles of this policy.</p> <p>....</p>	<p>2. RESPONSIBILITIES OF RESEARCHERS AND SCHOLARS</p> <p>a. University of Alberta researchers and scholars are responsible for the integrity of their work and for upholding the principles of this policy.</p> <p>b. Instances where students do not follow the requirements set out in this policy and its related procedure and appendices shall be addressed through the Code of Student Behaviour.</p> <p>....</p>

B. *Research and Scholarship Integrity Enforcement Procedure*

Small consequential amendments are also needed to the procedures associated with the RSIP. For example, given that *the Research and Scholarship Integrity Enforcement Procedure* document includes mention of the “Initiation of Complaint” in its section 1, we recommend adding a new subsection (e) to section 1 to read: “Allegations concerning students will be addressed through the Code of Student Behaviour. See also Appendix A.”

Current Wording	Proposed Wording
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<p>1. Initiation of Complaint ... d. The adjudicator for allegations concerning special category persons will be the Vice-President (Research)</p>	<p>1. Initiation of Complaint ... d. The adjudicator for allegations concerning special category persons will be the Vice-President (Research)</p> <p><u>e. Allegations concerning students will be addressed through the Code of Student Behaviour. See also Appendix A.</u></p>
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C. *Research and Scholarship Integrity Policy Appendix A – Adjudicator and Associate Adjudicator*

Then, with respect to Appendix A, consequential amendments are needed to the tables indicating the adjudicator and associate adjudicator for research and scholarship misconduct complaints against undergraduate and graduate students.

On page 4 of the *Research and Scholarship Integrity Policy Appendix A – Adjudicator and Associate Adjudicator* procedure document, a table is used to indicate that a student must, at present, face two adjudicators with respect to a research and scholarship misconduct complaint. But when a student is facing allegations of other forms of inappropriate academic behavior under the *Code of Student Behaviour*, such as plagiarism and cheating, the student deals with only one adjudicator (or in plain language terms, one decision-maker).

To ensure that the procedure under the *Code of Student Behaviour* is the same procedure followed for all forms of alleged inappropriate academic behaviour by students, we propose simply removing the column, and content within that column, that relates to “Associate Adjudicators” in the table for “Undergraduate and Graduate Students” found on page 4. The subject-matter expertise of the Associate Adjudicators will be not be lost, with the *Code of Student Behaviour* enabling the Dean (or Associate Dean as delegate) to interview others to obtain any needed subject-matter expertise and to verify any information relating to a complaint. Thus, we see no need in practice for appointing Associate Adjudicators for student cases. Moreover, the use of Associate Adjudicators in student cases can create a conflict of interest, for example, when it is the Discipline Officer who serves as the Associate Adjudicator. A similar conflict of interest arises when the Associate Chair (Graduate Studies) serves as the Associate Adjudicator as professorial colleagues, having never faced a situation of misconduct, will often turn to the Associate Chair for advice and guidance. When the professor later lodges a complaint, the Associate Chair finds him or herself in a conflicting position, given that the advice gives the appearance of having been involved with the case prior to it being lodged.

The proposed deletion would look like this:

Undergraduate and Graduate Students		
Category of Person	Adjudicator	Associate Adjudicator
Undergraduate Student (allegation occurred in a course)	See the Code of Student Behaviour. Dean (or delegate) of the Faculty that offers the course in which the Student is alleged to have committed an Inappropriate Academic Behaviour offence.	Discipline Officer
Graduate Student (allegation occurred in a Course, including capping exercises)	See the Code of Student Behaviour. Dean (or delegate) of the Faculty that offers the course in which the Student is alleged to have committed an Inappropriate Academic Behaviour offence.	Graduate Chair of the Department in which the offense allegedly occurred and/or the Discipline Officer
Undergraduate Student (allegation occurred not in a course but in all other cases, including but not limited to offences related to programs of study, graduation, or capping exercises)	See the Code of Student Behaviour. Dean (or delegate) of the Faculty in which the Student is enrolled. In cases where the Student is not currently enrolled, the Associate Provost and Dean of Students shall appoint a Dean to deal with the case.	Discipline Officer
Graduate Students (allegation occurred not in a course but in all other cases, including but not limited to offences related to programs of study, graduation, and graduate student thesis or capping exercises)	See the Code of Student Behaviour. Dean (or delegate) of the Faculty in which the Student is enrolled. In cases where the Student is not currently enrolled, the Associate Provost and Dean of Students shall appoint a Dean to deal with the case.	Graduate Chair of the Department in which the offense allegedly occurred and/or the Discipline Officer

Note: There is also an opportunity to make a small correction to an error that exists at present with regards to graduate students and capping exercises, as these are treated like courses, and the adjudicator is the Dean (or delegate) of the Faculty that offers the course (given the definition of “Dean” in the *Code of Student Behaviour*, revised in November 2012).

Note of Appreciation

We appreciate the assistance of the Office of Student Judicial Affairs (OSJA) in sharing their concerns with the current situation, and we have incorporated their advice into this proposal. We also appreciate the advice provided through the Office of General Counsel.

29 September 2014

To: Prof Joanna Harrington
Associate Dean, FGSR

From: Prof Lynn Penrod
Executive Director
Research Ethics Office

Subject: Clarifying the Procedure for Handling Complaints of Research and Scholarly Integrity
Lodged Against Students

The University of Alberta's Research Ethics Office has now had the opportunity to review the proposed changes to the current Research and Scholarly Integrity policy and procedures and support those changes for the reasons given in the Statement of the Issues. We would also find the elimination of a potential source of confusion to be helpful.